

BUCKLEY

Auto Finance Practice

Buckley applies its deep knowledge of auto finance and general consumer financial services law, as well as broad experience in litigation, enforcement, and transactional matters, to help clients address the complex issues the industry faces amid tight scrutiny from federal and state regulators.

We know the auto finance industry well, and are experienced in the issues that attract the greatest regulatory attention. We help clients assess and mitigate risks in their operations, design new products, implement vendor management tools and programs (including evaluating counterparties for prospective transactions), obtain licenses, defend private litigation, resolve governmental investigations and enforcement actions, and negotiate and document critical third-party relationships. We also routinely provide counsel on the purchase and sale of auto loans and receivables.

Our team advises on the key federal and state legal and regulatory compliance issues for auto finance, including the Consumer Financial Protection Bureau's supervision of nonbank auto finance companies, fair lending, leasing, compliance with state installment sales acts and consumer credit codes, motor vehicle leasing, credit reporting, servicing and collections, repossession, and replevin. We counsel clients on issues pertaining to privacy, identity theft, and data security, and assist bank and nonbank finance companies with supervisory examinations and other regulatory matters.

Our lawyers also regularly conduct legal reviews and structure technology platforms for digital auto finance operations, including underwriting systems and those used for the creation, storage, and transfer of "electronic chattel paper."

Noteworthy matters include:

- Represent auto dealer financing companies in fair lending matters related to dealer participation practices brought by the Department of Justice and CFPB
- Ongoing representation of multiple indirect auto finance companies in investigations by the New York Department of Financial Services (NYDFS) into fair lending compliance
- Ongoing representation of multiple auto finance companies and banks in escalated supervisory actions and investigations by the CFPB into credit reporting issues

- Completed an end-to-end review and enhancement of a national bank's repossession-related policies, procedures, and practices
- Ongoing representation of multiple nonbank auto finance companies in investigations by the DOJ into Servicemembers Civil Relief Act policies, procedures, and practices
- Engaged in numerous multistate lease and retail installment reviews and re-writes for both bank and nonbank industry participants
- Completed a 50-state licensing survey applicable to indirect lending, leasing, securitization trusts, and insurance agencies for the U.S.-based captive finance subsidiary of a major foreign auto maker
- Completed a 50-state survey covering requirements related to the servicing of ancillary products
- Represented an indirect auto finance company in a state attorney general investigation regarding the company's marketing of its inspection process and service warranties
- Conducted numerous compliance risk assessments related to originations, collections, credit reporting, and ancillary products for both bank and nonbanks
- Assisted fintech companies in developing and launching new auto finance products
- Developed or enhanced fair lending compliance programs for more than a dozen banks and nonbank companies engaged in auto finance