

## Consumer Protection Group Of The Year: BuckleySandler

By **Nathan Hale**

*Law360, Miami (January 16, 2014, 3:43 PM ET)* -- With pressure on the consumer financial industry on the rise, BuckleySandler LLP has solidified its position in the field as a nimble, smaller firm that delivers BigLaw results, earning itself the distinction as one of Law360's Consumer Protection Practice Groups of the Year.

The 150-lawyer firm's focused approach has helped it build a client list that features the 10 largest banks in the U.S., nine of the top 10 mortgage lenders, the top 10 mortgage servicers and the top 10 credit card issuers. That has put it in the middle of numerous high-profile and cutting edge cases in the past year.

"Clients trust us because we do more of this work on a broader spectrum than anyone else," firm founder Andrew Sandler told Law360.

Sandler said that the firms who are most valuable to clients are those involved in nonpublic investigations, and BuckleySandler has stood out in its handling of Consumer Financial Protection Bureau investigations and U.S. Department of Justice examinations into fair lending and other issues.

One of the most notable has been the firm's representation of Discover Financial Services in a \$214 million consent decree and its ongoing compliance in response to a CFPB and Federal Deposit Insurance Corp. investigation into alleged unfair and deceptive sales tactics by the credit card provider to push its protection products over the phone.

This was one of the first enforcement actions undertaken by the CFPB, and the consent order, which included no admission of wrongdoing by Discover, has played a key role in best practices in the industry for the sale of ancillary products, the firm said.

The firm is also currently representing eight auto lenders in examinations and investigations by the CFPB and DOJ, Sandler said.

"The intensity is increasing all the time," he said, noting that he has seen an uptick in cases brought by state attorneys general, with the firm currently involved in such matters in more than 20 states. "The challenges and frustrations for our clients are increasing all the time. So we are often helping our clients through very difficult situations."

BuckleySandler scored a significant victory, alongside co-counsel Porter Wright, in May in the Ohio

Supreme Court case *Anderson v. Barclays Capital Real Estate Inc.* The state's highest court found that mortgage servicing is a “collateral service” and not a “consumer transaction,” thus excluding mortgage servicing activities from liability under the Ohio Consumer Sales Practices Act, with the potential for the case to have influence beyond the state as well, the firm said.

In a putative nationwide borrower class action that posed a threat to mortgage securitizers, the firm successfully beat back claims against RBS Financial Products Inc. alleging violations of the Truth in Lending Act over RBS' purchase of payment option adjustable rate mortgage loans, reaching a settlement on litigation costs in June.

The firm has also been representing and serving as national coordinating counsel for QBE and Balboa Insurance Co. in a variety of litigation and regulatory matters over force-placed insurance. In 18 class actions, QBE has been dismissed from eight and only one has seen a class successfully certified — in a single state after plaintiffs originally sought a nationwide class.

BuckleySandler's representation of QBE and Balboa also included a settlement of a regulatory inquiry by the New York Department of Financial Services that involved production of millions of pages of materials, the firm said.

Another major client has been JPMorgan Chase & Co. Since the start of 2013, the firm has represented the company in 23 consumer litigation matters, including eight class actions, five mass actions and four qui tam actions.

These cases covered all parts of the company's consumer financial service businesses, from mortgage originations and servicing to credit cards and deposit banking, and addressed a wide range of claims under both federal and state law, the firm said.

BuckleySandler attributes JPMorgan's decision to turn to it for important matters to its strength and experience in the field of consumer litigation as well as its alternative fee approaches.

Formed in 2009, the boutique firm has brought together a team of lawyers from some of the nation's biggest firms, including Skadden Arps Slate Meagher & Flom LLP, Sullivan & Cromwell LLP, WilmerHale, Mayer Brown LLP, Ropes & Gray LLP and Goodwin Procter LLP, but its smaller size has put it in a position to keep costs down for clients.

“We like to think we offer the best of BigLaw, which is 24/7 responsiveness and level of capability and tremendous work ethic, while being able to provide our clients with more cost efficient service and greater expertise throughout the firm because all of our lawyers do just this kind of work,” Sandler said.

Sandler said the firm has embraced alternative fee structures and is open to working with clients on a variety of models.

“I think that clients who are interested in alternative fees find us very flexible and accommodating to come up with win-win solutions,” he said.

Sandler also attributed the firm's success to the work environment, one that its members have chosen after careers in BigLaw. He also said they take pride in having had success at attracting and keeping top women lawyers, even after they've started families.

“I don't want to be hubristic in assessing our success; it's something you have to work on everyday,” Sandler said. “But we all like each other and we built this together and we're very committed to it, and that helps us a lot.”

--Editing by Andrew Park.

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