



## News

### Media Summary: Ed Lenci Speaks to American Banker, HousingWire and Forbes Regarding the Leadership Succession Controversy at CFPB

December 1, 2017

On November 15th, Richard Cordray announced he would resign as the first and only Director of the Consumer Financial Protection Bureau (CFPB) by month's end. On November 24th, he announced he was resigning effective immediately and attempted to handpick his own successor by appointing Leandra English as Deputy Director. President Trump, however, appointed OMB Director Mick Mulvaney as the interim Director of CFPB. English then filed suit challenging the President's appointment, and on Tuesday a federal judge rejected her request for a temporary restraint on the President's appointment.

Hinshaw's Ed Lenci anticipated the court's ruling on Monday morning in a Hinshaw *Consumer Crossroads* [blog post](#). He subsequently provided analysis about the controversy to a series of national media outlets, namely, *Forbes*, *HousingWire* and *American Banker*. A summary of his commentaries follows below.

#### **Hinshaw's Consumer Crossroads: Trouble With a Capital C: Cordray's Move to Name His Own Successor at the CFPB**

Lenci predicted on Monday morning, November 27th, that "Mr. Cordray's parting-shot — his effort to name his own successor by appointing a presumably sympathetic Deputy Director — will likely miss its mark." Lenci based his analysis on the language of the Dodd-Frank Act and the Federal Vacancies Reform Act. He reminded readers of the late Justice Felix Frankfurter's admonition to 1) read the statute, 2) Read The Statute, and 3) READ THE STATUTE.

Read the *Consumer Crossroads* post "[Trouble With A Capital C: Cordray's Move To Name His Own Successor At The CFPB](#)"

#### **HousingWire: Lawyers Side with Trump in Battle over CFPB Leadership**

Reporter Kelsey Ramirez looked at the unfolding power struggle. Lenci noted that Mr. Cordray's attempt to appoint his successor was no doubt intended to "continue his aggressive policies and investigations." He said also that President Trump's proposal for an interim successor was "consistent with both the President promises to tame the CFPB and his authority under the Dodd-Frank Act and the Federal Vacancies Reform Act."

#### Attorneys

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Read the *HousingWire* article "[Lawyers Side with Trump in Battle over CFPB Leadership](#)"

***American Banker*: Winners and Losers of CFPB's Leadership Showdown**

Kate Berry and Rob Blackwell of *American Banker* provide a breakdown of the "winners and losers" in the controversy via a slideshow series. In the third slide, Lenci describes Cordray as one of the losers. "The loser is Cordray, who thought he'd fire off a shot by appointing a presumably sympathetic deputy director and it totally missed the mark," Lenci said.

Read the *American Banker* article "[Winners and Losers of CFPB's Leadership Showdown](#)"

***Forbes*: Trump's Pick Now Able To 'Tame the CFPB' While Judge Mulls Richard Cordray's Parting Shot**

Jessica Karmasek of Legal Newsline quoted Lenci extensively in her coverage of the controversy. She also linked to Lenci's post on Hinshaw's *Consumer Crossroads* blog and referenced Lenci and Joel Bertocchi's successful petition to SCOTUS on behalf of a student loan servicer which sought to enforce a class action waiver in the arbitration clause of a student loan (*Affiliated Computer Servs. v. Fensterstock*, 564 U.S. 1001 (U.S. 2011)).

Read the *Forbes* article "[Trump's Pick Now Able to 'Tame the CFPB' While Judge Mulls Richard Cordray's Parting Shot](#)"