



News

Following Oral Argument, is CFPB Likely to Win PHH v. CFPB Constitutional Case?

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Hinshaw attorney [Vaishali Rao](#) spoke to Kate Berry of *American Banker* about last week's oral argument in the *PHH v. CFPB* case, which is being reheard en banc by the D.C. Circuit Court of Appeals. At issue is whether the CFPB's single-director structure inhibits the president's authority and is counter to the U.S. Constitution's separation of powers.

Rao suggested that a majority of the court appeared reluctant to rule against the CFPB. "Each case defines the limits of chipping away at the president's power, and the appeals court feels like they are stuck with the precedent of [prior Supreme Court] cases and they are struggling to find the key differences with the CFPB," she said. "I think the CFPB won."

[Read the article on the American Banker website](#) (*subscription required*)

Hinshaw has been closely tracking the *PHH v. CFPB* case. See below for links to our recent coverage. You can also subscribe to the new [Consumer Crossroads blog](#) to receive updates on the *PHH v. CFPB* case along with other consumer financial services news.

- [Consumer Financial Services Alert: "PHH v. CFPB En Banc Oral Argument Recap: Who Won?"](#)
- [Consumer Financial Services Alert: "PHH v. CFPB: CFPB Not Dodging Constitutionality Questions"](#)
- [Consumer Financial Services Alert: "United States Seeks 'At Will' Removal of CFPB Director"](#)
- [Consumer Financial Services Alert: "Three Things You Missed Since CFPB Received En Banc Hearing in PHH Case"](#)
- [Consumer Financial Services Newsletter - November 2016: "D.C. Circuit Delivers First Blow to CFPB, Trump Win Delivers Second"](#)

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