

H Joshua Kotin

Partner



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Chicago

Financial Services Enforcement

Financial Services Regulatory

Fintech

Consumer Protection

Josh represents banks, nonbank lenders, fintech companies and other financial services providers in significant enforcement matters before a host of federal and state agencies, including the US Department of Justice (DOJ), the Consumer Financial Protection Bureau (CFPB), the Federal Trade Commission (FTC) and the US Department of Housing and Urban Development (HUD). He also has experience advising on matters of compliance with respect to a range of consumer protection laws, such as the Equal Credit Opportunity Act (ECOA), Fair Housing Act (FHA), unfair, deceptive or abusive acts or practices (UDAP and UDAAP) statutes under the Dodd-Frank Act, Section 5 of the Federal Trade Commission Act, the Real Estate Settlement Procedures Act (RESPA), Truth in Lending Act (TILA), Fair Credit Reporting Act (FCRA) and Fair Debt Collection Practices Act (FDCPA).

Josh regularly:

- Advises on ongoing fair lending investigations and examinations by the DOJ, CFPB and prudential banking agencies, such as the Office of the Comptroller of the Currency (OCC)
- Provides guidance on CFPB examinations and pre-enforcement and enforcement matters, including managing self-disclosures and responding to Proposed Action and Request for Response (PARR) and Notice and Opportunity to Respond and Advise (NORA) letters
- Assists clients in the development and assessment of novel financial services products to facilitate an understanding of applicable compliance regimes and mitigate risk of government scrutiny
- Offers counsel related to multi-agency and multistate investigation and examination matters, including with various state regulators and state attorneys general, and other federal agencies, including the FTC
- Assists investors in mergers and acquisitions in understanding the legal and compliance risks associated with the target entity's line of business and operations

Many of Josh's matters are resolved without action or with nonpublic resolution. However, some of Josh's public matters include resolving a multi-year fair lending investigation by DOJ and the OCC over allegations of redlining, representing multiple entities in resolving with the CFPB allegations related to mortgage servicing practices, and arriving at a settlement with the Federal Reserve pertaining to bank mortgage loan pricing practices. Josh also assisted Verizon Wireless in a settlement with the CFPB, FCC and 51 attorneys general alleging that Verizon Wireless permitted third parties to place unauthorized charges on consumers' wireless phone bills.

Josh routinely speaks and writes on financial services-related matters – particularly in regard to matters of fair lending, mortgage origination and mortgage servicing – including before the American Bankers

Association, Mortgage Bankers Association and National Association of Federal Credit Unions. He co-authored the “Fair Lending Litigation” chapter of the “Litigation Services Handbook: The Role of the Financial Expert” (2017), which discusses strategies for assessing fair lending risk and analyzing claims of discrimination with respect to underwriting, pricing and redlining.

Publications:

- “Fair Lending Activity: Calm on the Surface, Churning Below” by Michelle L. Rogers, H Joshua Kotin and Margaux Curie, September 1, 2023, Law360
- “CFPB Makes It Clear: Fair Servicing Is Back, for Real This Time” by Jonice Gray Tucker and H Joshua Kotin, February 10, 2021, HousingWire
- “CFPB Order Offers Insight Into Pandemic Mortgage Servicing” by Jeffrey P. Naimon and H Joshua Kotin, January 22, 2021, Law360
- “CFPB Credit Stance Has Broad Specialty Finance Implications” by Jeffrey P. Naimon and H Joshua Kotin, December 11, 2020, Law360
- “Educational Tools May Bring Regulatory Risk for Fintech Cos.” by H Joshua Kotin, Michelle L. Rogers, and Kathryn R. Goodman, July 23, 2020, Law360
- “Ruling on Anti-hacking Law May Guide Fair Lending Tests” by Jeffrey P. Naimon and H Joshua Kotin, May 5, 2020, Law360
- “HUD’s Disparate Impact Proposal Clarifies Fair Lending Laws” by Jeffrey P. Naimon and H Joshua Kotin, September 27, 2019, Law360

Education

George Washington University
JD, 2009

Williams College
BA, 2003

Admissions & Credentials

District of Columbia

Illinois