



Mark E. Rooney

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PRACTICE AREAS



Professional Experience

Mark helps consumer finance companies address and resolve contentious consumer disputes through negotiated settlements, arbitration, and individual and class litigation. He has defended clients in litigation and arbitration arising under a wide variety of state and federal consumer protection statutes including the Fair Debt Collection Practices Act (FDCPA), Telephone Consumer Protection Act (TCPA), Fair Credit Reporting Act (FCRA), Fair Housing Act (FHA), Electronic Fund Transfer Act (EFTA), state unfair and deceptive practices laws, and other consumer protection laws. His clients include debt collectors, banks, mortgage servicers, and auto and installment lenders. Mark also regularly assists clients in response to government agency investigations and enforcement actions, primarily before the CFPB.

An active leader in consumer finance law, Mark serves as co-chair of the Consumer Litigation Committee of the American Bar Association's Litigation Section, where he previously served as co-chair of the Subcommittee on FDCPA and TCPA litigation. He is also a member of the DC Bar's Litigation Community Steering Committee, which he previously chaired. He is an active member of the Mortgage Bankers Association and ACA International, where he serves as Attorney State Chair for the District of Columbia and

previously served as the Attorney Division representative to the Council of Delegates (2019-2022).

Mark received his J.D. (*magna cum laude*, Order of the Coif) from the University of Miami School of Law, where he was the Senior Articles Editor of the University of Miami Law Review and a teaching assistant in constitutional law. He earned his B.A. from Syracuse University (*cum laude*).

Professional Activities

- ACA International
 - Attorney State Chair for Washington, D.C. (2022-present)
 - Attorney Division Representative to the Council of Delegates (2019-2022)
- American Bar Association (ABA) Litigation Section
 - Co-Chair, Consumer Litigation Committee (2021-present)
 - Co-Chair, FDCPA and TCPA Litigation Subcommittee (2018-2021)
 - Member, Committee on Pre-Trial Practice & Discovery
- D.C. Bar Litigation Community Steering Committee
 - Member (2020-present)
 - Chair (2021-2022)
- Mortgage Bankers Association

Speaking Engagements

- "Shifting Views of Agency Power - Key Developments and Impact on Rulemaking," Mortgage Bankers Association - Legal Issues and Regulatory Compliance Conference, May 2023
- "Insight into the CFPB's Supreme Court Challenge: What It Means for Consumer Credit Regulation," The Consumer Credit Industry Association (CCIA) Annual Meeting, April 2023
- "Perspectives: Impact of SCOTUS on Mortgage Servicing," Mortgage Bankers Association Servicing Solutions Conference & Expo, March 2023
- "Government Enforcement Panel Discussion," Consumer Financial Services Conference, Hudson

Cook/CounselorLibrary, November 2022

- "State and Federal Update on Debt Collection Regulation," Consumer Financial Services Conference, Hudson Cook/CounselorLibrary, November 2022
- "Military Lending Update," Consumer Financial Services Conference, Hudson Cook/CounselorLibrary, November 2022
- "FCRA Litigation Update," Mortgage Bankers Association Regulatory Compliance Conference, September 2022
- "No Surprises Act: What You Need to Know," ACA International Webinar, March 2022
- "The *Hunstein* Decision: Sea Change or Business as Usual?" Hudson Cook Webinar, July 2021
- "Enforcement Trends under the Biden Administration," OLA Legal Issues Conference, July 2021
- "A Fresh Look at UCC Article 9 Repossession Requirements through a Litigation Lens," 2021 Virtual Financial Services Conference, May 2021
- "Supreme Court's *Facebook* Decision Upends TCPA Litigation Landscape," ABA Litigation Section Consumer Litigation Committee Roundtable, April 2021
- "Special Issues in UDAAP Enforcement," NAFCU Webinar, November 2020
- "The TCPA Litigation Landscape: Novel Disputes, Ongoing Ambiguities, and Key Takeaways from Recent Case Law," ACI 32nd Annual Advanced Forum on Consumer Finance Class Actions, Litigation & Government Enforcement Actions, September 2020.
- "Update on Consumer Arbitration Issues," ABA Litigation Section Roundtable, August 2020
- "*Seila Law* and the Future of the CFPB," Hudson Cook Webinar, July 2020
- "Consumer Financial Protection Challenges Amid COVID-19," ABA Litigation Section Roundtable, June 2020
- "The CFPB's Enforcement Agenda - Trends and Outlook," Lend360 Online Lending Legal and Policy Issues Forum, February 2020
- "Consumer Rights and a look into UDAAP," CUNA Attorney's Conference, October 2019
- "The Evolving Definition of an Automatic Telephone Dialing System under the TCPA," ABA Litigation Section Roundtable, December 2018
- "Hot Topics in TCPA Litigation," ABA Litigation Section Roundtable, February 2020



Publications

- ["Fourth Circuit Takes Expansive View of MLA Auto-Loan Exemption,"](#) Westlaw Today, May 23, 2023
- ["In Two Camps, 37 States and D.C. Urge Supreme Court to Review CFPB Funding Case,"](#) Hudson Cook *Insights*, December 2022
- ["Feds Order Large Mortgage Lender to Pay \\$22M For Deliberate Discrimination,"](#) Hudson Cook *Enforcement Alert*, July 2022, co-authored with Frank Conlon
- ["CFPB and New York AG Announce Settlement that Includes Permanent Industry Bans Against Debt Collection Companies and Employees,"](#) Hudson Cook *Enforcement Alert*, May 2022, co-authored with Robert D. Tilley
- ["Plaintiffs' Law Firm Sued for TCPA Violations,"](#) Hudson Cook *Insights*, February 2022
- ["Court Upholds 'Valid When Made' Rules, But 'True Lender' Risk Lives On,"](#) Hudson Cook *Insights*, February 2022, co-authored with Catherine Brennan and Gabriela Chambi
- ["Can a Serial TCPA Plaintiff Represent a Class Action?"](#) ABA Litigation Section *Practice Points*, January 2022
- ["Facebook Decision Upends TCPA Litigation Landscape,"](#) ABA Litigation Section, Vol. 20, No. 1, Summer 2021 (co-authored)
- ["For FDCPA Litigators, New Lessons on Standing,"](#) ABA Litigation Section *Practice Points*, March 2021
- ["Consumer Finance Issues Command Supreme Court's Attention in Volatile Term,"](#) Hudson Cook *Insights*, October 2020
- ["Supreme Court's Seila Law Decision Brings Clarity to the CFPB \(for Now\),"](#) *Non-Prime Times*, July 2020
- ["Debt Collection Challenges Amid the Coronavirus \(COVID-19\),"](#) Hudson Cook *Insights*, April 2020
- ["How to Respond to a Consumer Demand Letter,"](#) ABA Litigation Section *Practice Points*, January 2020
- ["The Many Ways to Extend a Limitations Period,"](#) ABA Litigation Section *Practice Points*, November 2019
- ["After Oral Argument, U.S Supreme Court Seems Poised to Preserve FDCPA SOL Status Quo,"](#) *insideARM*, October 2019
- ["CFPB's Proposed Debt Collection Rule: Perspectives from the Comment Period,"](#) *insideARM*, October 2019
- ["High court decision on non-judicial foreclosures under FDCPA may have limited impact,"](#) *Thomson Reuters Westlaw Journal of Bank & Lender Liability*, April 2019
- ["Can the FDCPA's One-Year Statute of Limitations Be Expanded under the 'Discovery Rule'? Supreme](#)

[Court Will Decide](#)," *InsideARM*, February 2019

- "[Supreme Court Weighs Application of FDCPA to Non-Judicial Foreclosures](#)," Mortgage Bankers Association *Insights*, January 2019
- "[The Evolving Definition of an Auto-dialer under the TCPA](#)," ABA Litigation Section Consumer Litigation Committee *Practice Points*, December 2018
- "CFPB Issues Rule regarding Payday, Title, Deposit Advance, and Certain Other Installment Loans," *Thomson Reuters Westlaw Journal of Bank & Lender Liability*, October 2017
- "Fate of Municipal-Plaintiff FHA Suits in Justices' Hands," *Law360*, June 2016
- "Credit Information Furnishers' Duty to Investigate under FCRA," *Bloomberg Law Reports—Banking & Finance*, Vol. 4 No. 8, 2011
- "FACTA: Will Dodd-Frank Further Expand Consumers' Control of Their Credit Data?," *Consumer Financial Services Law Report*, Vol. 14, Issue 18, March 2011

Education

University of Miami School of Law, J.D., *magna cum laude*, Order of the Coif, 2006

- Senior Articles Editor, University of Miami Law Review
- Member, Moot Court Board
- Fellow, Center for Ethics & Public Service
- Intern, U.S. Magistrate Judge Barry L. Garber

Syracuse University, B.A., *cum laude*, 1997

Admissions

District of Columbia, 2008

New York, 2007

U.S. Supreme Court

U.S. Court of Appeals for the District of Columbia Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court for the District of Columbia

U.S. District Court for the District of Maryland

U.S. District Court for the Northern District of Illinois

U.S. District Court for the Northern District of Indiana

U.S. District Court for the Southern District of Indiana

U.S. District Court for the Eastern District of Michigan

U.S. District Court for the Western District of Michigan

U.S. District Court for the Eastern District of New York

U.S. District Court for the Northern District of New York

U.S. District Court for the Western District of Texas