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F&I Tips: Remember the Holder Rule

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Christopher J. Capurso | Brooke K. Conkle

Brooke Conkle and Chris Capurso, attorneys in Troutman Pepper Locke's Auto Finance Group and hosts of *Moving the Metal: The Auto Finance Podcast*, were quoted in the September 16, 2025 *Automotive News* article, "F&I Tips: Remember the Holder Rule."

This year is the 50th anniversary of the [FTC Holder Rule](#), and while the federal government might be pulling back on regulatory action, dealerships and [auto lenders](#) should remember there is always a risk of private litigation, said Chris Capurso, an associate at Troutman Pepper Locke.

Those sins don't have to be related directly to the contract or financing of the vehicle, Capurso said. A consumer could also sue the lender if they felt the dealership discriminated against them, he said.

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In recent years, consumers also have recovered attorneys' fees from auto lenders if they are in a state with a statute that provides for that, said Brooke Conkle, a partner at Troutman Pepper Locke. Previously, the amount someone could recover was capped at what the consumer paid under the contract.

The Holder Rule encourages auto lenders to build relationships with reputable, compliant dealerships and to continue to evaluate those relationships, Conkle said.

"That relationship between the dealership and the auto finance company is tested, frankly, by the Holder Rule," Conkle said, "because it does have a broad swath of activity wrapped up into potential liability for an auto finance company."

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At the end of the day, dealerships and auto lenders need to remember there is no such thing as a relaxed regulatory environment, Capurso said.

"There are always going to be consumer-side attorneys out there ready to pounce on a steak," he said.

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