

Press Coverage | September 10, 2023

Texas Judge Rebukes CFPB Over Anti-discrimination Policy

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Chris Willis

Chris Willis, co-leader of Troutman Pepper's Consumer Financial Services Regulatory Practice Group, was quoted in the September 10, 2023 *American Banker* article, "[Texas Judge Rebukes CFPB Over Anti-discrimination Policy](#)."

"Historically, one of the biggest sources of leverage that the CFPB has when they bring an enforcement action is to accuse someone of discrimination or disparate impact, which is unintentional discrimination," said Chris Willis, a partner at the law firm Troutman Pepper. "The headline risk associated with that is very large and [the CFPB] would like to have that leverage over noncredit products like deposit accounts."

...

"What the major questions doctrine says is that when you're going to interpret a statute in a novel way that falls outside of the expected norm, you have to look for an explicit indication of congressional intent," said Willis.

A federal agency can't "just take a word in the statute and interpret it in a brand new way, particularly on something as sensitive as discrimination, where Congress has legislated in a very specific, very controlled, very limited way," said Willis.

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