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The Current State of the Holder Rule: Friend or Foe?

Moving the Metal: The Auto Finance Podcast

SPEAKERS

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In this episode of *Moving the Metal: The Auto Finance Podcast*, Brooke Conkle and Chris Capurso from Troutman Pepper Locke's Consumer Financial Services Practice Group examine the current status of the Federal Trade Commission's (FTC) Holder Rule. They discuss its historical context, current interpretations, and future implications, particularly focusing on attorneys' fees. The conversation highlights the California Supreme Court's *Pulliam* decision, which challenged traditional understandings of the rule by allowing for the recovery of attorneys' fees under certain state laws. Additionally, they examine the FTC's 2022 advisory opinion, which aligns with *Pulliam* and broadens the scope of potential claims against holders of credit contracts. Finally, they take a look at the impacts of *Pulliam* and forecast the future of the Holder Rule in the current regulatory climate. The episode provides insights into how these developments impact auto finance companies and the strategies they can employ to mitigate risks associated with the Holder Rule.

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