

## Quick Contact

Brett A. "Ben" Rogers  
Partner  
Direct: 404.420.4612  
Atlanta  
[brogers@rh-law.com](mailto:brogers@rh-law.com)

S. Gardner Culpepper, III  
Partner  
Direct: 404.420.4623  
Atlanta  
[gculpepper@rh-law.com](mailto:gculpepper@rh-law.com)

## Related Attorneys

Cameron B. Roberts

Brett A. Rogers  
Richard H. Sinkfield  
Richard H. Sinkfield

## Related Practices

Class Actions  
Securities Litigation  
Class Actions >> Securities  
Securities Litigation >> Shareholder  
Class Actions

## CONSUMER LITIGATION

### National Experience and Recognition

- Our clients include the full range of the financial industry, including mortgage lenders, personal lenders, national banks, federal savings associations, credit card issuers, and insurance companies.
- We represent clients in state and federal court and arbitration proceedings throughout the U.S.
- Clients work closely with our trial and appellate lawyers who have been recognized in *Chambers USA*, *The Best Lawyers in America*, *Georgia Super Lawyers*, *Benchmark Litigation*, and other leading professional authorities.
- Our lawyers regularly speak at national seminars on consumer litigation and have published numerous articles and papers.

## DEEP EXPERIENCE AND STRENGTH IN LITIGATION

Our litigation attorneys have substantial experience in a wide range of consumer litigation—everything from a single-plaintiff account dispute to nationwide putative class actions. And since consumer litigation demands understanding of the ever-changing panoply of state and federal law and regulations, our attorneys speak and write frequently concerning the latest developments in the law.

Our experience includes:

- Handling a wide range of claims asserted under TILA, RESPA, FDCPA, FCRA, and state unfair and deceptive practices statutes.
- Class action litigation concerning credit insurance premiums.
- Class action litigation against credit card issuers.
- Litigation against the State of Georgia concerning the preemption of state laws that affected lending.
- Mortgage fraud and predatory lending litigation.
- Payday lending litigation.
- The successful enforcement of consumer arbitration clauses.

## A FOCUS ON CLASS ACTIONS

Class cases and other multi-party litigation present complex issues. In these cases, we are often successful in obtaining the denial of class certification and other limitations and narrowing plaintiffs' claims. The goal, as in all our litigation matters, is a resolution that quickly and economically resolves claims and furthers our client's

business goals.

### DIRECT APPROACH TO CLASS ACTION DEFENSE

- **Client:** A major national mortgage lender.
- **Challenge:** Plaintiff brought a consumer class action in the Supreme Court of South Carolina alleging deceptive trade practices and fraud arising out of the relationship between borrowers and the lender. The stakes of the case were high, and the procedural issues were unique.
- **Outcome:** We successfully removed the case to federal court and argued vigorously against certification. Our efforts positioned the case for an individual settlement very favorable to our client.

### ARBITRATION EXPERIENCE

Our lawyers have significant experience in alternative means of dispute resolution that can save clients time and money. We are experienced in formal ADR proceedings like arbitration and mediation, which are often required for resolving consumer disputes. We also have extensive experience successfully litigating the enforceability of arbitration provisions in consumer transactions.

### SUCCESSFUL ENFORCEMENT OF ARBITRATION PROVISION

- **Client:** A major financial institution.
- **Challenge:** Plaintiff brought an action in a plaintiff-friendly rural Mississippi state court alleging that the lender defrauded a mentally incapacitated person into entering into a loan transaction.
- **Outcome:** We sought to compel arbitration and ultimately successfully argued to the Fifth Circuit Court of Appeals that the arbitration provision was enforceable, which required that the case be arbitrated rather than litigated in Mississippi state court. The case was later arbitrated to a successful outcome for our client.

### AHEAD OF THE CURVE: STAYING INFORMED OF LEGAL DEVELOPMENTS

Consumer law is in constant change, and our lawyers keep abreast of legal and political developments to help clients implement a sound strategy even before litigation arises, with the goal to minimize the likelihood of consumer-related claims and lawsuits.

We regularly write and speak on the latest developments in consumer law at national conferences such as the Practising Law Institute's Annual *Consumer Financial Services Institute*. We also conduct regular in-house seminars with clients



regarding consumer financial services. Our lawyers frequently publish scholarly papers and practical guides about this area of the law.

**RECOGNITIONS**

- U.S. News - Best Lawyers® "Best Law Firms" Recognizes Rogers & Hardin
- 12 Rogers & Hardin Partners Recognized by Super Lawyers
- Rogers & Hardin Recognized in 2018 Chambers USA Guide