Berkeley Business Law Journal Berkeley Center for Law, Business and the Economy Financial Regulatory Reform: Dodd-Frank and Beyond

March 11, 2011 Panel Three: Consumer Protection

Who's Afraid of Abusive Practices?

Thomas Brown, O'Melveny & Meyers

The Consumer Financial Protection Bureau is the centerpiece of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Most of the attention paid to the soon to be launched Bureau has revolved around (1) who will head the Bureau and (2) what the Bureau will do with its power to ban "abusive" practices. This article suggests that consumers and financial institutions should be focused on the Bureau's power to regulate how financial services are disclosed to consumers. If fully exploited, the new power would allow the Bureau to reshape the industry.