



Mike G. Silver

PARTNER

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OVERVIEW

After more than a decade at the Consumer Financial Protection Bureau (CFPB), where he played a central role in writing some of the agency's most impactful rules and guidance, Mike advises the firm's consumer finance clients on regulatory compliance matters.

Mike's consumer finance practice blends both mortgage and non-mortgage lending and draws on his broad portfolio of CFPB work. His core areas of focus include unfair, deceptive, or abusive acts or practices (UDAAP); mortgage origination and consumer lending, particularly issues involving Real Estate Settlement Procedures Act (RESPA) section 8 and the Truth in Lending Act (TILA) loan originator compensation rules; regulations involving innovation, technology, and digital marketing tools; small-dollar lending; deposits; and debt collection.

Mike was one of the original members of the CFPB's Office of Regulations, joining the agency in September 2011 just weeks after it opened its doors. He helped grow the CFPB from a startup to a mature organization, serving as senior counsel through January 2024—a tenure that left him with a deeply nuanced perspective on the agency's policymaking, operations, leadership, and approaches to rule-writing and regulatory interpretation. The CFPB relies on an interdisciplinary approach unusual among federal agencies, where the regulatory attorneys work together with economists and market analysts to develop its policies and regulations. The experience left Mike with an appreciation for the real-world impact of agency regulations and

Industry

Financial Services & Capital Markets

Services

Banking & Finance

Consumer Financial Services

guidance, which allows him to take a holistic view of clients' legal needs and business goals. Serving under multiple presidential administrations with differing agendas also shaped Mike's pragmatic approach and taught him to consider matters through multiple lenses.

After joining Husch Blackwell in February 2024 to help the Consumer Financial Services team continue to build a national brand, Mike now shares his extensive insight with firm clients. Clients appreciate his ability to articulate his perspective as a CFPB founder and longtime regulator while fully playing for their team. In many cases, he helped draft the rules in question or provided guidance on the same issues while at the agency to industry stakeholders, other federal and state regulators, and CFPB colleagues leading investigations and examinations. Mike uses this inside perspective to sharpen the advice and counsel he provides to firm clients. Known as both thoughtful and thorough, Mike digs deep into legal details while also keeping the client's broader business picture front and center.

Experience

REPRESENTATIVE CLIENT ENGAGEMENTS

- Assist identity verification and fraud prevention services provider with navigating the CFPB's Fair Credit Reporting Act (FCRA) Data Broker Rulemaking and engaging in outreach with State Attorneys General.
- Advise comparison-shopping website operator on compliance with Section 8 of the Real Estate Settlement Procedures Act (RESPA) and other federal and state consumer credit laws.
- Represent EU-based fintech company with U.S. product launch of Software-as-a-Service platform for B2B use.
- Help neobank evaluate UDAAP and RESPA risk exposure with potential partnership opportunities.
- Advise early-stage fintech company on pilot launch of investment product aimed at millennials, leading team to discern applicability of consumer protection and securities laws and help structure product accordingly.
- Engage nonbank mortgage lender to review and update loan originator compensation agreements and policies.
- Counsel credit union on applicability of recent regulatory developments to special purpose credit program.

Experience

- Spearhead firm's engagement with Consumer Bankers Association (CBA), where I serve as member of the Lawyers Committee and a speaker at CBA Live and CBA's Fair and Responsible Banking Committee.
- Nurture strong relationships with other bank and fintech trade groups, including Mortgage Bankers Association (MBA), Online Lenders Alliance (OLA), American Fintech Council (AFC), and American Bankers Association.

AGENCY EXPERIENCE

- Spearheaded the CFPB's RESPA section 8 regulatory work, including leading the teams that drafted the 2023 RESPA Advisory Opinion on digital mortgage comparison-shopping tools, the 2020 RESPA Frequently Asked Questions guidance, and the 2019 No-Action Letter (NAL) related to housing counseling funding.
- Led the rulemaking team for the CFPB's 2024 Nonsufficient Funds Fees proposal.
- Took the pen or collaborated on drafting the CFPB's policy statements on abusiveness authority and served more generally as an internal thought leader on UDAAP issues.
- Co-led the 2021 interim final rule (IFR) regarding evictions and the Fair Debt Collection Practices Act (FDCPA) and served as team member for two 2020 FDCPA rulemakings.
- Core team member for CFPB's 2017 Small Dollar rulemaking (a five-year process).
- Substantial contributor to the CFPB's 2013 Loan Originator Compensation Rule and TILA-RESPA Integrated Disclosure (TRID) Rule.
- Routinely provided legal and strategic advice to internal CFPB stakeholders and guidance to external stakeholders navigating regulatory issues in enforcement, supervisory, compliance, or policy contexts. This guidance work entailed answering hundreds of industry stakeholder inquiries, consulting with CFPB investigation and examination teams, and advising state and federal regulators on a plethora of regulatory issues.

Experience

- Helped shape the CFPB's approach to innovation by collaborating with the Office of Innovation to evaluate requests for NALs and Trial Disclosure Program waivers.

Recognition

- Director's Mission Achievement Award (CFPB's highest honor), 2016, 2021
- CFPB Superior Achievement Award, 2017

Education

- J.D., George Washington University Law School
 - with honors
 - *The George Washington Law Review*
- B.A., University of Pennsylvania
 - *magna cum laude*
 - student government president

Admissions

- District of Columbia

Community Leadership

Mike has been active with The George Washington University Law School's alumni association and reunion committees, as well as the Penn Club for DC-area University of Pennsylvania graduates. He is an involved member of the Washington Hebrew Congregation. Mike also supports the D.C. Legal Aid Society, whom he represented pro bono while at his prior law firm.



2024 Pro Bono Contributor