

# Snell & Wilmer

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## Douglas A. Thompson

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### Main Bio

Douglas (Doug) Thompson defends class action litigation matters and represents financial institutions and businesses in related regulatory investigations. Throughout his career, he has represented banking services and other clients in more than 250 putative class actions and has been admitted pro hac vice in numerous federal district courts. He assists clients in mitigating emerging regulatory and litigation risk and collaborates with clients to champion inclusion, innovation, and thought leadership initiatives.

For financial institutions, he has defended claims under federal banking and consumer lending laws such as the Real Estate Settlement Procedures Act (RESPA), Truth in Lending Act (TILA), Fair Credit Reporting Act (FCRA), Fair and Accurate Credit Transactions Act (FACTA), Fair Debt Collections Practices Act (FDCPA), and Equal Credit Opportunity Act (ECOA). He also defends banking deposit operations claims, including claims challenging compliance with Know Your Customer (KYC) rules, claims involving alleged ACH and wire transfer frauds, business email compromise (BEC) claims, social engineering claims, privacy contract claims, and Bank Secrecy Act (BSA) related issues. His extensive banking experience also covers claims concerning commercial banking rules such as swaps products, purported Ponzi schemes, and related alleged violations of state unfair and deceptive acts or practices (UDAP) statutes.

Doug has defended a variety of businesses across multiple industries, including technology, food, and cosmetics, retail, and financial services companies against statutory claims challenging operations and sales practices, labeling, and marketing statements. He has addressed and mitigated for clients ESG and sustainability risk considerations such as purported greenwashing and other disclosures risks. These suits often assert state law UDAP, fraud, and unjust enrichment challenges. He has represented businesses in both defending and asserting unfair competition, breach of contract, and trade secret claims, as well as claims for alleged violations of representation and warranties.

Doug has counseled clients with respect to regulatory and government agency investigations and other complex commercial disputes, including implementing quantitative risk assessment protocols, electronic discovery/ESI protocols, preferred litigation provider networks, vendor management protocols, and legal matter management technology. He is experienced in developing alternative pricing for litigation and has represented class action clients under such arrangements.

Earlier in his career, Doug spent more than a decade leading in-house corporate law department litigation and related legal administration strategy at financial institutions. In this capacity, he managed a national financial services institution's enterprise-wide class actions and litigation including consumer finance, employment, commercial, and securities litigation. Doug's extensive in-house experience enables him to focus litigation strategy and resources to address the issues most critical to institutional clients. Additionally, in the decade prior to joining Snell & Wilmer and while a partner at an international Am Law 100 firm, he

served in a variety of firm leadership roles, including as co-leader of the firm's Global Banking Sector, co-leader of the Global Financial Services Disputes and Investigations Practice, managing partner of the Los Angeles office, and leader of the Class & Derivative Actions Practice Group.

An avid writer and thought leader, Doug authors client alerts and other publications and provides educational programming presentations covering a variety of timely topics including ESG sustainability disclosures and reporting, as well as financial services litigation developments, regulatory and enforcement risks, and governance best practice issues. At Snell & Wilmer, he is a member of both the firmwide Diversity Equity and Inclusion Committee and the Pro Bono Committee. He frequently collaborates with clients to deliver pro bono services at clinics including name and gender marker change services, military veteran judgment expungement services, and the guardianship process, to name a few.

## **Representative Experience**

### ***Litigation – Retail & Consumer Banking Financial Services***

- Defended national bank in putative statewide Texas class action claims alleging the Texas home equity loan modifications violated state law pending in Northern District of Texas
- Defended client opposing class certification of putative class action pending in Southern District of California federal court alleging national bank entity's purported wrongful breach of contract arising from loan modification offers and loss mitigation efforts
- Defended national loan servicer in putative class action alleging unfair and deceptive loan servicing practices in Guam federal court
- Defended national loan servicer in putative national FDCPA class action in Indiana federal court
- Defended national bank subsidiary in putative California statewide class action, alleging claims for improper late charges in California federal court
- Defended national bank entities in two putative nationwide class actions alleging violations of TILA notice requirements in Alabama federal court
- Defended national servicer in Kansas federal court in putative statewide class action alleging improper property preservation and foreclosure
- Defended national lender opposing class certification in putative California statewide class action alleging improper loan origination practices
- Defended national lender and loan servicer in putative Ohio federal court statewide class action matter alleging claims in connection with forced place insurance and loan origination and servicing
- Defended clients in two putative Georgia statewide class actions alleging foreclosure process challenges in Georgia federal court
- Defended national mortgage lending entities and appraisal management company in multiple putative class action matters filed in various federal courts alleging purported RICO and RESPA violations in connection with home purchase finance and valuation
- Defended national mortgage trustee and servicer in putative Illinois class action asserting allegations of unfair practices in connection with REO properties
- Represented national servicer in connection with putative class claims alleging improper payment processing
- Represented global retail banking institution in putative class action alleging violation of COVID -19 mortgage modification and loss mitigation moratoria

- Represented global consumer retail banking institution and related defendants in California state court litigation claiming consumer elder abuse in connection with alleged third-party fraud scams involving electronic funds transfers
- Represented global consumer retail banking institution in California federal court litigation claiming consumer elder abuse in connection with alleged third-party fraud scams involving electronic funds transfers

### ***Litigation – Commercial & Business Banking Financial Services***

- Defended global banking institution in putative class action pending in Central District of California alleging violations of Bank Secrecy Act and know your customer requirements in connection with bank deposits and an alleged investment Ponzi scheme
- Defended national bank against commercial lending claims brought in California federal court alleging unfair practices and breach of SWAP contract
- Defended insurance services company against multi-million dollar claims in commercial arbitration matter involving claims of trade secret misappropriation and breach of insurance producer agreement
- Represented client in defense of multi-plaintiff claims filed in Southern District of California federal court alleging RICO conspiracy and loan origination claims in connection with Florida property developments

### ***Investigations & Regulatory – Banking & Financial Services***

- Advised national bank in regulatory foreclosure horizontal review regarding vendor management, foreclosure practices, and notary requirements
- Represented global commercial business banking institution in pre-litigation investigation and claims regarding commercial business customer employee social engineering event involving multiple allegedly unauthorized outbound fraud electronic funds wire transfers
- Represented global commercial business banking institution in pre-litigation investigation and claims alleging commercial business customer business email compromise (BEC) spoofing event involving multiple allegedly unauthorized outbound ACH electronic funds transfers
- Represented global consumer and small business banking institution in multiple projects assessing Comprehensive Capital Analysis Review (CCAR) line of business legal risk scenarios
- Represented national bank in conducting fair lending HMDA data regulatory compliance and risk assessments
- Advised national bank regarding consumer and commercial banking deposit services agreement provisions, including dispute resolution venue and jurisdiction provisions

### ***Retail Business & Technology Representations***

- Defended global food company in putative nationwide class action asserting claims for violation of unfair competition and advertising laws and other related claims regarding food product labeling and marketing
- Defended skin care company in putative California CLRA and false advertising class action claims regarding cosmetics product labeling and marketing (scientific support challenge)
- Defended social media technology services company in putative California statewide class action asserting claims for violation of state disclosure statutes

- Advised retail sports electronics company regarding implementation of consumer arbitration provisions into terms of service and consumer warranty materials
- Advised social media technology services company regarding implementation of consumer arbitration provisions and class action waivers into terms of service

## Education

- Pepperdine University (J.D.)
- Tufts University (B.A., *cum laude*)

## Professional Memberships & Activities

- Association of Corporate Counsel (2003-2008)
- Los Angeles Business Council (2024)

## Representative Presentations & Publications

### Publications

- ["Taking Action On Interagency Climate Financial Risk Guidance,"](#) Author, Law360 (November 2023)
- ["Climate-Related Financial Risk Management Final Interagency Guidance Rules Issued – Now What's Next?"](#) Author, Snell & Wilmer Legal Alert (November 1, 2023)
- ["Truth or Consequences: FTC Revised Endorsement Guides & Class Action Risk,"](#) Co-Author, Snell & Wilmer Legal Alert (August 8, 2023)
- "2023 Off & Running in Different ESG Directions?" Author, BankBCLP.com blog (February 9, 2023)
- "Priorities & Perspectives: U.S. Congressional Large Bank Oversight Hearings September 2022," Author, BankBCLP.com blog (September 28, 2022)
- "New Fair Banking CRA Legislation: House Committee on Financial Services (HR 8833)," Author, BankBCLP.com blog (September 20, 2022)
- "ESG Aspirations vs. Operations – Momentum in Emerging Greenwashing & Diligence Risks," Author, BankBCLP.com blog (June 21, 2022)
- "CFPB Director Chopra's Emerging Vision – Supervision Focus and Potential Rule Makings," Author, BankBCLP.com blog (March 7, 2022)
- "A Clear Conscience - How Heavily Will ESG Factor in Global Regulatory Investigation & Enforcement in 2022?" Author, BCLP Emerging Themes in Financial Regulations (January 2022)
- "Top Priority – What Will Shape the OCC's Regulatory Agenda & Priorities in 2022?" Author, BCLP Emerging Themes in Financial Regulations (January 2022)
- "Vetting Fintechs as Business Risk Partners – OCC Bulletin," Author, BankBCLP.com blog (September 7, 2021)
- "TransUnion v. Ramirez: The Supreme Court Further Narrows Article III Standing and Rejects 'No Injury' Class Actions," Author, Bryan Cave Leighton Paisner Client Alert (June 29, 2021)
- "New CFPB Consent Decree May Highlight Loss Mitigation Issues for 2021," Author, BankBCLP.com blog (December 23, 2020)
- "CFPB Highlights Debt Relief Practices in Student Lending," Author, BankBCLP.com blog (November 18, 2020)

- "FinCEN Clarifies Customer Due Diligence Requirements," Author, BankBCLP.com blog (August 13, 2020)
- "CFPB Focuses on Complaint Trends & Concentrations – Leveraging New Tools," Author, BankBCLP.com blog (August 3, 2020)
- "SCOTUS Upholds TCPA but Strikes Government Debt Collection Exception," Author, Bryan Cave Leighton Paisner Client Alert (July 13, 2020)
- "FTC Deceptive Advertising Health Claims Settlement - Scientific Proof Required," Author, RetailLawBCLP.com blog (July 1, 2020)
- "CFPB Issues CARES Act Credit Reporting FAQs," Author, BankBCLP.com blog (June 30, 2020)
- "CFPB Rolls Out Pilot Program Offering Advisory Opinions," Author, BankBCLP.com blog (June 24, 2020)
- "CFPB Joint Advisory Committee Meeting - COVID-19 Impact Trends," Author, BankBCLP.com blog (May 7, 2020)
- "COVID-19 CFPB Access to Credit Guidance," Author, BankBCLP.com blog (May 1, 2020)
- "Festival Case May Be Preview Of COVID-19 Consumer Suits," Author, Law360 Expert Analysis (April 2, 2020)
- "Public company PPP participants with liquidity alternatives beware: New U.S. Treasury guidance allows safe harbor for return of funds by May 7, 2020 in cases of insufficient need," Author, BCLPSecCorpGov.com blog (April 23, 2020)
- "Administering the Paycheck Protection Program and Managing Litigation & Regulatory Risk in the U.S." Author, Bryan Cave Leighton Paisner Client Alert (April 22, 2020)
- "COVID-19 Borrower Protection Program Launched by FHFA & CFPB," Author, BankBCLP.com blog (April 15, 2020)
- "Credit Reporting & Collections Forbearance per the CFPB," Author, BankBCLP.com blog (April 9, 2020)
- "NAAG Polices COVID-19 Price Gouging, Demands Fair Pricing Policies and Actions," Author, RetailLawBCLP.com blog (April 6, 2020)
- "The First Wave of COVID-19 Consumer Class Actions Has Begun," Author, Bryan Cave Leighton Paisner Client Alert (March 26, 2020)
- "2019 Year in Review for Financial Services Class Actions: 2019 Round Up & 2020 Preview," Author, BankBCLP.com blog (February 6, 2020)
- "CFPB Provides Guidance on UDAAP Abusive Standard," Author, BankBCLP.com blog (January 28, 2020)
- "FTC Issues Guidance on Proper Disclosures for Social Media Influencers," Author, RetailLawBCLP.com blog (November 6, 2019)
- "CFPB September 2019 Roundup - Enforcement, Innovation, Consumer Data and Unconstitutionality," Author, BankBCLP.com blog (September 30, 2019)
- "CFPB Director Kraninger 2019 - Listening Tour and Bureau Priorities," Author, BankBCLP.com blog (December 27, 2018)
- "FTC and CFPB - Watching Add On Products in Auto Financing and Other Contexts," Author, BankBCLP.com blog (December 13, 2018)

- "Dutta: The Ninth Circuit Strikes Another Blow to FCRA Plaintiffs," Author, Bryan Cave Leighton Paisner Client Alert (August 15, 2018)
- "National Consumer Protection Week: Consumers Join Forces with Agencies," Author, RetailLawBCLP.com blog (March 8, 2018)
- "CFPB Mulvaney Moments: Enforcement of the Law, Quantitative Impact Analysis & Other Gems," Author, BankBCLP.com blog (March 6, 2018)
- "Don't Get TARRed: FTC Continues to Scrutinize Misleading Marketing and Sales Methods," Author, RetailLawBCLP.com blog (November 22, 2017)
- "New CFPB Rule Prohibits Class Action Waivers," Author, Bryan Cave Leighton Paisner Client Alert (July 14, 2017)
- "Think Your Market is Global? Then Global Consumer Regulators Likely Are Watching Your Business," Author, RetailLawBCLP.com blog (April 14, 2017)
- "Mitigating Consumer Risk by Watching the FTC: Five Good Reasons," Author, RetailLawBCLP.com blog (March 8, 2017)
- "CFPB Customer Complaint Data: Seeing What the Plaintiffs' Bar Sees," Author, BankBCLP.com blog (February 1, 2017)

## **Presentations**

- "Sustainability, Risk & Opportunity: Impacts of ESG - Greenwashing and Brandwashing Litigation and Regulatory Risks," Speaker, The Association of Corporate Counsel Arizona January 2024 CLE Meeting (January 16, 2024)
- "Designing an ESG Strategy that Mitigates the Risks of Greenwashing, Green hushing and Green Claims," Moderator & Panelist, ACI 3rd Annual Summit on ESG (October 12, 2023)
- "Green Path(s) Forward: Mitigating Financial Sector Climate & Sustainability Risks to Growth Opportunities," Panelist, Lexology Webinar (September 26, 2023)
- "Aligning Business Strategy with ESG," Panelist, ACI 2nd Annual Summit on ESG: Building a Better Future for All: Aligning People, Profit, and Purpose by Unlocking ESG opportunities, New York (October 12, 2022)
- "ESG Sustainability Risks & Opportunities for Bank Climate & Green Strategies," Panelist, Association of Foreign Banks – CEO Programme Webinar, London, UK (November 24, 2021)
- "Mitigating Litigation, Operations & Reputation Risk in Today's ESG Social Activism Environment," Speaker, Securities Industry & Financial Markets Association (SIFMA) Compliance & Legal Annual Seminar – Learning Lab Webinar (July 20, 2021)
- "Regulatory & Risk Priorities for Large Banks – US Focus," Speaker, BCLP Emerging Themes in Financial Regulation 2021 Webinar (February 4, 2021)
- "Class Action Litigation Risk Developments: Spokeo Standing & Stacked Damages Claims," Speaker, Mortgage Bankers Association Legal Issues & Regulatory Compliance Conference, Los Angeles, CA (April 29, 2018)
- "Achieve Your Goals: Marrying the Business of Law with the Practice of Law," Speaker, The Association of Corporate Counsel Southern California Roundtable CLEs, Los Angeles, Irvine, and Calabasas, CA (July 18-20, 2017); The Association of Corporate Counsel Southern California In-House Boot Camp, Los Angeles, CA (September 13, 2017)

- “CFPB 2017 – Agency Priorities and Areas of Emphasis, and Industry Planning Moving Forward,” Speaker, California Bankers Association Directors Conference & 50th Annual Bank Counsel Seminar (June 2017)

## **Professional Recognition & Awards**

- 2024 Banking and Finance Visionary, Los Angeles Times B2B Publishing Banking and Finance Magazine (2024)
- Martindale-Hubbell AV Preeminent Rating
- LA500 Most Influential People in Los Angeles, Los Angeles Business Journal (2019)

## **Community Involvement**

- United States Olympic & Paralympic Foundation
  - Foundation Trustee (2023-Present)
- Harlem Lacrosse
  - Los Angeles Advisory Board Member (2024-Present)
- United Way of Greater Los Angeles
  - Tocqueville Society
    - Cabinet Co-Chair (2018-2022)
    - Member (2017-2023)
- Teach Democracy - formerly Constitutional Rights Foundation
  - Executive Committee of Board (2014-2023)
  - Director (2005-2023)
- Civil Justice Association of California
  - Director (2003-2008)
- California Governor-Elect Arnold Schwarzenegger’s Transition Working Group for Civil Justice
  - Member (2003)

## **Previous Professional Experience**

- Bryan Cave Leighton Paisner LLP
  - Partner (2009-2023)
- Bank of America
  - Managing Director and General Counsel, Litigation (1997-2008)
- Garfield Tepper Epstein & Turner
  - Litigation Associate (1991-1997)

## **Bar Admissions**

- California

## **Court Admissions**

- United States Court of Appeals, Ninth Circuit
- United States District Court, All Districts of California