



Legal Update

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Caselaw – U.S. Supreme Court

- CFPB v. CFSA
 - CFPB funding structure
- Loper Bright Enterprises v. Raimondo
 - Chevron Doctrine
- Corner Post v. Federal Reserve
 - Time period to challenge rules
- SEC v. Jarkesy
 - 7th Am. right to jury trial in administrative hearings
- Cantero v. Bank of America
 - Federal preemption of N.A.s



Other Caselaw

- Moore v. Wells Fargo Bank, N.A., 685 S.W.3d 843 (Tex. 2024)
 - Creditor may simultaneously accelerate note and rescind previous acceleration under Tex. Civ. Prac. & Rem. Code § 16.038 and reset limitations period
- In re Texas Dow Employees Credit Union, No. 13-24-00053-CV (Tex. App.—Corpus Christi, March 26, 2024, no pet.)
 - Finance Code §59.006 is the exclusive means of obtaining customer records of a financial institution and trumps TRCP

Litigation

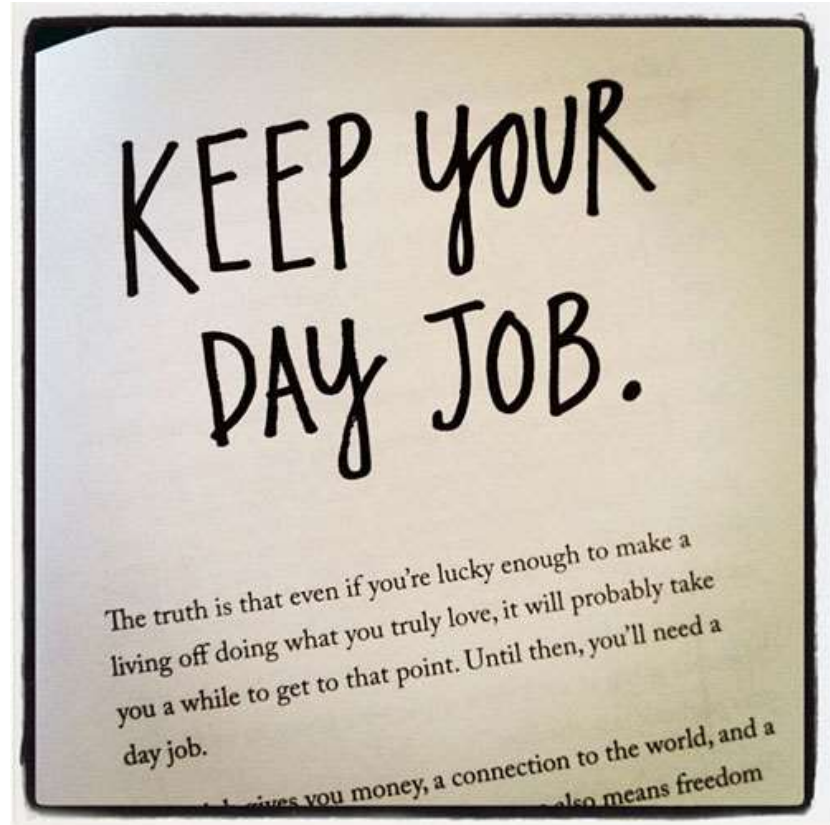
- Burgess v. FDIC, No. 22-11172 (5th Cir.)
 - Presents issues similar to *Jarkesy*
- TBA, IBAT et al. v. OCC, Federal Reserve, FDIC, No. 24-10367 (5th Cir. (interlocutory appeal))
 - Challenging CRA final rules
- TBA v. CFPB, No. 23-00144 (S.D. Tex.)
 - Challenging 1071 small business lending rules

Litigation

- Ryan LLC v. FTC, No. CV-00986-E (N.D. Tex.)
 - Challenges FTC's final rules largely banning non-competes. On August 20, 2024, the rules were set aside pending disposition
- New York v. Citibank, N.A., No. 24-cv-00659-JPO (S.D. NY)
 - NY asserts Citibank liable for wire fraud under EFTA and Reg E where wire initiated through website portal (not exempt under wire exemption)
 - CFPB filed amicus brief in support

Texas Legislature

- Legislature is in the Interim
- November 5 – General Election
- November 11 – first day to prefile bill
- January 14 – 89th Legislature convenes



Texas Legislature: Interim Charges

- Interim Charges
 - Released by Lt. Gov (President of the Senate) and the Speaker of the House in even-numbered years, typically in the Spring
 - Signals priorities for the upcoming session
 - Tasks Legislature with:
 - Overseeing implementation of enacted legislation from previous session
 - Investigating issues of legislative concern, including through committee action

Texas Legislature: The Interim

- Senate Interim Charges (by committee)
 - Business and Commerce
 - Addressing the Rising Cost of Insurance
 - Artificial Intelligence
 - Non-Compete Agreements (NEW September 10)
 - Criminal Justice
 - Financial Crimes (NEW September 10)
 - Finance
 - Continue Cutting Property Taxes
 - Local Government
 - Additional Property Tax Relief and Reform
 - Housing Affordability
 - Secure Texas Against “Squatters”
 - State Affairs
 - Protecting Texas Land and Assets



Texas Legislature: The Interim

- House Interim Charges (by committee)
 - Agriculture & Livestock
 - Foreign-Owned Agricultural Land
 - Business & Industry
 - Housing Affordability
 - Protections Against Fraudulent Deeds
 - Land & Resource Management
 - Housing Affordability
 - Pensions, Investments & Financial Services (PIFS)
 - Environmental, Social, and Governance (ESG)
 - State Affairs
 - Economic Challenges Impacting Insurance Premiums
 - Ways & Means
 - Property Tax Relief



Questions?

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