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February 7, 2018

MADIGAN FILES BRIEF TO PROTECT CFPB'S INDEPENDENCE***Madigan & 16 States File Amicus Brief Challenging CFPB Appointment, Saying Attempt to Control Agency Endangers Consumers***

Chicago — Attorney General Lisa Madigan today joined with 16 other states in filing an amicus brief in *English v. Trump*, a lawsuit challenging President Trump's decision to appoint Mick Mulvaney as the acting director of the Consumer Financial Protection Bureau (CFPB).

The brief, filed in the U.S. Court of Appeals for the D.C. Circuit, argues that a lower court erred in allowing Mulvaney to become the agency's acting director. The brief asserts that maintaining the CFPB's independence is crucial to protecting Americans, and that Congress ensured the agency's independence by creating a specific plan for succession.

Under the act that created the CFPB, its deputy director Leandra English became the acting director after Richard Cordray stepped down last year. The president, citing an earlier federal law, claimed he had authority to appoint an acting director and selected Mulvaney, the director of the Office of Management and Budget. Mulvaney has been an outspoken critic of the CFPB and, while he served in Congress, voted to weaken the agency's authority and questioned its existence. Since his appointment, Mulvaney has denounced the agency, sought to roll back important consumer protection laws, including rules to protect consumers from predatory payday lenders, and sought no funding for the CFPB in the federal budget. English later filed a lawsuit to challenge Mulvaney's appointment.

"The CFPB was created in the aftermath of the 2008 economic crisis to make sure consumers have a federal agency fighting for them," Madigan said. "I will not sit by and watch the CFPB be dismantled by an administration that cares more about Wall Street profits than the financial futures of everyday Americans."

In the *amicus* [brief](#), Madigan and the other states argue that a lower federal court ignored important legal principles in failing to grant an injunction blocking Mulvaney's appointment. It also argues that the federal administration's position cannot be reconciled with Congress's legislation establishing the CFPB and providing for a specific succession of leadership.

The brief states, in part:

"The defendants' approach demolishes a critical part of Congress's carefully constructed statutory scheme for the CFPB's independence. The independence of an agency means little without independent leadership."

Since the CFPB began operations in 2011, the agency has handled more than a million consumer complaints and returned nearly \$12 billion to the pockets of more than 29 million consumers wronged by financial institutions – five times more than it costs taxpayers to fund the agency.

Joining Madigan in filing today's brief were the attorneys general of California, Connecticut, Delaware, the District of Columbia, Hawaii, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Mexico, New York, Oregon, Rhode Island, Vermont and Washington.

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