

Arthur J. Rotatori



**member
cleveland**

arotatori@mcglinchey.com

T (216) 378-9932 F (216) 916-4005

Legal Assistant

Lisa Blotnick

lblotnick@mcglinchey.com

(216) 378-4971

education

Northwestern University School of Law
(J.D.)

Case Western Reserve University (B.A.,
summa cum laude)

admissions

Ohio

affiliations

Professional

- American Bar Association, Member of the Committee on Consumer Financial Services
- Ohio State Bar Association
- Online Lenders Alliance
- National Conference of Higher Education Resources
- Student Loan Servicing Alliance

Community

- Les Delices

I strive to be friendly, flexible, creative, and entrepreneurial with the companies I serve. The legal issues facing consumer financial services generally, and education finance specifically, are highly specialized. Because the innovations in consumer financial services operate within a legacy network of laws, I pull relevant concepts from disparate areas to connect the dots in a way that's highly favorable to my clients. They tell me they also value my ability to take conventional wisdom and apply it to unconventional new spaces.

Working with companies and institutions across the country, Arthur Rotatori counsels banks, finance businesses, and loan program administrators and marketers on consumer credit and finance issues. Clients rely on him to guide them in matters stemming from private student loans and other education funding issues, and electronic contracts and signatures.

Arthur closely monitors the ever-evolving regulatory framework that affects his clients, such as the growing movement to require state licensing of education finance businesses. He proactively keeps clients apprised of

- Musical Upcoming Stars in the Classics

changes and potential changes in the law, providing them with ideas and suggestions to help minimize challenges and seize opportunities. Arthur also regularly visits these organizations to offer on-site training on a wide range of consumer credit compliance issues.

When financial services clients such as fintechs look to grow their businesses by building and offering new education finance products, Arthur advises them step by step, from start to finish. He particularly enjoys this creative and developmental aspect of his practice and finds it satisfying to help institutions form and manage multi-state lending programs. Arthur helps clients ensuring that the consumer-facing aspects of the endeavors adhere to all pertinent laws and regulations. Because most of this type of credit is offered online, he devotes a significant amount of time to handling issues relating to the borrower experience on websites.

For several years, Arthur served as in-house counsel at a bank, which gives him a perspective that many other lawyers don't have. He understands and can deploy the strategies in-house attorneys are familiar with but he can also craft and implement effective approaches that are new to them.

A respected authority in his area, Arthur frequently accepts invitations to speak to industry groups such as the National Council of Higher Education Loan Programs, Inc. and the Student Loan Servicing Association on such topics as education finance, predatory lending, and electronic contracting and delivery issues.

presentations

"Higher Education Regulatory Roundtable," iiBIG Virtual Education Finance Symposium, April 21, 2021

"Congressional Review Act and the OCC True Lender Rule: Implications for Private Education Lending," National Council of Higher Education Resources (NCHER) Private Education Loan Committee Call, April 14, 2021

"Collateral Damage for Traditional Banking: Valid When Made, True Lender, and Beyond," 2020 Emerging Issues in Alabama Banking Law CLE, December 8, 2020

"LIBOR Phase-Out and Transition," 2020 Virtual Consumer Finance Legal Conference, October 8, 2020

"Delivering Digital Lending Solutions in the COVID-19 Era," 2020 Virtual Consumer Finance Legal Conference, October 7, 2020

"Litigation and Regulation Developments on the True Lender and Valid-When-Made Issues," 2020 Virtual Consumer Finance Legal Conference, October 7, 2020

"Electronic Chattel Paper and Electronic Vaults," 2019 Consumer Finance Legal Conference, New Orleans, LA, October 15, 2019

"The OCC FinTech Charter: No Applicants and Significant Controversy," 2018 Consumer Finance Legal Conference, New Orleans, LA, October 18, 2018

"What's Old is New Again: The Future of Bank Partnership Programs from Small-Dollar Installment Loans to Mortgages to Everything," ABA Business Law Section Annual Meeting, Austin, TX, September 14, 2018

"A New Day at the BCFP, or is it the CFPB?" Student Loan Servicing Alliance, Baltimore, MD, May 17, 2018

"The Death of LIBOR and its impact on adjustable-rate lending," CFSC Roundtable Program, ABA Consumer Financial Services Committee Business Law Section Spring 2018 Meeting, Orlando, FL, April 13, 2018

"The Future of the Bank Partnership Program," 16th Annual Consumer Finance Legal Conference, New Orleans, LA, October 12, 2017

"Update on CFPB Arbitration Rule: Living with the Rule or Challenges on the Horizon," 16th Annual Consumer Finance Legal Conference, New Orleans, LA, October 12, 2017

"The Future of Bank Partner Lending Programs after CashCall," ABA Business Law Section 2017 Consumer Financial Services Committee Winter Meeting, Carlsbad, CA, January 14, 2017

"FinTech/Online Lending," 15th Annual Consumer Finance Legal Conference, New Orleans, LA, September 29, 2016

"CFPB Short-Term Credit Proposal (Payday Loan Rule)," 15th Annual Consumer Finance Legal Conference, New Orleans, LA, September 29, 2016

"Compliance Issues Subject to Litigation," NCHER Private Education Loan Committee, Chicago, IL, May 3, 2013

"Lawyer Roundtable," NCHER Private Education Loan Committee, May 2, 2013

"Consumer Credit Disclosures," NCHER Knowledge Symposium, November 8, 2012

"CFPB's Report to Congress on Private Education Loans: Fair Lending Issues and the Future of the Industry," Bloomberg BNA Webinar, August 29, 2012

"The Evolution of Risk-Based Pricing Requirements," 10th Annual Consumer Finance Legal Conference, October 21, 2011

"Update on State Pre-Foreclosure Initiatives," 10th Annual Consumer Finance Legal Conference, October 20, 2011

"Dodd-Frank Changes to Adverse Action and Risk-Based Pricing Notices," SLSA Private Loan Committee Meeting, Denver, Colorado, June 21, 2011

"Advertising & Marketing for Private Education Loans," Telephone Conference, March 2011

"Private Student Loans & Bankruptcy - Comparison of Current and Proposed Law," SLSA Meeting, Indianapolis, IN, June 17, 2010

"State Law Issues Affecting Private Student Loans," SLSA Meeting, Indianapolis, IN, June 17, 2010

"TILA: The Aftermath," SLSA Meeting, Indianapolis, IN, June 17, 2010

"Bankruptcy and Private Student Loans - Comparison of Current and Proposed Law," CBA Live Presentation, Hollywood, Florida, June 7, 2010

"The Business Side of the GFE," Greater Cleveland Bankers Association, April 20, 2010

"Truth-in-Lending Compliance," NACUBO Webinar, February 2010

"Marketing Private Education Loans: Assuring Compliance with State and Federal Law," CBA Presentation, December 4, 2009

"Regulation Z and E Loans," NCHHELP Private Loan Committee, September 16, 2009

"Comments on the Comments: Responses to the FRB's Proposed Changes to Regulation Z EFC-NCHHELP," 2009 Student Loan Finance and Legal Meeting, August 3, 2009

"Perspectives on the Proposed Education Loan Rules," NCHHELP Private Loan Committee, May 4, 2009

"Suspending, Terminating, or Re-Starting a Private Education Loan Program: What You Need to Know," 2009 Annual SLSA Private Education Committee Meeting, February 12, 2009

"UDAP Presentation - Unfair & Deceptive Practices," NCHHELP Fall Training Conference, November 4, 2008

"Fraud in the Mortgage Transaction," 7th Annual Consumer Finance Legal Conference, October 16, 2008

"H.R. 4137 College Opportunity and Affordability Act," 2008 SLSA Private Loan Committee Meeting, January 15, 2008

"The Legal Facts of Life," NCHelp Fall Training Conference, November 4, 2007

"ABC's of Student Lending: Legal Issues in Financing the High Cost of Higher Education - Compliance with State Licensing Requirements," 2007 ABA Annual Meeting, August 11, 2007

"Marketing and Underwriting 'The Wild West'," SLSA Private Loan Committee Meeting, July 15, 2007

"Changes to the Mortgage Broker Registration Act," Ohio's New Home Owner Protection Act SB 185 Conference, September 21, 2006

"Compliance With State Licensing Requirements," 2006 Student Loan Finance and Legal Issues Meeting, August 2006

"The Other Laws That You Should Worry About," 2006 Annual SLSA Private Education Committee Meeting, July 20, 2006

"Overview and Practical Application of Regulation Z," 2006 Annual SLSA Private Education Committee Meeting, July 20, 2006

"Emerging Creditor & Servicer Issues Under the FDCPA," 2006 Consumer Finance Legal Conference, June 15, 2006

published articles

"What Does the Homaidan Case Change about Private Student Loans in Bankruptcy?" *ABA Business Law Today*, July Month-In-Brief: Business Regulation & Regulated Industries, August 4, 2021

"E-signed contracts are great, but how do I know who actually signed it?" *Auto Finance Excellence*, July 27, 2021

"U.S. House of Representatives Votes to Override OCC True Lender Rule," *ABA Business Law Today*, June Month-In-Brief: Business Regulation & Regulated Industries, June 30, 2021

"Federal Agencies Issue Statement on LIBOR Transition," *ABA Business Law Today*, December Month-In-Brief: Business Regulation & Regulated Industries, December 2021

"Chapter 8, Electronic Signatures and Records," *Consumer Financial Services Answer Book*, Practising Law Institute, 2020

"Chapter 30, Short Term Loan Law," *Ohio Consumer Law*, 2019-2020 ed., Thompson Reuters, September 2019

"Referral Programs: Who Pays and Who Gets Paid?" *Non-Prime Times*, Vol. 8, No. 4, July/August 2019

"Compliance Complexities Lenders Should Know About E-Contracting," *Auto Finance Excellence*, May 21, 2019

Chapter Author, Practising Law Institute, *Consumer Financial Services Answer Book*, 2017

"Department of Defense Issues Final Rule Expanding Application of Military Lending Act," *Consumer Finance Law Quarterly Report*, Vol. 69 No. 1, 2015

"Important Changes to Ohio Law Impacting the Consumer Credit Industry," *Consumer Finance Law Quarterly Report*, Vol. 66, Nos. 3 & 4, 2012

"Report Card on Education Finance Indicates That Loan Pricing, Credit Criteria Will be Under CFPB Review," *Bloomberg BNA Banking Report*, October 9, 2012

"A CFPB Report Card For Education Finance," *Law360*, 2012

"Institutional Loans and Related Considerations," *University Business*, September 2, 2011