

David Schultz Discusses Cases that Shaped the Accounts Receivable Industry in 2022

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Hinshaw partner David Schultz discussed in a recent byline his take on some of the most impactful cases in the accounts receivable industry in 2022. Specifically, he discussed *Hunstein v. Preferred Collection & Management Services, Inc.* and *Community Financial Services Association v CFPB*:

There is so much litigation involved in the accounts receivable industry that it can be hard to identify the ones that have the biggest impact. However, two decisions in 2022 stand out to me for fairly obvious reasons. First is the Eleventh Circuit Court of Appeals *en banc* ruling in *Hunstein v. Preferred Collection & Management Services, Inc.* There have been significant repercussions in the industry since the original ruling, both on the Article III issue and on the letter vendor theory. The whole industry has followed the case and it continues to have an impact.

Second is the Fifth Circuit Court of Appeals ruling in *Community Financial Services Association v CFPB*. The CFPB has had a huge impact on the industry, yet its constitutionality has been questioned since it was created. The opinion so far does not seem to have slowed down the CFPB but it cannot be ignored and the impact will likely be felt well into the future. The next step of that journey is whether the Supreme Court will accept review of the Fifth Circuit's ruling, which the CFPB has asked it to do. It is hard to imagine it will receive a better reception in the Supreme Court.

[Read the full article](#)

"The Caselaw That Shaped the ARM Industry in 2022" was published by AccountsRecovery.net on January 6, 2023.

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