Fair Credit Reporting Act (FCRA)

National Counsel for FCRA Compliance and Defense

The Fair Credit Reporting Act (FCRA) imposes strict requirements on credit reporting agencies, furnishers, users of consumer reports, and employers. Plaintiffs' lawyers and regulators continue to bring claims at a rapid pace, making FCRA one of the most frequently litigated federal consumer statutes. Companies face exposure in nationwide class actions, individual lawsuits, and regulatory inquiries, often with reputational as well as financial stakes.

Hinshaw has decades of experience defending FCRA claims in courts across the country. We represent major credit reporting agencies, banks, mortgage lenders, auto finance companies, fintechs, and employers. Our team has successfully resolved hundreds of FCRA cases, from high-stakes class actions to single-plaintiff claims, including matters involving alleged reporting inaccuracies, reinvestigation procedures, and background check disclosures.

Representative Experience

We have successfully defended more than 200 FCRA cases, including class actions, across the country. We pride ourselves on knowing the state of the law in every jurisdiction in which we litigate. Representative examples of our FCRA litigation experience include:

- Obtained dismissal on an early dispositive motion in California FCRA matter on claim that a furnisher reported erroneous bankruptcy information in consumer's credit history.
- Represented a furnisher in a case where the debtor claimed that the client reported the debtor's "charge off" status to credit-reporting agencies in violation of the FCRA. In granting dismissal on an early dispositive motion, the court held that plaintiff failed to allege a proper basis on which to impose FCRA liability.
- Defended mortgage lender in lawsuit alleging lender was a credit reporting agency under the FCRA, based on its business model.
- Prevailed on a summary judgment motion in defense of debt buyer where court found that debt buyer reasonably relied on the electronic records provided to it by the creditor and conducted a reasonable investigation of debtor's dispute based upon the information provided by debtor, and therefore, did not violate the FCRA.
- Obtained early dismissal for a bank on a FCRA claim that lender failed to mark tradeline as "disputed."
- Won motion for summary judgment on identity theft claim for retailer after court determined that a reasonable investigation had been conducted.

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- Won motion for summary judgment for collection agency based on plaintiff's inability to prove the agency obtained a copy of his credit report for an unauthorized purpose.

Areas of Focus

Litigation Defense

We defend clients in class actions and individual lawsuits involving accuracy of reporting, reinvestigation obligations, and the use of consumer reports in employment. Our team has secured dismissals, defeated class certification, and negotiated favorable settlements in high-exposure cases.

Regulatory Investigations & Enforcement

Hinshaw attorneys have represented clients in investigations and enforcement actions by the CFPB, FTC, and state AGs. We focus on efficient resolution while providing guidance on changes needed to avoid repeat issues.

Compliance Counseling

We provide practical advice on implementing and maintaining FCRA compliance programs, reviewing policies and procedures, training staff, and updating forms. Our guidance is grounded in lessons learned from litigation, giving clients a preventative edge.

Employment & Background Checks

Our lawyers routinely defend employers and consumer reporting agencies in claims involving background check disclosures, adverse action notices, and authorization procedures. We also help employers review and refine hiring practices to align with FCRA requirements.

Defending Your Reputation While Managing Risk

Hinshaw combines litigation strength, regulatory insight, and practical compliance counseling to help clients manage FCRA risk. Our experience allows us to anticipate litigation strategies, minimize exposure, and protect reputation in one of the most active areas of consumer law.

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Insights

Press Release
Jun 20, 2025

Barbara Fernandez and Andrew Gordon Named 2025 Power Leaders in Law & Accounting

Press Release
Apr 16, 2025

Hinshaw Adds Four Partners to Financial Services Group in New Jersey

In The News
Apr 14, 2025

Column by Justin Penn: State Appeals Court Affirms Ruling in High-Profile FCRA Case

Press Release
Feb 6, 2025

Barbara Fernandez Honored as One of Ten Women of Distinction by MDFAWL in 2025

Press Release
Feb 3, 2025

Hinshaw Attorneys Named to the LCLD 2025 Fellowship Class and 2025 Pathfinder Program

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Related Capabilities

Banking & Financial Institutions

Consumer & Class Action Defense

Consumer Financial Services

Data Privacy, AI & Cybersecurity

Financial Services

Mortgage Lending & Servicing Litigation

Regulatory & Compliance

Telephone Consumer Protection Act (TCPA)

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