

**Member**

# Austin B. Kenney

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Austin is a problem solver with a diverse practice, devoted to close client counseling and service.

Austin joined Severson & Werson in 2005, straight out of law school, and he has made his career here. He is currently a Member in the Firm's Financial Services Practice Group, where he counsels and defends financial institutions in business matters and state and federal litigation involving banking operations and consumer finance, including consumer privacy, auto finance and mortgage and unsecured credit lending.

Austin has particular experience defending allegations involving the "alphabet soup" of consumer protection laws (e.g., the Fair Debt Collection Practices Act, the Telephone Consumer Protection Act, the Fair Credit Reporting Act, the Uniform Commercial Code, and their California equivalents), as well as unfair and deceptive business practices, lemon law and "holder rule" claims, predatory lending and wrongful foreclosure, and loan origination and servicing errors. He applies this experience to management of litigation portfolios for national banks and mortgage servicers. He also regularly counsels financial institutions and other businesses regarding compliance with state and federal consumer protection and privacy laws (e.g., the federal Gramm-Leach-Bliley Act, the California Consumer Protection Act or "CCPA," the California Financial Information Privacy Act, and the California Right to Financial Privacy Act) and legal order processing (incl. government subpoenas). This sort of close coordination with his clients is the hallmark of Austin's practice and his singular focus.

Austin's multi-faceted practice began in the Firm's Construction Practice Group, where he handled complex litigation matters. Here, he developed a particular affinity for strategic planning and risk management counseling - with an emphasis on preventing litigation, rather than resolving it - that underpins his Financial Services practice today. He has also built niche practices involving transactional counseling and negotiation and e-discovery management, and he is the designated e-discovery liaison for one of the Firm's largest institutional clients.

Austin received his J.D. from the University of Colorado School of Law after receiving a B.A. from the University of California at San Diego (Earl Warren College). During law school, he attended the prestigious Strauss Institute for Dispute Resolution at the Pepperdine University School of Law.

Austin is admitted to the State Bar of California and to all federal courts in the state. He is an active member of the International Association of Privacy Professionals (IAPP) and the Consumer Financial Services Committee of the American Bar Association's Business Law Section, and an Advisor to the Association of Consumer Vehicle Lessors and the California Creditors Bar Association. He has authored numerous publications on matters of interest to

financial institutions, including Severson & Werson's Consumer Finance Report, as well as co-authored a white paper with Scott Hyman about legal issues impacting the financing of autonomous vehicles. Austin is regularly asked to speak to clients and trade groups about legal issues affecting their business, including primarily consumer privacy and auto finance issues.

## Education

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- University of Colorado, School of Law, J.D., 2005
- Pepperdine University School of Law, Attended, 2003
- University of California at San Diego, B.A., 2001

## Admissions

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- California

## Areas of Practice

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### Transactions

### Trials

### Banking

- [Alternative Dispute Resolution](#)
- [Bank Operations](#)
- [Data Privacy](#)
- [FinTech](#)
- [Third Party Subpoenas](#)

### Business Litigation

- [Alternative Dispute Resolution](#)
- [Class Actions Defense](#)
- [Data Privacy](#)
- [General Liability Defense](#)
- [Lender Liability Defense](#)
- [Unfair Business Practices \(UDAP\) Litigation](#)

### Construction

- [Alternative Dispute Resolution](#)
- [Construction Litigation](#)
- [Risk Management Counseling](#)

### Financial Services

- [Alternative Dispute Resolution](#)
- [Automobile Finance](#)

- [Class Actions Defense](#)
- [Data Privacy](#)
- [Lender Liability Defense](#)
- [Mortgage Banking](#)
- [Regulatory Compliance and Enforcement Actions](#)
- [Telephone Consumer Protection Act \(TCPA\)](#)
- [Unfair Business Practices \(UDAP\) Litigation](#)

## Publications

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- [Britt, S.; Kenney, A.; Walser-Jolly, G.; Are You Covered? Behind the Drive to Regulate GAP Waivers, 76 CONF. CONS. FIN. L.Q., pp. 81-92.](#)
- [Hyman, S.J. & Kenney, A.B. \(February 2018\) Automobile Finance Law in the Emerging Autonomous and Mobility Ecosystem](#)
- [Kenney, A. B. & Murphy, C. T. \(February 23, 2017\). "Different Approaches to CLRA Damages", The Daily Journal.](#)
- [Hyman, S. J. & Kenney, A. B. \(Fall 2016\). "Judicial Isolation of the Third Circuit's 'Glassine Window' FDCPA Decision in Douglass v. Convergent Outsourcing", 69 CONF. CONS. FIN. L. Q. 142, 137-141.](#)
- [Hyman, S. J. & Kenney, A. B. \(Fall 2016\). "The Effect of the FDCPA's Class-Action Penalty Cap on Class Certification", 69 CONF. CONS. FIN. L. Q., 137 -141.](#)

## Consumer Finance Posts

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- [California DFPI Issues New Proposed "Scope" Regulations as to the Applicability of the Debt Collection Licensing Act](#)
- [FTC Finalizes Changes to Safeguards Rule](#)
- [California New Car Dealers' Association Challenges OEM Subscription Service](#)
- [CCPA Update: The California Senate Judiciary Committee Debates SB 561 - Private Right of Action in CCPA Not a Foregone Conclusion](#)
- [District Court \(Ind.\) Says De Minimus Recovery Resulting from FDCPA's Statutory Cap Does Not Defeat Class Certification](#)
- [Court of Appeal \(Cal.\) Says Benson Tender Was in Bad Faith Because it Imposed Unreasonable Conditions on the Consumer; Says As to Holder Who Tendered Back the RISC, "Once a Holder, Always a Holder"](#)
- [Benson Update: Another California Court of Appeal Distinguishes the "Benson-tender"; i.e. Courts' Treatment of a CLRA Defendant's Response to a Pre-Suit Demand Letter](#)
- [Different Approaches To CLRA Damages](#)
- [Severson Publishes Two Articles on the FDCPA](#)
- [Certifiability Of Class Actions And The FDCPA's Liability Cap](#)