

Michael C. Flynn

Los Angeles, California
Of Counsel

P 213-891-5262
F (213) 896-0400
mflynn@buchalter.com

Areas of Practice & Industry Specialties

Corporate Law; Privacy and Data Security; Financial Services
Regulatory; Mortgage Banking; Financial Institutions Law



Michael Flynn is a member of the Firm's Corporate Practice Group and Co-Chair of Buchalter's Mortgage Banking Group in the Los Angeles office. Mr. Flynn applies his unique background as the former Acting General Counsel of HUD, and the former General Counsel of PNC Mortgage and Flagstar Bank, to counsel clients on a variety of regulatory, mortgage, consumer financial services, FinTech and real estate matters, including:

- Mortgage and consumer financial services regulatory – advising clients on federal and state legal requirements for originations and servicing, including licensing, TILA, RESPA, ECOA, HMDA, FCRA, TCPA, SCRA, MLA, and LO Comp, and state laws such as the California Financing Law, the California Homeowners Bill of Rights and the New York Financial Services Law.
- Bank Regulatory, both state and federal.
- Mortgage secondary market transactions – whole loan sales (bulk and flow) and Mortgage Servicing Rights sales, as well as broker and correspondent lender agreements.
- Mortgage and consumer financial services contracts, including marketing services, with service providers and vendors for originators and servicers.
- FinTech – product development, FinTech – bank partnerships, licensing, and FinTech vendor and service provider contracts.
- Interactions with/responding to federal and state regulators and GSEs, including the CFPB, OCC, Fed, FDIC, FHFA, state regulators such as the California Department of Business Oversight and the New York Department of Financial Services, as well as GSEs (FHA, Freddie Mac, Fannie Mae, VA).
- Due diligence in transactions/investments involving real estate, mortgage and consumer finance companies, including licensing surveys and analysis of compliance/risk/legal management oversight operations.
- Title insurance matters in loan originations, servicing and claims.

Mr. Flynn is a fellow of the American College of Consumer Financial Services Lawyers, the American College of Mortgage Attorneys, and the American College of Real Estate Lawyers. He serves on the Board of Governors for the Conference of Consumer Law and is a member of the Mortgage Bankers Association Legal Issues, Quality Assurance and Regulatory Compliance Committee.

Prior to joining Buchalter, Mr. Flynn was the Chair of the American Bar Association (ABA) Business Law Section Task Force on Litigation Reform and Rules Changes, and as a Member of the ABA Business Law Section Task Force on Federal Preemption of State Laws. Mr. Flynn was also Co-Chair of the ABA Business Law Section Subcommittee on In-House Litigation Management and the Chair of the ABA TIPS Section Title Insurance Litigation Committee where he served as Vice-Chair of the ABA TIPS Section Insurance Coverage Litigation Committee, and as a Member of the American Land Title Association Claims Committee. Mr. Flynn is currently Chair of the American Bar Association Banking Law Subcommittee on Consumer and Retail Law.

Publications

- OCC and FDIC Propose New Community Reinvestment Act Rules, *Buchalter Client Alert*, December 13, 2019
- FDIC Issues Proposed Rule Clarifying “Valid-When-Made” Doctrine for State Banks, to Match OCC Proposed Rule for National Banks, *Buchalter Client Alert*, November 20, 2019
- Should You Include a Limitation of Liability Provision in Your Next Contract?, *Buchalter Client Alert*, November 19, 2019
- OCC Issues Proposed Rule to Clarify “Valid-When-Made” Doctrine; Would Affirm That an Interest Rate that Is Permissible at the Time the Loan is Made Remains Permissible After Sale of the Loan., *Buchalter Client Alert*, November 18, 2019
- Freddie Mac and Fannie Adopt New ARRC Recommended Fallback LIBOR Language for Residential ARM Loans, *Buchalter Client Alert*, November 15, 2019
- HUD and DOJ Release Guidance on False Claims Act, *Buchalter Client Alert*, October 29, 2019
- The New HMDA Rule’s Expanded Ethnicity and Race Categories, *Review of Banking & Financial Services*, October 2017, October 1, 2017

Presentations

- "Regulation Z: Rescission Rights and Wrongs," Lorman Webinar, February 10, 2020
- Panelist, "High Cost Loans under 12 CFR 1026.32," California Mortgage Association Winter Seminar , January 23, 2020
- Moderator, "Examination Preparation Panel," California Mortgage Bankers Association Legal Affairs and Regulatory Compliance Conference , December 2, 2019
- Moderator, "Hot Topics of Mortgage Origination," 2019 Annual Consumer Financial Services Conference, Texas A&M, November 7, 2019
- Host, "Practical Implications of the Conversion from LIBOR in Commercial and Residential Lending Transactions," California Mortgage Bankers Association Webinar, October 17, 2019
- Speaker, "Implications and Practical Issues in the Switch from the LIBOR Index to the SOFR Index," Western Bankers Association Lenders & Chief Credit Officers Conference, October 6, 2019
- Speaker, "Making the Grade: Practical Tips to Meet Compliance Standards Track: How to Ace Your HMDA and Fair Lending Exams," Mortgage Bankers Association Regulatory Compliance Conference, September 22, 2019
- Speaker, "Multifamily Lending: a Commercial Business, But Consumer Law Issues," ABA Business Law Section Annual Meeting, September 13, 2019
- Speaker, "It May Be Legal, But Is It Unconscionable and Not Enforceable," CMA 2019 Summer Seminar, July 26, 2019
- Speakers, "John Hosack, Jason Goldstein, and Michael Flynn Speakers at CMA 2019 Summer Seminar in San Diego," California Mortgage Association 2019 Summer Seminar, July 25, 2019
- Speaker, "Compliance and Risk Oversight Issues," CA State Bar Financial Institutions Committee Meeting, July 9, 2019
- Speaker, "Banking in the Face of Natural Disasters," American Bar Association's Banking Law Committee Spring Meeting, March 27, 2019
- Speaker, "Federal Changes – Possible Reform of Freddie Mac and Fannie Mae; Changes at the CFPB," San Francisco Federal Reserve Bank Annual Conference on Bank and Consumer Financial Regulation, March 1, 2019
- Speaker, "Federal Banking Agencies Statement on Guidance – What Does It Mean?," American Bar

Association Consumer Financial Services Winter Meeting, January 10, 2019

- Speaker, "Financial Payments Hot Topics," Western Bankers Associations Webinar, October 30, 2018
- Speaker, "Issues in Title Insurance for Lenders," San Francisco Bank Attorneys Association, October 1, 2018
- Speaker, "Regulators' Changing Views of Bank Board Governance," Western Bankers Association Bank Counsel Conference, September 21, 2018
- Speaker, "Practical Solutions to Legal Issues in FinTech-Bank Relationships," Western Bankers Association FinTech Conference, July 13, 2018
- Speaker, "Consumer Complaints – Meeting Expectations," Webinar, February 6, 2018
- Speaker, "Federal Housing Finance Reform – Where Is It Heading?," American Bar Association Consumer Financial Services Committee Winter Meeting, January 6, 2018
- Speaker, "Federal Housing Finance Reform – Where Is It Heading?," San Francisco Women of Finance Program, December 1, 2017
- Speaker, "New Developments at FHA, Freddie Mac and Fannie Mae," Mortgage Bankers Association Regulatory Compliance Conference, September 1, 2017
- Speaker, "HMDA – Recent Developments," Annual Consumer Financial Services Conference, May 1, 2017
- Speaker, "HMDA Implementation and Fair Lending Supervisory and Enforcement Trends - Quest for 20/20 by 2019," American Bar Association Business Law Section Spring Meeting, April 6, 2017
- Speaker, "HMDA Implementation Workshop," Mortgage Bankers Association, March 1, 2017
- Speaker, "Fair Lending Under the Amended HMDA: Implementation and Beyond," American Bar Association Consumer Financial Services Committee Winter Meeting, January 5, 2017
- Speaker, "HMDA Implementation," Mortgage Bankers Association Webinar, December 1, 2016
- Speaker, "Regulating Consumer Arbitration: Good, Bad, or Complicated?," New York Law School, November 3, 2016
- Speaker, "HMDA Implementation Workshop," MBA Compliance Essentials, October 2, 2016
- Speaker, "CFPB's Recent Pronouncement on Mortgage Servicing," October Research, October 1, 2016
- Speaker, "MBA Compliance Essentials: Home Mortgage Disclosure Act (HMDA) Resource Guide 2016," Mortgage Bankers Association, September 3, 2016
- Panelist, "Regulating Consumer Dispute Processes: Arbitration, Class Action Waivers and the CFPB," ABA Business Law Section Annual Meeting, September 2, 2016
- Speaker, "HMDA Workshop Part I- Overview of the Rule and Foundational Issues," MBA Regulatory Compliance Conference, September 1, 2016
- Panelist, "Home Mortgage Disclosure Act (HMDA) Rule," HMDA Implementation Workshop, June 1, 2016
- Panelist, "HMDA-Introduction and Overview of the Rule," MBA'S Legal Issues and Regulatory Compliance Conference, May 1, 2016
- Speaker, "HMDA - Understanding the Rule - Coverage, Reporting Requirements, Challenges, etc. – Part II," MBA's National Technology in Mortgage Banking Conference & Expo, April 3, 2016
- Panelist, "Home Mortgage Disclosure Act (HMDA) Rule," HMDA Implementation Workshop, April 1, 2016
- Panelist, "Risk Framework: Getting Day to Day Risk Management Right," CBA Live 2016: Leadership Unplugged, March 6, 2016
- Speaker, "Preparing For the New HMDA Rule," Mortgage Banking Conference, February 6, 2016
- Speaker, "Consumer Class Actions: the Consumer Class Action is Dead, Long Live the Consumer Class Action," American Bar Association, Business Law Section Annual Meeting, September 17, 2015

- Speaker, "Lenders' Perspectives on Vendor Management for Settlement Services," October Research National Settlement Services Summit, June 3, 2014
- Speaker, "Regulatory and Legal Developments Under Dodd-Frank," American College of Mortgage Attorneys Annual Meeting, October 12, 2013
- Speaker, "Regulatory and Legal Developments in Residential Mortgage," American College of Mortgage Attorneys Annual Meeting, October 13, 2012
- Speaker, "Adapting to the New Regulatory and Enforcement Paradigm," ACI Consumer Finance Class Actions and Litigation Conference, July 21, 2012
- Speaker, "Secondary Market Issues including Risk Retention," MBA Legal Issues and Regulatory Compliance Conference, May 6, 2012
- Speaker, "Secondary Market Issues including Risk Retention," MBA Legal Issues and Regulatory Compliance Conference, May 5, 2012
- Speaker, "Impact of Dodd-Frank," Five Star Conference, December 2, 2011
- Speaker, "Federal Response to Subprime Lending Issues," American College of Mortgage Attorneys Annual Meeting, September 4, 2011
- Panelist, "Current Servicing Issues," Financial Services Roundtable Panel, May 12, 2011
- Speaker, "Federal Response to Subprime Lending Issues," American College of Mortgage Attorneys Annual Meeting, September 5, 2010

Webinars

- "Webinar: Negotiating and Documenting Commercial Mortgage Modification Agreements: Seven Major Factors," January 15, 2020
- "Webinar: Lender Liability: Seven Critical Areas," November 6, 2019
- "Webinar: Loan Guarantees: Hedging Against a Downturn," September 25, 2019

Education

Mr. Flynn received his J.D. from Duke University School of Law, where he was a William Neal Reynolds Scholar, and his B.A. from Indiana University, where he was a Metz Scholar.

Bar Admissions

- California
- District of Columbia
- Michigan