

Member

Scott J. Hyman

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Clients hate surprises. To help clients avoid them, Scott frequently authors and lectures on industry legal developments, dives into litigation matters early, and offers honest and practical advice and solutions.

Mr. Hyman is the Firm's Data Protection Officer, and holds CIPP/US, CIPP/E, and CIPM certifications from the International Association of Privacy Professionals. Mr. Hyman is committed to representing financial institutions, primarily national banks, automobile finance companies, loan servicers. He has extensive experience defending individual and class actions brought under state and federal Truth-in-Lending laws, unfair competition laws, the Telephone Consumer Protection Act (TCPA), the Fair Credit Reporting Act (FCRA), and the Fair Debt Collection Practices Act (FDCPA).

Mr. Hyman is a Vice President and Governing Committee member of the Conference on Consumer Finance Law and has published dozens of articles in the Conference on Consumer Finance Law Quarterly and other scholarly periodicals on issues of interest to the financial services industry. Mr. Hyman also is a contributing author to Debt Collection Practice in California (CEB), having authored since 1998 the CEB's treatise on "The Fair Debt Collection Practices Act" and co-authored since 2014 the CEB's treatise on "The Telephone Consumer Protection Act". Since 2008, Mr. Hyman has been the administrator and lead author of the Firm's California Person Property Finance industry weblog, having summarized and posted on over 2,200 decisions related to consumer finance.

Mr. Hyman is active in the American Bar Association's Consumer Financial Services Committee and is a Member Attorney of ACA International, the International Association of Privacy Professionals (IAPP), the American Financial Services Association, the California Financial Services Association, and the Orange County Bar Association—Masters Division and Financial Services Sections.

Education

- The University of the Pacific, McGeorge School of Law, J.D., with Distinction, 1990
- The Pennsylvania State University, Schreyer Honors College, B.A., with Honors, 1987

Admissions

- California
- Texas
- United States Court of Appeals for the 11th Circuit
- United States Court of Appeals for the Ninth Circuit

Areas of Practice

Banking

- [FinTech](#)

Business Litigation

- [Class Actions Defense](#)
- [Lender Liability Defense](#)
- [Unfair Business Practices \(UDAP\) Litigation](#)

Financial Services

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

Insurance

- [Directors & Officers Liability](#)

Professional Liability Defense

- [Directors & Officers Liability](#)

Publications

- [Hyman, S.J. and Figueroa, K., Contribution and Indemnity for Wrong Number Calls Under the Telephone Consumer Protection Act, Vol. 73 Conf. Cons. Fin. L.Q. 84 \(Fall 2019\).](#)

- [Thompson-Reuters' Practical Law Series Overview of the California Song-Beverly Act](#)
- [Hyman, S.J.; Walser-Jolly, G.; Guzzetta, J.; & Wenrick, C. \(Summer 2019\). Unconscionability and Contractual Consent-to-Call Clauses Under the Telephone Consumer Protection Act](#)
- [Hyman, S.J. and Mohseni, T. \(Spring 2019\) California Court of Appeal Finds that the FTC Holder Rule Limits a Holder's Liability for a Consumer's Attorneys Fees](#)
- [Hyman, S. J. & Gettell, E.R. \(Summer 2018\). Insurance Coverage Under Directors & Officers Liability Insurance Policies for Claims Brought Under the Telephone Consumer Protection Act](#)
- [Hyman, S. J. & Kubota, E.S. \(Summer 2018\). Predatory Servicing, 72 Conf. Cons. Fin. L. Q. 43](#)
- [Hyman, S.J & Kemp, E.W. \(March 2018\) The Consumer Financial Protection Bureau Regulates Pay-by-Phone "Convenience" Fees, CFSC Newsletter: ABA Business Law Section](#)
- [Hyman, S.J. & Kenney, A.B. \(February 2018\) Automobile Finance Law in the Emerging Autonomous and Mobility Ecosystem](#)
- [Hyman, S.J. & Wenrick, C. C. \(Winter 2017\) California State and Federal Courts Have Different Class Certification Rules on Whether Putative Class-members Must Be Ascertainable](#)
- [Hyman, S.J. & Saelao, R.S. \(Winter 2017\) The Effect of Claim-Trimming on Class Certification in TCPA Cases, 71 Conf. Cons. Fin. L. Q. 83](#)
- [Hyman, S. J. \(Fall 2017\). "9th Circuit Finds that Directors' & Officers' Liability Insurance Policy Excludes Coverage for Claims Brought Under the Telephone Consumer Protection Act. \(Los Angeles Lakers v. Federal Insurance Company \(No.15-55777\)\)." \(S&W Financial Services Law\)](#)
- [Hyman, S. J. & Walser-Jolly, G. \(Fall 2017\). The Effect of the FDCPA's "Consumer" Limitation on Class Certification: Do Courts Apply Different Standards in Individual and Class Actions? 70 CONF. CONS. FIN. L. Q., pp. 172-179.](#)
- [Hyman, S.J., Cram, D. H., & Kornberg, B. J. \(Fall 2017\). The Intersection of the Fair Credit Reporting Act and the Federal Consumer Bankruptcy Laws. 70 CONF. CONS. FIN. L. Q., pp. 113-126.](#)
- [Hyman, S. J. & Givental, A. A. \(Fall 2017\). California's Single Document Rule for Retail Automobile Transactions. 70 CONF. CONS. FIN. L. Q., pp. 134-142.](#)
- [Hyman, S. J. \(Annually since 2012\). "The Telephone Consumer Protection Act," Chapter 2B, "Debt Collection Practice in California" \(Cont.Ed.Bar\)](#)
- [Hyman, S. J. \(Annually Since 1998\). "The Fair Debt Collection Practices Act", Chapter 2A, Debt Collection Practice in California \(Cont. Ed. Bar\)](#)
- [Hyman, S.J. & Kemp, E., \(July 2017\). The Consumer Financial Protection Bureau Issues a Compliance Bulletin on Pay-by-Phone "Convenience" Fees](#)
- [Hyman, S. J. & Kubota, E. S., \(June 2017\). The United States Supreme Court Limits Non-Domicile Jurisdiction Over Foreign Companies](#)
- [Hyman, S. J. \(Spring 2017\). "Directors' & Officers' Liability Insurance Coverage for Claims Brought Under the Telephone Consumer Protection Act, and the 9th Circuit's Anticipated Decision in Los Angeles Lakers v. Federal Insurance Company" \(S&W Financial Services Law\)](#)
- [Hyman, S. J. & Murphy, C.T., \(February 2017\). Monthly Personal Property Finance Newsletter, No. 1, pp. 1-19](#)
- [Hyman, S. J. & Kamka, M.K. \(Winter 2016\). "Are the FTC's Warnings on Debt Collection by Text Message Prescient or Predictable?". 70 Conf. Cons. Fin. L. Q. 76 publication date Apr 20, 2017 in the Conference on Consumer Finance Law Quarterly, 76-83.](#)
- [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. \(Fall 2016\). "Recovery of Commercial Losses Under the Fair Credit Reporting Act." Journal of Consumer & Commercial Law \(Vol 20, Number 1\), 1-8.](#)
- [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.](#)
- [Hyman, S. J. \(Fall 2015\). "Certification of Class Actions Under the Telephone Consumer Protection](#)

[Act and the Prohibition against "Fail-Safe" Classes". \(Republished by the Official Publication of the Consumer & Commercial Law Section of the State Bar of Texas. 10 J. Consumer. & Com. Law No. 1](#)

- [Hyman, S. J. \(2014\). "Staying TCPA Cases Under the Primary Jurisdiction Doctrine". 68 Con.Fin. Serv. L. Rep. 312](#)
- [Hyman, S. J. \(2014\). "Certification of Class Actions Under the Telephone Consumer Protection Act and the Prohibition against "Fail-Safe" Classes". 68 Con.Fin. Serv. L. Rep. 326](#)
- [Hyman, S. J. \(August 5, 2009\). "Does California's Rosenthal Fair Debt Collection Practices Act Protect Non Debtors for Abusive Debt Collection Practices?" 14 Con.Fin Serv. L. Reb. 5](#)
- [Hyman, S. J. \(May 27, 2009\). "Does the Litigation Privilege Protect Against Suits Filed Under California's Rosenthal FDCPA?", Vol. 13, Issue 1](#)
- [Hyman, S. J. \(March 4, 2009\). "Can the Law Be That Unclear? 9th Circuit California Courts Reach Opposite Conclusions on FCRA Pre-emption of CCRAA". 12 Con Fin. Serv. L. Rep. 5](#)

Consumer Finance Posts

- [Severson & Werson Publishes the Two Definitive Practice Guides on the CCPA and on Consumer Privacy in California](#)
- [Severson & Werson Edits Thompson-Reuters' Practical Law Series on the Song-Beverly Act](#)
- [California New Car Dealers' Association Challenges OEM Subscription Service](#)
- [US Senate Uses Congressional Review Act to Invalidate CFPB's Anti-Arbitration Rule](#)
- [US Dept. of Treasury's Analysis Parts Ways with the CFPB on the CFPB's Arbitration Rule](#)
- [Severson & Werson Publish Article on the Effect of the FDCPA's "Consumer" Limitation on Class Certification](#)
- [Severson & Werson Publishes Article on California's Single Document Rule](#)
- [Severson & Werson Publishes Article on the Intersection of the Fair Credit Reporting Act and Federal Bankruptcy Laws](#)
- [Coverage under Directors & Officers Liability Policies for TCPA Claims, and the Los Angeles Lakers v. Federal Insurance Company Case](#)
- [Severson Publishes Two Articles on the FDCPA](#)
- [S&W Publishes Two Articles on TCPA Matters: Staying TCPA Cases under the Primary Jurisdiction Doctrine and Certification of Class Actions under the TCPA and the Prohibition Against "Fail-Safe" Classes](#)