

Partner, Washington, D.C.

Financial Services Litigation; Litigation; Consumer Financial Services;
White Collar Defense and Investigations



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Education

J.D., Georgetown University
Law Center, 1996 (*summa cum laude*)

M.A., University of Pennsylvania, 1991

A.B., Harvard University, 1989
(*cum laude*)

Bar Admissions

District of Columbia

Maryland

U.S. Court of Appeals for
the District of Columbia Circuit

Experience

Law Clerk, Hon. Douglas H. Ginsburg,
U.S. Court of Appeals for the District
of Columbia Circuit (1996-1997)

For more than 20 years, Joseph L. Barloon has represented a wide range of financial institutions in federal and state civil, criminal and enforcement agency investigations and actions. In addition, he frequently conducts internal investigations; provides compliance advice regarding financial services, internal controls and related issues; and regularly assists with due diligence for financial services transactions. Mr. Barloon has litigated matters in federal courts throughout the country. He represents individual officers and directors in the context of related government enforcement and consumer civil action complaints, and has negotiated numerous complex settlement agreements for financial institutions and other clients.

From 2019-21, Mr. Barloon served as general counsel to the U.S. trade representative (USTR) and as acting deputy USTR. As general counsel, he led U.S. enforcement actions against China, India, France and numerous other countries, and was responsible for litigation on behalf of the U.S. at the World Trade Organization. In addition, he was the chief U.S. counsel for adoption and implementation of numerous trade agreements, including the United States-Mexico-Canada Agreement. Mr. Barloon also served as the acting deputy USTR in 2020-21 and was responsible for international trade matters involving the U.S. and China, including implementation of the Economic and Trade Agreement Between the United States of America and the People's Republic of China (the Phase One Agreement).

Mr. Barloon repeatedly has been ranked as a top practitioner in *Chambers USA: America's Leading Lawyers for Business*, in which clients have recognized him as being "an expert in his field" and a "very thoughtful and responsive attorney," while noting his "great ability to present complex information in a way that's easy to understand" and providing advice that considers "the legal perspective but also the business perspective." Additionally, Mr. Barloon has been recognized in *Best Lawyers in America* in the Criminal Defense: White-Collar and Financial Services Regulation Law categories.

Among his notable representations in private practice are:

- a consumer finance lender in litigation with the Consumer Financial Protection Bureau (CFPB), as well as in more than 20 state regulatory enforcement actions and consumer class actions with proceedings in several federal district courts and federal appellate courts;
- a major accounting firm in third-party litigation and subpoena matters;
- a debt settlement provider in litigation with the CFPB and in bank regulatory matters;
- bank officers and directors in investigations and litigation commenced by the Federal Deposit Insurance Corporation and the Office of the Comptroller of the Currency;
- several national and regional banks in U.S. Department of Justice investigations; and
- investors and financial advisors in connection with debt and equity transactions related to emerging fintech participants.

Mr. Barloon has lectured and published on various topics, including the Dodd-Frank Act, administrative agency litigation and enforcement, and financial services regulation.

Recent Publications

“Lenders May Soon Need To Prepare To Comply With the CFPB’s Small Business Rule,” *Westlaw Today*, March 21, 2024, and *Skadden Publication*, March 18, 2024

“Biden Pauses New Duties on Solar Imports From Southeast Asia, Takes Action To Bolster Domestic Industry,” *Skadden Insights*, June 2022

“As Key Element of Uyghur Forced Labor Law Goes Into Effect, US Agencies Set Out Implementation Strategy and Guidance,” *Skadden Publication*, June 23, 2022

“Biden Pauses New Duties on Solar Imports From Southeast Asia, Takes Action To Bolster Domestic Industry,” *Skadden Publication*, June 13, 2022

“2022: What You Need To Know ...,” *Skadden Publication*, February 25, 2022

“More Aggressive Consumer Financial Services Enforcement Expected,” *Skadden’s 2022 Insights*, January 2022

“Security Concerns Prompt Multiple Supply Chain Initiatives,” *Skadden’s 2022 Insights*, January 2022

“Legislation Targeting Imports From Xinjiang Region Moves to President Biden’s Desk,” *Skadden Publication*, December 2021

“USTR Relaunches Exclusion Process for China Section 301 Tariffs,” *Skadden Publication*, October 2021

“Racial Equity and Fair Lending at the Forefront of Consumer Financial Services Enforcement,” *Skadden Insights: Biden’s First 100 Days*, April 2021

“Shifts in US Trade Policy in Certain Areas but Continuity in Others,” *Skadden Insights: Biden’s First 100 Days*, April 2021

“FTC Enforcement Trends in Consumer Protection,” *Skadden Publication*, February 2019

“Despite Leadership Changes, No Pivot in Priorities Expected for Consumer Financial Services Enforcement,” *Skadden’s 2019 Insights*, January 2019

“Consumer Financial Protection Bureau Update,” *Skadden’s 2018 Insights*, January 2018

“The Uncertain Future of the Consumer Financial Protection Bureau,” *Westlaw Journal Derivatives*, Vol. 23 Issue 9, March 2017

“The Uncertain Future of the Consumer Financial Protection Bureau,” *Skadden’s 2017 Insights*, January 2017

“Managing Third-Party Compliance Risk in Consumer Financial Services,” *The Review of Banking & Financial Services*, Vol. 32, No. 3, March 2016

“Limited English Proficiency: An Emerging Compliance Risk,” *Skadden’s 2016 Insights — Financial Regulation*, January 2016

“CFPB Pursues Aggressive Enforcement Agenda and Arbitration Restrictions,” *NY Business Law Journal*, Summer 2016 and *Skadden’s 2016 Insights — Financial Regulation*, January 2016

“Banking Regulators Increasingly Assert Jurisdiction Beyond Financial Institutions,” *Skadden’s 2016 Insights — Financial Regulation*, January 2016

Selected Speeches

“The State of the State: CRA Statutes, and Federal Interaction,” 2021 Virtual CRA & Fair Lending Colloquium, November 16, 2021

“Conference on Fair Lending and Consumer Financial Protection,” Skadden webinar, April 19, 2021

27th Annual Conference on Fair Lending and Consumer Financial Protection, April 8, 2019

“CBA Live 2019: The Currency of Now,” Consumer Bankers Association, April 1-3, 2019

“Developments in UDAAP,” Skadden’s 26th Annual Fair Lending Conference, Washington, D.C., April 16, 2018

“The Evolution of the UDAAP Doctrine and its Connections to Fair Lending,” Skadden’s 25th Annual Fair Lending Conference, Washington, D.C., April 24, 2017

“Emerging Issues: FinTech and Marketplace Lending,” Skadden’s 24th Annual Fair Lending Conference, Washington, D.C., April 11, 2016

“Consumer Protection and Fair Lending Update,” Annual Meeting of American Bar Association, Banking Law Section, Washington D.C., January 8, 2016

“A Data-Centric Approach to Compliance,” CRA & Fair Lending Colloquium, Orlando, Florida, November 2015

“Big Data and Fair Lending,” 23rd Annual Fair Lending Conference, Washington, D.C., April 13, 2015

“Big Data’ and Fair Lending: Promises and Perils,” CBA Live 2015: Fair and Responsible Banking — The Consumer Agenda, Orlando, Florida, March 25, 2015