



Akin Gump Lawyers Analyze the FCRA’s “Willfulness” Standard in Recent Article

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Akin Gump Partner Gary McLaughlin and Counsel Galit Knotz have written an article titled “What Really Is the FCRA’s ‘Willfulness’ Standard?” recently published by Law360. With a discussion of the Fair Credit Reporting Act (FCRA) requirements and liability for employers, the article also explores the interpretation of “willfulness” and provides guidance to employers facing potential FCRA litigation.

The article notes that the surge of class actions against employers for FCRA violations is largely due to the availability of statutory damages that can reach up to \$1,000 per class member where “willfulness” is shown, even where no injury exists. At the same time, district courts are beginning to provide guidance on the nuanced issues these lawsuits raise, with a number of recent decisions treating FCRA willfulness as a question of law in class actions against employers. An understanding of these decisions will aid employers in reviewing their compliance with FCRA obligations and in forming their litigation strategy.

To read the full article, please click [here](#).

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