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TYPES NOT MAPPED YET September 21, 2023 | TTR not mapped yet | Aaron D. Lacey, Jeffrey R. Fink, Scott Z. Goldschmidt

# Responding to Student Borrower Defense to Repayment (BDR) Claims: 2023 Edition

### Webinar

Under the Higher Education Act, the U.S. Department of Education is directed to issue regulations governing when student borrowers may seek to discharge their federal student loans due to the misconduct of their institutions of higher education. These regulations—called the “Borrower Defense to Repayment” (“BDR”) regulations—first originated in 1994, but until recently, resulted in only a handful of claims by students seeking to discharge their federal student loans.

During the Obama administration, the Department undertook a wholesale revision of the BDR regulations, encouraged students to file BDR claims, and signaled that it would aggressively seek to hold institutions liable for federal student loans that the Department discharged. During the Trump administration, the Department revised the BDR regulations and proposed a new approach for the processing of thousands of pending student BDR claims, which resulted in litigation against the Department. The Biden administration revised the BDR regulations yet again; however, enforcement of the Biden administration’s version of the rule was enjoined by the Fifth Circuit Court of Appeals on August 7, 2023. Nevertheless, the Department is aggressively processing and investigating the backlog of student BDR claims, including as required under the settlement reached in the *Sweet v. Cardona* litigation.

Thompson Coburn’s Higher Education Practice is pleased to announce that the next entry in its Higher Education Webinar Series will explore the BDR regulations as to student loan discharges, the Department’s processing of student BDR claims, and the litigation concerning the Department’s practices as to BDR claims. The webinar will then turn to a discussion about how an institution can best respond to BDR claims and attempt to avoid potential liability for federal student loans discharged by the Department.

The upcoming webinar will be presented by Aaron Lacey, Chair of the Firm’s Higher Education Practice and Jeff Fink and Scott Goldschmidt, Firm partners who have helped respond to several hundred student BDR claims.

### CLE

The live presentation of this webinar was approved for 1.0 hour of general CLE credit in California, Illinois, and Texas; 1.2 hours of general CLE credit in Missouri; and 1.0 hour of professional practice CLE credit in New York.

If you are interested in receiving CA, IL, MO, NY, or TX CLE credit for watching the recorded presentation, you must register for the program by clicking [here](#).

Participants will only be emailed a Certificate of Attendance if the webinar is viewed in its entirety. If you were unable to view the webinar in its entirety, please contact [webinarinquiries@thompsoncoburn.com](mailto:webinarinquiries@thompsoncoburn.com) to see if you are eligible to receive partial credit.

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