



PROTECTING THE AMERICAN DREAM FROM ANOTHER WALL STREET CRASH

Governor O'Malley knows that the American Dream today remains out of reach for too many families. To attack this problem, it will take a multi-pronged and fearlessly progressive approach to addressing economic inequality. But the results of any steps we take as a nation to raise wages, ensure retirement security, and make the dream of homeownership a reality can be wiped out in an instant by another Wall Street crash.

We need to protect America's economy. And we can only do it by implementing strong accountability and structural reforms that build upon the Dodd-Frank Act and put an end to too-big-to-fail, too-big-to-manage, and too-big-to-jail financial firms.

BRINGING REAL ENFORCEMENT TO WALL STREET – FINALLY

In April, former Fed Chair Paul Volcker [wrote](#): “it is all too clear that the federal financial regulatory structure is simply inadequate to head off future crises. The structure that failed us in anticipating and responding to the emergency is largely still in place.”

He is right. While the Dodd-Frank Act made important strides forward in reforming the financial industry, there is still much work to be done—both in terms of structural AND accountability reforms.

As President, Governor O'Malley will change the culture of our regulatory and oversight agencies and departments by immediately pursuing the following reforms to ensure that Wall Street megabanks don't get to play by their own set of rules. He will provide real deterrents to recidivist behavior among the worst actors on Wall Street.

PROPOSAL: FINANCIAL REGULATORS MUST ACTUALLY BE INDEPENDENT

Today, there is a constantly spinning revolving door among both senior and mid-level regulators and the prosecutors responsible for reining in Wall Street. Senior officials at

the Department of Justice¹, Securities and Exchange Commission², Treasury³ and other key departments have been deeply entrenched in the industries they are supposed to regulate, and often return to them after they leave government⁴. This practice undermines their independence and public trust in the federal government's role of independent arbiter.

Governor O'Malley will:

Ensure Key Political Appointees Are Independent of Wall Street

Over the last seven years, both the SEC and DOJ have fallen down on the job of enforcement—sending a message to Wall Street that they are “too big to jail.”⁵ The most impactful step we can take toward stronger enforcement against Wall Street is appointing people to key positions who will take financial regulation seriously.

Governor O'Malley will:

- **Appoint to Key Positions—Attorney General, Assistant Attorney General for the Criminal Division, SEC Chair—Individuals Committed to Pursuing Criminal Cases.** The DOJ⁶ and SEC⁷ have been over-reliant on financial settlements for institutions that break the law. Settlements, even those in the billions of dollars, are not appropriate deterrents for institutions with trillions of dollars of assets. O'Malley will require that appointees to key positions have strong backgrounds in fighting for the public interest and a proven ability to prosecute people who break the law.
- **Require the SEC Director of the Division of Enforcement to be a Presidential Appointee, Subject to Senate Confirmation.** Currently, the SEC's Director of

¹ Michael J. de la Merced, “Eric Holder Returns to Covington & Burling,” (Jul. 6, 2015): http://www.nytimes.com/2015/07/07/business/dealbook/eric-holder-returns-to-covington-burling.html?_r=0

² Ben Hallman, Eleazar David Melendez, “Mary Joe White, Obama Pick to head SEC, Pushed Former Enforcement Chief as Bank Lawyer” *The Huffington Post* (Jan. 25, 2013): http://www.huffingtonpost.com/2013/01/24/mary-jo-white_n_2545540.html

³ Jia Lynn Yang, “Treasury nominee Lew's history with Citigroup raises questions” *The Washington Post* (Jan. 24, 2013): http://www.washingtonpost.com/business/economy/treasury-nominee-lews-history-with-citigroup-raises-questions/2013/01/24/f63ae880-60e9-11e2-9940-6fc488f3fecf_story.html

⁴ David Dayen, “Wall Street Pays Bankers to Work in Government and It Doesn't Want Anyone to Know” *New Republic* (Feb. 4 2015): <http://www.newrepublic.com/article/120967/wall-street-pays-bankers-work-government-and-wants-it-secret>

⁵ Remarks by former Attorney General Eric Holder (Mar. 6, 2013): http://www.americanbanker.com/issues/178_45/transcript-attorney-general-eric-holder-on-too-big-to-jail-1057295-1.html.

⁶ Danny Vinik, “Eric Holder's Biggest Failure”, *New Republic* (Sept. 25, 2014): <http://www.newrepublic.com/article/119586/eric-holders-legacy-weak-record-prosecuting-wall-street>.

⁷ Joseph S. Fichera, “The S.E.C. Should Copy the D.M.V.”, *N.Y. Times* (Nov. 6, 2014): <http://www.nytimes.com/2014/11/07/opinion/the-sec-should-copy-the-dmv.html>

Enforcement is appointed by and entirely at the discretion of the SEC Chair.⁸ In recent years, this has led to the indefensible practice of appointing both Wall Street in-house lawyers and their outside lawyers to this critical position⁹. O'Malley will elevate this position to presidential appointee, forcing this critical appointment to face greater scrutiny and transparency, along with a public vote from the U.S. Senate.

Close the Regulator/Prosecutor Revolving Door

- **Institute a Three-Year Revolving Door Ban:** O'Malley will bar anyone serving in a financial policy or regulatory role from working for any person or entity appearing before their former agency/department—or any agency/department they had contact with when serving the public—for three years. This triples and aggressively strengthens the existing bar, which currently applies only to “senior” officials¹⁰.
- **Institute an Additional Three-Year Mandatory Disclosure Rule:** In addition to the above ban, O'Malley also will require these individuals to disclose any direct or indirect contact with agencies/departments they had contact with for an additional three years.

*****Agencies Affected by These Rules:** This policy should include people working at the Commodity Futures Trading Commission (CFTC), Securities Exchange Commission (SEC), Department of Justice (DOJ) staff that work on economic crimes, Treasury Department, Federal Deposit Insurance Corporation, Federal Reserve Board, and Office of the Comptroller of the Currency.

Apply the Same Scrutiny to Key Personnel at the Federal Reserve

The Federal Reserve has played a significant role in slowing down the implementation of important financial regulations, including delaying for two years a core part of the Volcker Rule¹¹. Appointing people to key positions at the Fed who take financial crimes seriously, and requiring them to play a more active role in regulatory decision-making, will further strengthen enforcement on Wall Street.

Governor O'Malley will:

⁸ Christopher Davis and Jerry Mansfield, “Presidential Appointee Positions Requiring Senate Confirmations and Committees Handling Nominations,” CRS (Nov. 25, 2013): <http://fas.org:8080/sgp/crs/misc/RL30959.pdf>

⁹ David Dayen, “Democrats Are Fed UP with the SEC’s Weak Financial Crimefighting,” *New Republic* (June 18, 2015): <http://www.newrepublic.com/article/122063/left-has-had-it-here-sec-chair-mary-jo-white>; Peter Lattman and Ben Protess, “Wall Street Ties in a Prospect for Deputy at the S.E.C.,” *N.Y. Times* (Mar. 6, 2013): <http://dealbook.nytimes.com/2013/03/06/insider-ties-in-a-prospect-for-deputy-at-the-s-e-c/>

¹⁰ Jack Maskell, “Post Employment, ‘Revolving Door,’ Laws for Federal Personnel,” CRS (Jan. 7, 2014): <http://fas.org/sgp/crs/misc/R42728.pdf>

¹¹ Peter Eavis, “Fed’s Delay of Parts of the Volcker Rule is Another Victory for Banks,” *New York Times* (Dec 19, 2014): http://dealbook.nytimes.com/2014/12/19/feds-delay-of-parts-of-volcker-rule-is-another-victory-for-banks/?_r=0

- **Require the General Counsel at the Fed to be a Presidential Appointee.** The General Counsel wields outsized influence on the Board, advising the board on every major decision. In fact, the current General Counsel is sometimes referred to as the “eighth Fed governor”¹². Currently, the Fed’s General Counsel is appointed by the Board of Governors¹³. By increasing transparency around this appointment, O’Malley will elevate its importance and ensure that only appointees who can prove independence and a will to work on behalf of the American people—and not the megabanks—will be appointed to it.
- **Require the President of the New York Fed to be a Presidential Appointee.** The President of the New York Fed is the second most powerful member of the Fed. They serve as a permanent member and vice president of the Federal Open Market Committee, which establishes the Fed’s monetary policy, and oversee the largest reserve bank in terms of asset and volume of activity. Currently, the president is appointed by the regional bank’s board of directors¹⁴.
- **Require the Board of Governors to Vote on All Major Decisions, Including Those Regarding Financial Reform.** The Fed has entered into multi-billion dollar settlements with financial institutions without its presidentially-appointed and Senate-confirmed Board of Governors voting to accept them¹⁵. Decisions not to hold institutions accountable when they break the law should not be left to staff. O’Malley will support requiring the Board to vote on all major enforcement and supervisory decisions made by the Fed.

PROPOSAL: PUT MORE COPS ON THE WALL STREET BEAT

Even as the need for oversight has increased, funding for and prioritization of critical enforcement agencies has lagged.

Today, the CFTC’s staff is virtually unchanged from the 1990’s, despite the fact that their area of oversight—commodity futures trading—has exploded in size, and that they are now responsible for regulating over-the-counter derivatives¹⁶. Given the financial

¹² Kate Davidson, “Yellen Hearing Raises Question: ‘Who is Scott Alvarez?’,” *Wall Street Journal* (Feb. 24, 2015): <http://blogs.wsj.com/economics/2015/02/24/yellen-hearing-raises-question-who-is-scott-alvarez/>

¹³ Press Release, Federal Reserve (Jun. 29, 2004):

<http://www.federalreserve.gov/boarddocs/press/Other/2004/20040629/default.htm>

¹⁴ Howard Schneider, “Senior Senate Democrat wants NY Fed chief as presidential appointee,” *Reuters* (Nov. 19, 2014): <http://www.reuters.com/article/2014/11/19/us-usa-fed-legislation-idUSKCN0J31NN20141119>

¹⁵ Alan Zibel and Ryan Tracey, “Warren Pushes Regulators to Get Tougher on Banks,” *Wall Street Journal* (Apr. 22, 2014):

<http://www.wsj.com/articles/SB10001424052702304049904579517960948902956>; “Federal Reserve board did not vote on foreclosure pact – letter,” *Reuters* (June 13, 2014):

<http://www.reuters.com/article/2013/06/13/us-financial-regulation-settlement-idUSBRE95C04K20130613>

¹⁶ Matthew Philips, “The CFTC is Drowning in Market Data” *Bloomberg Business* (Oct. 31, 2013):

<http://www.bloomberg.com/bw/articles/2013-10-31/the-cftc-is-drowning-in-swaps-futures-trading-data>

industry's focus on weakening derivatives regulation, this lack of funding can be seen as a backdoor attempt to water down Dodd-Frank¹⁷.

Similarly, the SEC's regulatory role has grown dramatically, while the agency has also been given additional responsibilities under Dodd-Frank. But the agency has been chronically underfunded by Republicans in Congress – who propose hundreds of millions of dollars in cuts to the agency every year¹⁸ – and lacks the resources to adequately enforce laws on behalf of investors.

Immediately Double Funding for CFTC and SEC

The CFTC and SEC have been woefully underfunded in recent years. As a result, both lack the staff and resources to police bad behavior on Wall Street. Fully funding these two regulators is an investment that will have a large return over time—preventing the same dangerous or fraudulent financial practices that led to the collapse of the U.S. economy, at a cost anywhere from \$14 trillion¹⁹ to \$22 trillion.²⁰

Governor O'Malley will:

- **Double CFTC Funding from \$322 million²¹ to \$644 million.**
- **Double SEC Funding from \$1.7 billion²² to \$3.4 billion.**

Elevate Focus on Economic Crimes at the Department of Justice

After the financial meltdown, the DOJ fell down on the job of prosecuting financial institutions for breaking the law. Rather than focusing on more time-consuming investigations and criminal prosecutions, they resorted to a fines-only approach of cracking down on law-breaking.

¹⁷ Charles Riley, "Broken budget process hurts Wall Street reform" *CNN Money* (Feb. 10, 2012): http://money.cnn.com/2012/02/10/news/economy/cftc_sec_budget/

¹⁸ James Stewart, "As Watchdog Starves, Wall Street Is Tossed a Bone," *NYT* (Jul. 15, 2011): <http://www.nytimes.com/2011/07/16/business/budget-cuts-to-sec-reduce-its-effectiveness.html>; D.M. Levine, "JPMorgan Hearing: Market Regulators Warn Broke, Outgunned by Wall Street," *Huffington Post* (May 22, 2012): http://www.huffingtonpost.com/2012/05/22/jpmorgan-hearing_n_1536596.html?ref=business&ref=business; David Rogers, "House GOP cuts IRS, SEC Funding," *Politico* (Jun. 17, 2014): <http://www.politico.com/story/2014/06/irs-sec-funding-house-gop-cuts-107940.html>

¹⁹ Tyler Atkinson, David Luttrell, and Harvey Rosenblum, "How Bad Was It? The Costs and Consequences of the 2007-09 Financial Crisis", *DallasFED* (July 20, 2013): <http://dallasfed.org/assets/documents/research/staff/staff1301.pdf>

²⁰ "Financial Regulatory Reform: Financial Crisis Losses and Potential Impacts of the Dodd-Frank Act", *U.S. Government Accountability Office* (Jan 16, 2013): <http://www.gao.gov/assets/660/651322.pdf>

²¹ "Fiscal Year 2016 Budget of the U.S. Government", *Office of Management and Budget* (Feb. 2, 2015): <https://www.whitehouse.gov/sites/default/files/omb/budget/fy2016/assets/budget.pdf>

²² *Ibid.*

To date, not one single Wall Street CEO has faced criminal prosecution. Compare this stat to the aftermath of the 1980's savings-and-loan scandal when hundreds of individuals were criminally prosecuted²³. Changing the culture at the DOJ will start at the top, but it should also be given the resources to investigate and prosecute financial crimes in-house.

Governor O'Malley will:

- **Create a Standalone Economic Crimes Division Within DOJ.** To increase the focus on investigating and prosecuting financial crimes, Governor O'Malley will create a Division of Economic Crimes within DOJ that is separate and co-equal to the criminal division. The economic crimes unit should have an independent budget and be staffed with top prosecutors and FBI agents.

PROPOSAL: ENFORCE REAL PENALTIES FOR FINANCIAL CRIMES

Since the financial crash, the federal government's key enforcement agencies have sent a message to the largest financial institutions that they are "too big to jail" and somehow above the laws that apply to every other entity and individual in America.²⁴

Rather than enforcing penalties that would have real deterrent effects, enforcement agencies have relied almost exclusively on settlements as a punitive measure.²⁵ As a result, banks like JP Morgan Chase, Citigroup, Barclays, UBS, and the Royal Bank of Scotland²⁶ have continued to break the law, because they know that they will face nothing more than a slap on the wrist—a fine paid with shareholder money that can often be deducted from their taxes as a business expense²⁷.

Require Law-Breaking Banks and their Executives to Admit Guilt, Face Real Consequences

²³ Jed S. Rakoff, "The Financial Crisis: Why Have No High-Level Executives Been Prosecuted?" *The New York Review of Books* (Jan. 9, 2014): <http://www.nybooks.com/articles/archives/2014/jan/09/financial-crisis-why-no-executive-prosecutions/>

²⁴ Remarks by former Attorney General Eric Holder (Mar. 6, 2013): http://www.americanbanker.com/issues/178_45/transcript-attorney-general-eric-holder-on-too-big-to-jail-1057295-1.html.

²⁵ Dean Starkman, "Wrecking an Economy Means Never Having to Say You're Sorry" *New Republic* (Aug. 20, 2014): <http://www.newrepublic.com/article/119002/justice-departments-wall-street-settlement-deals-are-shameful>

²⁶ Kevin McCoy, "SEC official blasts waivers for bad-actor banks", *USA Today* (May 22, 2015): <http://www.usatoday.com/story/money/2015/05/22/sec-commissioner-blasts-bank-waivers/27772699/>; Ben Protess and Jessica Silver-Greenberg, "Prosecutors Suspect Repeat Offenses on Wall Street", *N.Y. Times* (Oct. 29, 2014): <http://dealbook.nytimes.com/2014/10/29/prosecutors-wrestling-with-wall-streets-repeat-offenders/>

²⁷ Lynnley Browning, "Too big to Tax: Settlements Are Tax Write-Offs for Banks" *Newsweek* (Oct. 27, 2014): <http://www.newsweek.com/2014/11/07/giant-penalties-are-giant-tax-write-offs-wall-street-279993.html>

While the DOJ and SEC have touted the large fines they've imposed on law-breaking financial institutions, they have failed to implement any policies that will serve as real deterrents against continued law-breaking.

Governor O'Malley will:

- **Implement Points Accrual System to Crack Down on Recidivist Banks.** The largest banks have been able to get away with repeated violations of the law because the only penalty they have faced has been fines. Governor O'Malley will implement a DMV-style²⁸ points-accrual system that will assign points to infractions committed by financial firms and their affiliates. He will make the points system fully transparent—so that employees, creditors, and investors all have access to them and can make decisions based off them—and have the end result be the revocation of an entity's right to operate. This approach will send a strong message to institutions that racking up repeat violations of the law will have real consequences, and it will give them the opportunity to pursue course-correcting measures if they rack up points. To further deter wrongdoing, each major fraud or violation could come with its own penalties, through increased FDIC insurance premiums or increased capital requirements.
- **End Days of “Neither Admit Nor Deny.”** The SEC continues to allow institutions that break the law to avoid admitting guilt for their actions. If an institution commits a major crime or violation of a law, they should be required to admit their guilt, so that they face the full ramifications of parallel civil and criminal proceedings.

Reduce Reliance on and Increase Transparency Around Agreements Made With Law-Breaking Firms

Rather than pursuing criminal cases or even forcing law-breaking institutions to face the full force of the law, the DOJ and SEC have adopted policies—often decided behind closed-doors—that allow law-breakers to skirt accountability.

Governor O'Malley will:

- **Require Transparency Around Use of Deferred Prosecution Agreements (DPA's) and Non Prosecution Agreements (NPA'S).** Currently, the DOJ relies heavily on deferred prosecution agreements and non-prosecution agreements with companies who have broken the law. Under these agreements, companies are permitted to avoid prosecution and real accountability for illegal activity²⁹.

Governor O'Malley will incorporate requirements to change senior leadership as part of DPA agreements, while also requiring the DOJ to submit a report explaining in

²⁸ Joseph Fichera, “The S.E.C. Should Copy the D.M.V.,” *New York Times* (Nov. 6, 2014): http://www.nytimes.com/2014/11/07/opinion/the-sec-should-copy-the-dmv.html?_r=1

²⁹ Ben Protess and Jessica Silver-Greenberg, “Prosecutors Suspect Repeat Offenses on Wall Street”, *N.Y. Times* (Oct. 29, 2014): <http://dealbook.nytimes.com/2014/10/29/prosecutors-wrestling-with-wall-streets-repeat-offenders/>.

detail the rationale for any DPA or NPA involving any significant economic crimes, including in particular why a DPA or NPA wasn't used for similar crimes or matters.

- **Crack Down on SEC's Use of Waivers By Requiring Public Votes, Statements on Them.** Currently, the SEC has wide berth to grant "waivers" to financial institutions that break the law.³⁰ These waivers allow law-breaking banks to avoid penalties that come with their violations.³¹ To crack down on this process, I will require the SEC to adopt strict procedures by which they can grant waivers. SEC Commissioners should be required to publicly vote on waivers given to too-big-to-fail banks, and require them to publicly state the reasons for their votes in detail.

BREAKING UP THE TOO-BIG-TO-FAIL, TOO-BIG-TO-MANAGE, TOO-BIG-TO-JAIL FIRMS BEFORE THEY BREAK US

While the vast majority of our financial system works quite well, a handful of too-big-to-fail, too-big-to-manage, and too-big-to-jail megabanks continue to pose an enormous risks: to our financial system, the economy, and American families.

As President, Governor O'Malley will work tirelessly to eliminate the unique danger posed by too-big-to-fail banks, by making the following structural reforms.

PROPOSAL: BREAK UP THE BIGGEST BANKS

Separate Risky Investment Banking from Ordinary Commercial Banking

For 70 years, the 1933 Glass-Steagall Act kept the U.S. economy safe from major financial crises by requiring commercial banks to be separate from investment banks to prevent them from putting everyday Americans' deposits at risk. If Glass-Steagall hadn't been repealed in 1999, the financial crisis will likely have been far less severe.

Governor O'Malley will:

- **Immediately Reinstate Glass-Steagall.** The Volcker Rule, sometimes referred to as "Glass-Steagall Lite," is excessively complex, providing too many opportunities for banks to exploit loopholes and ambiguities³². O'Malley will introduce legislation to once again separate traditional banks from riskier financial services, while updating

³⁰ Mary Jo White, "Understanding Disqualifications, Exemptions and Waivers Under the Federal Securities Laws", *U.S. Securities and Exchange Commission* (Mar. 12, 2015): <http://www.sec.gov/news/speech/031215-spch-cmjw.html>

³¹ Aruna Viswanatha, "Big Banks Use Loophole to Avoid Ban", *The Wall Street Journal* (April 30, 2015): <http://www.wsj.com/articles/big-banks-use-loophole-to-avoid-ban-1430436535>

³² Lee Sheppard, "The Loopholes In The Volcker Rule", *Forbes* (Jan. 8, 2014): <http://www.forbes.com/sites/leesheppard/2014/01/08/the-loopholes-in-the-volcker-rule/>

protections to account for new banking activities and prevent the new rules from being watered down. This will be one of his top priorities.

End “Too Big to Fail”

Five megabanks still control half of the financial industry’s \$15 trillion in assets³³. The largest banks should be subject to strict size limits to prevent this small number of too-big-to-fail financial institutions from threatening our economy.

Governor O’Malley will:

- **Right-Size Big Banks Using Living Wills.** Although major banks are required to produce living wills under Dodd-Frank, they have resisted compliance. The FDIC found that the banks’ plan are “not credible,³⁴” and the banks continue to drag their feet without fixing them³⁵. If banks cannot produce a living will that credibly sets forth a detailed plan on how they would be resolved in bankruptcy without causing a crash of the financial system and without any bail outs, O’Malley will require the Fed to take remedial action to make the bank smaller and less dangerous to our families, workers, financial system, and entire economy.
- **Mandate Higher Capital Requirements for Big Banks.** Higher capital requirements are a straightforward, effective, and fair way to make the financial system significantly safer. In addition to requiring banks to fund themselves with equity instead of risky debt, they give regulators more leeway in the event of a crisis – without posing additional burdens on smaller banks. O’Malley will strengthen capital reserve requirements for the largest banks, requiring institutions with more than \$500 billion in assets to have capital reserves of not less than 15 percent.

PROPOSAL: LIMIT RISKY, SPECULATIVE TRADING ON WALL STREET

Implement a Financial Transaction Tax to Limit High-Frequency Trading

High-frequency trading creates volatility and unnecessary risk in financial markets, while serving no productive purpose in the real economy³⁶. A small tax should be applied to each sale and purchase of a financial instrument to limit this activity—one that would be nearly imperceptible to longer-term investors, but could dramatically cut down on high-risk, speculative activity on Wall Street.

³³ Jeff Cox, “5 biggest banks now own almost half the industry”, *CNBC* (Apr. 15, 2015): <http://www.cnbc.com/id/102589832>

³⁴ Press Release, Board of Governors of the Federal Reserve and Federal Deposit Insurance Corporation (Aug. 5, 2014): <https://www.fdic.gov/news/news/press/2014/pr14067.html>

³⁵ Ryan Tracy and Victoria Mcgrane, “Big U.S. Banks Refile ‘Living Wills’ After Regulatory Rebuke,” *Wall Street Journal* (July 6, 2015): <http://www.wsj.com/articles/big-u-s-banks-refile-living-wills-after-regulatory-rebuke-1436212747>

³⁶ Wallace Turbeville, “Reign of the High-Frequency Trading Robots”, *U.S. News* (Oct. 18, 2013): <http://www.usnews.com/opinion/blogs/economic-intelligence/2013/10/18/how-high-frequency-trading-is-taking-over-markets>

Governor O'Malley will:

- **Implement a financial transaction tax.** The tax will be well-designed not to soak financial traders, but to fix bad incentives for speculation that comes at the cost of real job-creating investment.

PROPOSAL: PUT CONSUMERS' INTERESTS FIRST

Require Loan Brokers to Act in Consumers' Best Interests

The Consumer Financial Protection Bureau has made great strides in improving financial products for consumers, but there is still far to go. A next step should be creating a fiduciary standard for mortgage brokers and others who hold themselves out as acting in the best interests of consumers.

Governor O'Malley will:

- **Create a Fiduciary Standard for Loan Brokers.** O'Malley will adopt new rules to require mortgage brokers, as well as auto loan and student loan brokers, to put the best interests of consumers first, while providing full and fair disclosure of all conflicts of interest. This will build from the successful efforts of states such as California and Washington³⁷.

³⁷ California Department of Consumer Affairs Professional Fiduciaries Bureau, <http://www.fiduciary.ca.gov/>; Revised Code of Washington Ch. 19.146 § 19.146.095: <http://apps.leg.wa.gov/rcw/default.aspx?Cite=19.146&full=true>