

No. 05-1342

---

IN THE  
**Supreme Court of the United States**

---

LINDA A. WATTERS, Commissioner,  
Michigan Office of Insurance and Financial Services,  
*Petitioner,*

v.

WACHOVIA BANK, N.A., and  
WACHOVIA MORTGAGE CORPORATION  
*Respondents.*

---

On Writ Of Certiorari To The  
United States Court Of Appeals For The Sixth Circuit

---

**BRIEF FOR AMERICAN BANKERS ASSOCIATION,  
AMERICA'S COMMUNITY BANKERS,  
CONSUMER BANKERS ASSOCIATION,  
CONSUMER MORTGAGE COALITION,  
FINANCIAL SERVICES ROUNDTABLE, AND  
MORTGAGE BANKERS ASSOCIATION  
AS *AMICI CURIAE* IN SUPPORT OF RESPONDENTS**

**[Additional *amici* listed on inside cover]**

---

JOHN D. HAWKE, JR.  
HOWARD N. CAYNE  
LAURENCE J. HUTT  
NANCY L. PERKINS  
ARNOLD & PORTER LLP  
555 12th Street, N.W.  
Washington, D.C. 20004  
(202) 942-5000

THEODORE B. OLSON  
*Counsel of Record*  
CANTWELL F. MUCKENFUSS  
MARK A. PERRY  
GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
(202) 955-8500

*Counsel for Amici Curiae*

---

### ***Additional Amici Curiae***

Alabama Bankers Association, Alaska Bankers Association, Arizona Bankers Association, Arkansas Bankers Association, California Bankers Association, Colorado Bankers Association, Connecticut Bankers Association, Delaware Bankers Association, Florida Bankers Association, Georgia Bankers Association, Heartland Community Bankers Association, Illinois Bankers Association, Indiana Bankers Association, Iowa Bankers Association, Iowa's Community Bankers, Kansas Bankers Association, Kentucky Bankers Association, Louisiana Bankers Association, Maine Bankers Association, Maine Association of Community Banks, Maryland Bankers Association, Massachusetts Bankers Association, Michigan Bankers Association, Minnesota Bankers Association, Mississippi Bankers Association, Missouri Bankers Association, Montana Bankers Association, Nebraska Bankers Association, Nevada Bankers Association, New Hampshire Bankers Association, New Jersey Bankers Association, New Jersey League of Community Bankers, New Mexico Bankers Association, New York Bankers Association, North Carolina Bankers Association, North Dakota Bankers Association, Ohio Bankers League, Community Bankers Association of Ohio, Oklahoma Bankers Association, Oregon Bankers Association, Pennsylvania Association of Community Bankers, Pennsylvania Bankers Association, Asociacion de Bancos de Puerto Rico, Rhode Island Bankers Association, South Carolina Bankers Association, South Dakota Bankers Association, Tennessee Bankers Association, Texas Bankers Association, Utah Bankers Association, Vermont Bankers Association, Virginia Bankers Association, Washington Bankers Association, Washington Financial League, West Virginia Bankers Association, Wisconsin Bankers Association, and Wyoming Bankers Association.













## INTEREST OF AMICI CURIAE<sup>1</sup>

*Amici curiae* are the principal trade associations for the banking industry in the United States. Their members originate the vast majority of the home mortgage loans made in the United States today. Some are national banks with mortgage banking subsidiaries; others are operating subsidiaries of national banks; and still others utilize alternative corporate structures to engage in the mortgage banking business. *Amici* and their members share respondents' interest in a nationwide regulatory environment that provides effective protection for the public without obstruction by state-by-state limitations on the banking operations of national banks, including as conducted through operating subsidiaries.

The American Bankers Association is the principal national trade association of the financial services industry in the United States. Its members, located in each of the fifty States and the District of Columbia, include financial institutions of all sizes and types, both federally and state-chartered. ABA members hold a majority of the domestic assets of the banking industry in the United States.

America's Community Bankers is the national trade association committed to shaping the future of banking by being the innovative industry leader strengthening the competitive position of community banks. ACB members, whose aggregate assets are more than \$1.5 trillion, pursue progressive, entrepreneurial and service-oriented strategies in providing financial services to benefit their customers and communities.

The Consumer Bankers Association is a nonprofit national trade association founded in 1919 to provide a collective voice for the retail banking industry. Its members com-

---

<sup>1</sup> This brief was not authored, in whole or in part, by counsel for either party, and no person or entity other than *amici*, their members, and their counsel contributed monetarily to the preparation or submission of the brief. The parties have consented to the filing of the brief and copies of their letters of consent have been lodged with the Clerk of the Court.

























































