Davis Polk

Davis Polk Comments on FDIC's Request for Information on FDIC Communication and Transparency

December 6, 2018 | Client Update

Davis Polk has submitted a **comment letter** on the FDIC's **Request for Information on FDIC Communication and Transparency**. Our comment letter concentrates on ways in which we believe that the FDIC could improve its website, with a particular focus on how the FDIC's efforts could educate users and ameliorate confusion by:

- Providing background materials regarding the legal framework of the regulatory state
- Reorganizing and clearly labeling its content consistent with the hierarchy of the legal framework
- Adding information regarding foundational precepts of legal interpretation, such as the canons of construction and the principles of deference
- Enhancing the website's search and navigation functionality

Our comment letter draws heavily from an article recently published as a working draft by Margaret E. Tahyar entitled *Legal Interpretation is Not Like Reading Poetry – How to Let Go of Ordinary Reading and Interpret the Legal Framework of the Regulatory State*. That article aims to demystify the legal framework and legal interpretation for both newly minted digital native lawyers and for regulatory readers who have specialized knowledge or expertise but lack legal training, using the banking sector as a case study. The current draft is available **here**.

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If you have any questions regarding the matters covered in this publication, please reach out to any of the lawyers listed below or your usual Davis Polk contact.

Tyler X. Senackerib
+1 212 450 3419
tyler.senackerib@davispolk.com

Margaret E. Tahyar
+1 212 450 4379
margaret.tahyar@davispolk.com