



American Conference Institute's 23rd National Conference on

CONSUMER FINANCE CLASS ACTIONS & LITIGATION



Expert strategies for in-house and outside counsel on navigating class actions, litigation, and government enforcement actions and examinations in the consumer finance industry

Inquire about in-house, government, and group rates

July 27 – 28, 2015 | The Omni Chicago Hotel on the Magnificent Mile | Chicago, IL

Hear directly from the frontline on federal and state regulatory and enforcement priorities and examination procedures:

- Donna M. Murphy
Office of the Comptroller of the Currency
- Tom James
Office of the Illinois Attorney General
- Richard K. Hayes
U.S. Attorney's Office, Eastern Dist. of NY
- Stephen Stigall
U.S. Attorney's Office, Dist. of NJ
- Richard L. Bischoff
Office of the Texas Attorney General

Featuring in-house insights from industry experts, including:

- | | | |
|--|---------------------------------------|---|
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Capital One |
| Nancy Brooks
Discover | Jeff Ellis
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Planet Home Lending |
| Danielle Ducre Rawls
Green Tree Servicing | Manuel P. Alvarez
Affirm, Inc. | Amy Catherine Wagner
EverBank |
| Patrick M. McGuirk
Flagstar Bank | Walter Buzzetta
MERSCORP Holdings | Lisa Young
Enova |
| Renee Garcia
PNC Bank | Daniel Halvorsen
TransUnion | |

Judicial perspectives from:

-  Hon. Fernando J. Gaitan, Jr.
U.S. Dist. Ct., W.D. Mo.
-  Hon. Michael B. Kaplan
U.S. Bankr. Ct., D.N.J.
-  Hon. Christopher A. Nuechterlein
U.S. Dist. Ct., N.D. Ind.
-  Hon. F.A. Gossett III
U.S. Dist. Ct., D. Neb.
-  Hon. Tonianne J. Bongiovanni
U.S. Dist. Ct., D.N.J.
-  Hon. Jose M. Rodriguez
Eleventh Jud. Cir., Fla.
-  Hon. Clifton B. Newman
South Carolina Circuit Ct.
-  Hon. Richard Kramer
San Francisco Super. Ct.
-  Hon. Annette M. Rizzo (Ret.)

Sessions include:

- The CFPB and the Consumer Finance Industry: Evaluating the Lessons Learned from Recent CFPB Enforcement Actions, Gauging the Impact of the Bureau's Position on Arbitration, and Assessing its Enhanced Oversight and Heightened Scrutiny of Financial Institutions and Nonbank 'Larger Participants'
- Consumer Finance Class Action Litigation and Settlement Trends and New and Emerging Procedural Considerations: Certification and Other Procedural Developments, Offers of Judgment/Full Relief, New Cases, Emerging Theories of Liability, and Recent Developments in Settlement Strategies
- Residential Mortgages: Assessing the Impact of *Jesinoski*, Litigation Trends Relating to Loan Mods, Loan Servicing, Lender-Placed Insurance, RMBS, and More, Foreclosure Challenges Tied to Statutes of Limitation, and the Ongoing Impact of the CFPB's Mortgage Rules
- TCPA Litigation and Settlement Trends: Emerging Defense Strategies, Class Action Certification Issues, and Staying Ahead of the Curve in the Face of Complex and Unclear Rules
- Expanded Use of UDAAP Provisions: Enforcement and Examination by the CFPB and State AGs, Recent Federal and State Cases, and More
- Debt Collection and Credit Reporting Litigation and Enforcement Actions: Developing Effective Defense Strategies for New and Emerging Claims and Managing Government Enforcement Actions Arising From the FDCPA and the FCRA
- Fair Lending: Managing and Defending Against Claims of Discriminatory, Predatory, and Abusive Lending and Assessing the Status of 'Disparate Impact' in Lending Litigation and Enforcement
- The Borrower's Perspective: Insights From the Plaintiffs' Bar and Consumer Advocates
- Student Loans and Auto Loans: Managing Enhanced Government Scrutiny and an Increase in Enforcement Actions and Defending Against Private Litigation

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Consumer financial services companies are facing *unprecedented regulatory and enforcement scrutiny, mounting litigation, and costly class actions*, and there is no sign of change coming anytime soon. That is why it is essential that in-house and outside counsel have a mastery of new class action litigation and settlement trends, emerging theories of liability, the latest enforcement actions and regulatory initiatives, and the most effective defense and settlement strategies.

It is with this in mind that American Conference Institute has developed its **23rd National Conference on Consumer Finance Class Actions & Litigation**. We have assembled an unparalleled faculty of federal and state regulatory and enforcement officials, senior in-house counsel, renowned federal and state judges, and leading outside counsel who will provide you with expert advice, critical insights, and comprehensive updates on:

- The latest **enforcement actions and initiatives from the CFPB** and other federal and state agencies, and their impact on the consumer finance industry
- Consumer finance **class action litigation and settlement trends**, as well as new and emerging **procedural considerations**
- **Mortgage and foreclosure litigation and compliance issues**: ensuring compliance with and defending against litigation arising from **the mortgage servicing rules**, defeating foreclosure defenses and borrower stall tactics, and managing claims related to **lender-placed insurance**
- New and emerging strategies for defending against claims, class actions, and government enforcement actions relating to **TCPA, FCRA, and FDCPA**
- Managing and defending against class actions and claims arising from **student loans and auto lending**
- **Judicial perspectives** on class certification, arbitration, settlement considerations, bankruptcy litigation, e-discovery, and more
- Analyzing **debt collection litigation trends** and using that information to prevent future lawsuits
- Managing and defending against **fair lending claims**, including claims of discriminatory, predatory, and abusive lending
- **The borrower's perspective**: insights from the plaintiffs' bar and consumer advocates

Register now by calling **1-888-224-2480** or by faxing your registration form to **1-877-927-1563**.
You can also register online at www.AmericanConference.com/CFCChicago.

Who You Will Meet

- ✓ **In-house counsel from:**
 - Banks
 - Mortgage lenders and brokers
 - Loan servicers and purchasers
 - Student loan lenders
 - Auto lenders
 - Credit card issuers
 - Payday lenders
 - Collection agencies
- ✓ **Defense attorneys specializing in:**
 - Consumer credit and finance
 - Financial services
 - Banking
 - Mortgages
 - Complex litigation and class actions
- ✓ **Service providers, consultants, and expert witnesses**

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Katten Muchin Rosenman LLP is a full-service law firm with more than 600 attorneys in locations across the United States and an affiliate in London. Katten's Consumer Class Action Practice is nationally recognized for its record of success in defending our clients in consumer class actions alleging a broad range of fraud and other common law or statutory claims in many industries, including lending and consumer credit, telecommunications, leasing and insurance, health care, educational services, and retail.

7:20 Registration and Continental Breakfast

8:00 Co-Chairs' Opening Remarks

Thomas M. Hefferon
Goodwin Procter LLP

Scott M. Pearson
Ballard Spahr LLP

8:05 In-House Roundtables: How Corporate Counsel Are Managing Consumer Finance Claims/Class Actions, Compliance Challenges, and Enforcement Actions and Examinations, Selecting and Working with Outside Counsel to Enhance the Client-Attorney Relationship, and Achieving Efficiencies with Reduced Budgets and Smaller Staffs

Panel 1 8:05 – 9:20	Panel 2 9:20 – 10:35
<p>Nancy Brooks VP and Deputy General Counsel Discover Financial Services LLC</p> <p>Renee Garcia Senior Counsel PNC Bank</p> <p>Jonathan Chiu Director, Assistant General Counsel Capital One</p> <p>Patrick M. McGuirk SVP, Deputy General Counsel, Litigation Flagstar Bank</p> <p>Danielle Ducre Rawls Corporate Attorney – Litigation Green Tree Servicing LLC</p> <p>Michael D. Socha Counsel – Litigation Ally Financial Inc.</p> <p>Daniel Halvorsen Senior Attorney TransUnion LLC</p> <p>Elizabeth Hall Senior Corporate Counsel CarMax Auto Finance</p>	<p>Joseph L. Mooney Senior Legal Counsel HSBC Bank USA, N.A.</p> <p>Jeff Ellis EVP, U.S. General Counsel BMO Financial Group</p> <p>William M. Conger Assistant General Counsel Branch Banking and Trust Company</p> <p>Sarah Jahner Mahloch Vice President and Deputy General Counsel Planet Home Lending, LLC</p> <p>Tim O'Brien Assistant General Counsel Capital One</p> <p>Amy Catherine Wagner Senior Vice President & Associate General Counsel EverBank</p> <p>Lisa Young General Counsel Enova International, Inc.</p>
<p>Panel 1 Moderator: Gregory S. Korman Katten Muchin Rosenman LLP</p>	<p>Panel 2 Moderator: Michael D. Ferachi McGlinchey Stafford PLLC</p>

- Assessing the chief concerns of corporate counsel
- Considerations when selecting outside counsel
- Perspectives on the trend of pairing down the number of law firms with which a company engages
- How in-house counsel are working to enhance their relationships with outside counsel
- In-house counsel expectations of outside counsel
- Advising outside counsel on how to better support in-house counsel
- Corporate counsel perspectives on how secure law firms are with respect to cybersecurity and data privacy issues
 - Concerns
 - What outside counsel and law firms can do to assure their clients that sensitive information and documents are secure
- Top 5 issues that in-house counsel want their outside counsel to be thinking about
- How are their corporate law departments organized and what issues are unique to their companies?
 - How these unique issues affect the litigation that they face and their case management strategies
- In-house and outside counsel perspectives on best practices after receiving a letter threatening litigation

- Minimizing the costs and managing the logistics of document retention in this situation
- How long potentially relevant documentation should be held on to
- What do other corporate and outside counsel suggest/do in these situations?
- Strategies corporate counsel use to manage litigation
- How does managing and defending a large-scale case or class action differ from managing and defending a smaller case?
- Lessons learned from past litigation
 - Minimizing your exposure to future litigation and better managing future litigation
- Escalated complaints
 - Managing escalated complaints so as to avoid litigation
- How financial institutions are adapting to new and emerging regulations and case law
 - What changes have been implemented and with what success?
- What do corporate counsel find to be the most challenging aspects of revamping compliance procedures and policies in the wake of Dodd-Frank?
- Managing and responding to government enforcement actions, investigations, and demands

- What have corporate counsel experienced so far?
- Lessons learned, pitfalls to avoid, and best practices going forward
- Top 5 concerns of in-house counsel now and in the near-term
- Management of third-party relationships and vendor oversight
 - Impact of the CFPB
- Assessing creative and effective ways for corporate counsel to manage the fees defense counsel charge for class action work
- The rise of the alternative fee arrangement: is it succeeding or fizzling out?
- Corporate counsel insights into innovative billing arrangements that law firms have implemented
 - Successes and failures of such arrangements
- How corporate counsel are responding to internal budgetary pressures
- How capital requirements have impacted legal budgets
- Internal and external cost-cutting
 - What has worked and what has not
- In-house staffing solutions for stretched legal departments

10:35 Networking and Refreshment Break

10:40 Consumer Finance Class Action Litigation and Settlement Trends and New and Emerging Procedural Considerations: Certification and Other Procedural Developments, Offers of Judgment/Full Relief, New Cases, Emerging Theories of Liability, and Recent Developments in Settlement Strategies

Aaron D. Van Oort
[Faegre Baker Daniels LLP](#)

Stuart M. Richter
[Katten Muchin Rosenman LLP](#)

Thomas M. Hefferon
[Goodwin Procter LLP](#)

Hunter R. Eley
[Doll Amir & Eley LLP](#)

Ted Frank
[Center for Class Action Fairness](#)

- Assessing the evolving landscape of class litigation
- Overview of recent noteworthy class action cases and settlements
- What is now required in order to obtain or defeat class certification?
 - Who has the burden of proof regarding class certification?
- Issues relating to the ascertainability of class and class members
- Evaluating recent developments relating to Rule 23(b) class certifications
- Using expert testimony and data to make a direct challenge to a class certification
- Assessing the latest theories of liability and emerging defense strategies
- Class actions arising from federal and state activities, especially those of the CFPB and state attorneys general
- UDAP/UDAAP litigation and class actions
- Recent developments in class action law and their impact on consumer finance litigation
- New developments relating to jurisdiction and removal under CAFA
- The status of class action waivers and arbitration
- Settlement trends — what types of cases are likely to be settled now and in the near-term?
- Innovative and effective settlement strategies
- Strategic benefits of settling with a class representative
- Impact that insurance can have on settlement strategies
- Offers of judgment and the ability to moot a class action by extending a class representative an offer of full relief
 - Recent developments
 - How plaintiffs' attorneys are responding
- Impact of recent 7th Circuit decisions on the class action landscape

- New hurdles in obtaining class settlement approvals, particularly in the 7th Circuit
- Strategies for defending consumer finance class actions in unfavorable jurisdictions
- Considerations for corporate counsel when facing a class action
 - Preparing company executives and employees who are facing depositions
 - Working with outside counsel to ensure a satisfactory settlement
- Managing and defending multiple cases simultaneously (individual claims, class actions, and regulatory and enforcement actions)

12:10 Networking Luncheon for Speakers and Attendees

1:05 The CFPB and the Consumer Finance Industry: Evaluating the Lessons Learned from Recent CFPB Enforcement Actions, Gauging the Impact of the Bureau's Position on Arbitration, and Assessing its Enhanced Oversight and Heightened Scrutiny of Financial Institutions and Nonbank 'Larger Participants'

Manuel P. Alvarez
 General Counsel
[Affirm, Inc.](#)
Former CFPB Enforcement Attorney

Gerald S. Sachs
[Paul Hastings LLP](#)
Former Senior Counsel for Policy and Strategy with the CFPB's Office of Enforcement

Robert R. Ambler, Jr.
[Womble Carlyle Sandridge & Rice, LLP](#)

Paul H. Schieber
[Stevens & Lee](#)

- Lessons learned from recent CFPB enforcement actions and emerging enforcement and investigation trends
 - Which market sectors are receiving enhanced scrutiny and why?
 - Potential for follow-on class actions
- Project Catalyst and its potential impact on innovation in financial services
- Assessing the CFPB's position on arbitration and what it means for the industry
- Preparing for and responding to CFPB investigations and examinations
- Responding to CIDs (Civil Investigative Demands)
- Assessing coordination efforts between the CFPB and other federal and state agencies, including state AGs
- Rulemaking updates
- Assessing the CFPB's enhanced scrutiny of nonbank 'larger participants'
- Impact of the CFPB's consumer complaints database on consumer finance litigation
 - How have plaintiffs' counsel responded?
 - How financial institutions can use the database to anticipate and prepare for the next wave of litigation and develop proactive compliance strategies to minimize risk
- The CFPB and lender-placed insurance
- Assessing the CFPB's adjudication procedures
- Attorney-client privilege and the CFPB

2:20 Debt Collection and Credit Reporting Litigation and Enforcement Actions: Developing Effective Defense Strategies for New and Emerging Claims and Managing Government Enforcement Actions Arising From the FDCPA and the FCRA

Rob Mowrey
[Locke Lord LLP](#)

Christy A. Ames
Sities & Harbison, PLLC

Carlos A. Ortiz
Hinshaw & Culbertson LLP

- Trends in FDCPA litigation
- New and innovative FDCPA claims from the plaintiffs' bar — and how to defend against them
- Minimizing the risk of exposure to FDCPA claims
- Heightened scrutiny of potential FDCPA violations
- Impact of CFPB rulemaking on debt collection litigation
- Preparing for and managing actions taken by state attorneys general and federal and state regulatory agencies relating to debt collection practices
- How debt collectors have adapted their internal compliance and auditing policies and procedures to minimize future litigation
- Understanding and making use of statistics and data related to debt collection litigation
- Strategies for calculating damages based on net worth
- Assessing the risks associated with sales of debt by creditors
 - Pitfalls and risks of debt sale agreements
- How clients are working with debt collectors to ensure proper oversight
- Chain of title issues
 - Class actions alleging unlawful patterns or practices
- Impact of the Supreme Court's decision as to whether a plaintiff asserting a claim under a statute providing for statutory damages (specifically, the FCRA) has standing to bring the case when the plaintiff has suffered no damages
 - Impact on consumer finance statutes beyond the FCRA
- Impact of CFPB and FTC actions relating to the FCRA
 - Enforcement initiatives
 - How the CFPB and FTC are working together to enforce the FCRA
- Trends in FCRA litigation
- Best practices for defending against FCRA claims and class actions
- Minimizing the risk of exposure to FCRA claims
 - Providing notice to avoid FCRA violations
- State claims and FCRA preemption

3:20 **Networking and Refreshment Break**

3:30 **Residential Mortgages: Assessing the Impact of *Jesinoski*, Litigation Trends Relating to Loan Mods, Loan Servicing, Lender-Placed Insurance, RMBS, and More, Foreclosure Challenges Tied to Statutes of Limitation, and the Ongoing Impact of the CFPB's Mortgage Rules**

Walter Buzzetta
Counsel
MERSCORP Holdings, Inc.

Daniel C. Gibson
Bricker & Eckler LLP

Jason L. Sanders
Locke Lord LLP

Victoria R. Collado
Burke, Warren, MacKay & Serritella, P.C.

- TILA and the impact of *Jesinoski*
 - What arguments remain after *Jesinoski* as potential defenses to rescission?
- Updates on recent enforcement actions and case law
- Non-bank mortgage servicing litigation and enforcement actions
- Litigation relating to transfers of mortgage servicing rights
- Litigation arising from Trial Period Plans (TPPs) that fail to convert to permanent loan modifications
- Lender-placed insurance litigation

- Recent activity under RESPA
- New developments relating to loss mitigation
- Ongoing impact of the CFPB's mortgage rules
 - How have servicers complied with the new rules to date?
 - Lessons learned
 - Litigation arising from the rules
 - Impact of the rules on damage calculations
- Nevada HOA foreclosure ruling and its impact
- Foreclosure challenges based on alleged statute of limitations lapses
- Auditing completed foreclosures and conducting foreclosure look-backs
- Attorney fees and related foreclosure filings
- New and emerging claims relating to standing in contested foreclosure cases
- Loan modifications and foreclosure
 - Defending against counterclaims arising from loan modifications and HAMP
 - The post-*Wigod* landscape
- Responding to challenges to foreclosures in non-judicial foreclosure states
- Handling borrower counterclaims in contested foreclosures
- Overcoming commonly raised defenses including TILA, SCRA, fraud, and rescission claims
- Preventing bankruptcy from becoming a tool used by borrowers to stall foreclosures
- GSE transfer tax litigation
- MERS litigation developments
 - Recording fee class actions
- RMBS litigation
 - Settlement trends

4:50

The Telephone Consumer Protection Act (TCPA): Litigation and Settlement Trends, Emerging Defense Strategies, Class Action Certification Issues, and Staying Ahead of the Curve in the Face of Complex and Unclear Rules

Frank A. Hirsch, Jr.
Alston & Bird LLP

Jennifer Gray
Greenberg Traurig, LLP

Joseph J. Siprut
Siprut PC

- Emerging trends and developments in TCPA litigation
 - Key cases
 - Offers of judgment in the TCPA class action context
 - Lessons learned
- Settlement trends
- Compliance concerns, enforcement trends, and recent FCC guidance
- Evolving issues relating to consent and revocation of consent under the TCPA
 - Impact on liability
- The latest on the definition of automated telephone dialing system (ATDS)
- Defense strategies for combatting the new wave of TCPA claims and class actions
 - Assessing the latest plaintiff strategies
- Certification issues relating to TCPA class actions
- Overcoming TCPA challenges and limiting TCPA exposure in the face of complex and unclear rules
- How technology can be used to minimize your exposure to TCPA claims
- Practical guidance for what lies ahead

5:50

Conference Adjourns

Cocktail Reception hosted by:

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KattenMuchinRosenman LLP

DAY TWO: TUESDAY, JULY 28, 2015

7:30 Continental Breakfast

8:00 **Views from the Bench: Judicial Perspectives on Class Certification, Arbitration, the Evolution of the Law, Settlement Considerations, the Latest Plaintiff Theories, Emerging Defense Strategies, E-Discovery, Bankruptcy and Foreclosure Litigation, Asset Valuation Issues, MERS and Questions of Loan Ownership, and More**

Hon. Fernando J. Gaitan, Jr.
U.S. Dist. Ct., W.D. Mo.

Hon. Michael B. Kaplan
U.S. Bankr. Ct., D.N.J.

Hon. Christopher A. Nuechterlein
U.S. Dist. Ct., N.D. Ind.

Hon. F.A. Gossett III
U.S. Dist. Ct., D. Neb.

Hon. Tonianne J. Bongiovanni
U.S. Dist. Ct., D.N.J.

Hon. Jose M. Rodriguez
Eleventh Jud. Cir., Fla.

Hon. Clifton B. Newman
South Carolina Circuit Ct.

Hon. Richard Kramer
San Francisco Super. Ct.

Hon. Annette M. Rizzo (Ret.)

Moderator:

Andrew K. Stutzman
Stradley Ronon Stevens & Young, LLP

9:40 Networking and Refreshment Break

9:50 **Regulatory Enforcement and Examination Roundtable: The View from Federal and State Agencies and Attorneys General on New and Emerging Initiatives, Enforcement Actions, Examination Procedures, and Investigations**

Donna M. Murphy
Director for Community and Consumer Law
Office of the Comptroller of the Currency

Tom James
Senior Assistant Attorney General
Consumer Counsel – Consumer Fraud Bureau
Office of the Illinois Attorney General

Richard K. Hayes
Deputy Chief, Civil Division
U.S. Attorney's Office, Eastern District of New York

Stephen Stigall
Assistant United States Attorney
U.S. Attorney's Office, District of New Jersey

Richard L. Bischoff
Assistant Attorney General
Consumer Protection Division
Office of the Texas Attorney General

Moderator:

Scott M. Pearson
Ballard Spahr LLP

- Assessing the types of investigations and actions that are being brought against financial institutions
- What are the biggest areas of concern for federal agencies and state attorneys general right now?
- Pitfalls to avoid when working with federal agencies and state attorneys general
- What to expect during an examination
 - What are federal and state officials looking for during an examination?
 - What will they look at and why?
- Regulatory enforcement and examination perspectives on:
 - TCPA, FDCPA, and FCRA hot spots
 - UDAP/UDAAP issues
 - The CFPB's mortgage servicing rules and how the industry has responded
 - Trends in mortgage servicing and related litigation
 - Mortgage fraud
 - Add-on products and other ancillary banking products
 - Credit, debit, and prepaid cards
 - Student loans
 - Auto loans
 - Payday lending
- How will the CFPB, the FTC, and other federal agencies coordinate investigations, enforcement actions, and settlements with state agencies and attorneys general?
- The impact of eased preemption under Dodd-Frank and where financial institutions can expect changes
- Effectively responding to investigations
 - What to do in the first days, weeks, and months
 - Regulators' pet peeves
 - Reaching consent settlements with regulators

11:15 **Fair Lending: Managing and Defending Against Claims of Discriminatory, Predatory, and Abusive Lending and Assessing the Status of 'Disparate Impact' in Lending Litigation and Enforcement**

Eric Jon Taylor
Parker, Hudson, Rainer & Dobbs LLP

Therese G. Franzén
Franzén and Salzano, P.C.

- Assessing recent cases and actions
- How state and federal agencies are approaching fair lending issues
- Enhanced scrutiny of fair lending issues by the CFPB
 - Evaluating and assessing recent and emerging CFPB enforcement actions
- Assessing the status of 'disparate impact' in lending litigation and enforcement
- Impact of the Supreme Court's decision as to whether disparate impact claims are cognizable under the FHA
- Defending against the latest claims alleging fair lending violations
 - Data analysis
- Statistical modeling of decision making/disparate impact analyses
- Maintaining privilege
- Negotiating successful resolutions
- Public relations concerns
- Settlement considerations and strategies

12:10 Networking Luncheon for Speakers and Attendees

1:10 **The Borrower's Perspective: Insights From the Plaintiffs' Bar and Consumer Advocates**

Joseph J. Siprut
Siprut PC

Cathleen M. Combs
Edelman, Combs, Lattuner & Goodwin, LLC

Matt Wessler
Public Justice, P.C.

Amanda L. Lundergan
Ice Legal, P.A.

Moderator:

Jeffrey D. Pilgrim
Pilgrim Christakis LLP

In this session, you will hear from leading plaintiffs' attorneys and consumer advocates on claims and settlement trends, where cases are headed in the coming months, and how lenders and servicers can work with borrowers to minimize the need for litigation. You will obtain key insights into the types of actions plaintiffs' counsel are focusing on now and how to prepare for and respond to new and innovative claims, as well as how consumer advocates view the current consumer finance landscape.

2:25 **Networking and Refreshment Break**

2:30 **Expanded Use of UDAAP Provisions: Enforcement and Examination by the CFPB and State AGs, Recent Federal and State Cases, and More**

Lucy R. Dollens
Quarles & Brady LLP

Sanjay P. Ibrahim
Parker Ibrahim & Berg LLC

James M. Milano
Weiner Brodsky Kider PC

- Trends in the CFPB's use of UDAAP claims as a broad enforcement tool and lessons learned from recent enforcement actions
 - What practices has the CFPB targeted?
- Assessing the definition of 'abusive' practices
 - Potential pitfalls for financial institutions
 - What types of products or aspects of origination and servicing may be 'abusive'?

- Addressing potential UDAAP concerns
 - Minimizing exposure to UDAAP issues
- UDAAP and the payday lending industry
- Increasing use of UDAAP provisions by state AGs
- Dealing with the overlap in state and federal jurisdiction of UDAAP issues
- Recent cases dealing with UDAAP
- Class action claims alleging deceptive marketing in the consumer finance space

3:30 **Student Loans and Auto Loans: Managing Enhanced Government Scrutiny and an Increase in Enforcement Actions, Assessing the Rise in Disparate Impact Claims and Allegations of Fair Lending Violations, and Defending Against Private Litigation**

John R. Chiles
Burr & Forman LLP

Roland P. Reynolds
Palmer, Lombardi & Donohue LLP

John C. Lynch
Troutman Sanders LLP

- Spotlight on CFPB enforcement activity and anticipated civil litigation against student lenders
- Assessing the types of claims that have been made against mortgage lenders that are now morphing over into student lending, and lessons learned from the mortgage industry
- Examining the rise in private litigation based on: student loan servicing activities; collection activities; advertising and marketing practices; and fair lending and disparate impact claims
- Impact of rising student loan default rates on litigation and enforcement actions
- Best practices for mitigating the risk of student lending/servicing claims and defense strategies for defeating such claims
- Evaluating the CFPB's and DOJ's enhanced scrutiny of the auto lending industry, and how the industry is responding
- Trends in auto lending litigation and settlements
- Auto lending and the practice of power booking
- Assessing the rise in disparate impact claims and allegations of fair lending violations in the auto industry
- Practical guidance for avoiding and defending against the latest auto lending claims

4:30 **Conference Ends**



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American Conference Institute's 23rd National Conference on

CONSUMER FINANCE CLASS ACTIONS & LITIGATION



Expert strategies for in-house and outside counsel on navigating class actions, litigation, and government enforcement actions and examinations in the consumer finance industry

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Please charge my
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CARDHOLDER

I have enclosed my check for \$ made payable to
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Please quote the name of the attendee(s) and the event code 746L15 as a reference.

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Venue: Omni Chicago Hotel
Address: 676 North Michigan Avenue, Chicago, IL 60611
Reservations: 800-843-6664 or 312-944-6664

Registration Fee

The fee includes the conference, all program materials, continental breakfasts, lunches and refreshments.

Incorrect Mailing Information

If you would like us to change any of your details please fax the label on this brochure to our Database Administrator at 1-877-927-1563, or email data@AmericanConference.com.

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