

## Nanci L. Weissgold

Partner

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Nanci Weissgold is a co-leader of Alston & Bird's Financial Services & Products Group. She advises financial institutions and financial service providers on issues relating to mortgage lending and mortgage servicing, valuation, and other consumer lending issues as part of her national regulatory compliance practice.

Nanci is a frequent speaker and presenter at legal and industry conferences and webinars, and has published numerous articles on mortgage banking, valuation, and consumer finance related topics. Nanci is a Fellow of the American College of Consumer Financial Services Lawyers and serves on the nominating committee for the Board of Regents. She is peer rated in the Martindale-Hubbell® directory as AV Preeminent®, the highest level of professional excellence. Nanci is nationally ranked by *Chambers USA* in Financial Services Regulation: Consumer Finance (Compliance), and in 2018, she was honored by the Burton Awards as a recipient of a "Law360 Distinguished Legal Writing Award."

### *Representative Experience*

- Counseling clients on compliance with state and federal laws affecting lending and servicing activities, including the Real Estate Settlement Procedures Act (RESPA), Truth in Lending Act (TILA), Equal Credit Opportunity Act (ECOA), Fair Credit Reporting Act (FCRA), Servicemembers Civil Relief Act (SCRA), and Fair Debt Collection Practices Act (FDCPA).
- Conducting enterprise-wide Consumer Financial Protection Bureau (CFPB) readiness reviews of a company's business lines, operations, and products to assess the level of potential risks to consumers and evaluate a company's compliance management program.
- Defending administrative enforcement actions (including state government audits, single- or multistate examinations, and investigations) and assisting in litigation involving regulatory compliance issues.
- Advising on compliance with federal and state valuation laws, including appraisal independence requirements under TILA, Interagency Appraisal and Evaluation Guidelines, Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA), Fannie Mae and Freddie Mac Appraisal Independence Requirements, ECOA and state appraisal management company (AMC) laws, appraiser laws, and real estate broker laws.
- Acted as regulatory counsel to the FAIR Coalition and defended clients in government investigations and enforcement proceedings concerning valuation issues.
- Working with state regulators to obtain approvals, licenses, or regulatory guidance.
- Counseling a state-chartered bank on state licensing and filing requirements to make and service residential mortgage loans and assisting in obtaining necessary business registrations and permissions to establish loan production offices.
- Counseling clients on compliance with regulations and guidelines governing the servicing industry, with a focus on the implementation of the CFPB's finalized servicing standards.

- Counseling clients on fair-lending compliance and conducting annual fair-lending reviews.
- Assisting loan-servicer clients in developing loss-mitigation programs and related compliance policies and procedures for loan-servicing operations.
- Reporting on state and federal foreclosures and loss-mitigation requirements.
- Advising financial institutions on the pre- and post-Dodd–Frank Act rules of federal preemption of state consumer finance laws and surveying applicable state-law requirements.
- Analyzing and providing regulatory counseling, memoranda, opinions and surveys, and fee charts on applicable laws across 50 states impacting the origination, servicing, and sale of mortgage loans and consumer loan products.
- Advising secondary mortgage market participants on legal liability arising from federal and state anti-predatory and other abusive lending laws and defending state examination and enforcement actions.
- Advised on interplay between the federal Coronavirus Aid, Relief, and Economic Stability (CARES) Act’s forbearance protections and the protections afforded active duty servicemembers under the California Military and Veterans Code.

## **Publications & Presentations**

### **Publications**

- “One Person’s Junk Fee Is Another’s Treasure,” *The Real Estate Finance Journal*, Thomson Reuters, Fall 2022.
- “What CFPB, FTC Data Security Crackdown Means For Cos.” *Law360*, August 30, 2022.
- “Appraisal Values and Lender Liability: Art, Science or Gamble?” *The Real Estate Finance Journal*, Thomson Reuters, Summer 2022.
- “Modern-Day Redlining Enforcement: A New Baseline,” *The Banking Law Journal*, February 2022.
- “CARES Act Protections Affecting Residential Mortgage Servicers,” *Mortgage Banker Magazine*, September 2020.
- “New York Overhauls Mortgage Loan Servicer Business Conduct Regulations,” *The Banking Law Journal*, May 2020.
- “New York DFS Unveils Two New Divisions Focused on Consumer Protection, Financial Enforcement, and Cybersecurity,” *Business Law Today*, American Bar Association, July 11, 2019.
- “Debt Collection in the Spotlight in 2019,” *Mortgage Compliance Magazine*, February 2019.
- “Directors/Officers Insurance Coverage, Recommendations Evolve,” *MBA Insights*, February 27, 2018.
- “What Can Be Expected in Structured Finance and Securitization for 2018?” *Bloomberg BNA Banking Report*, February 2, 2018.
- “D&O Insurance Coverage Tips For Financial Institutions,” *Law360*, December 6, 2017.
- “CFPB Issues Last-Minute Changes to Mortgage Servicing Rules,” *Real Estate Finance Journal*, Winter 2017.
- “CFPB Finalizes TRID Rule Clarifications,” *The Banking Law Journal*, Vol. 134, No. 9, October 2017.
- “TCPA Can Hinder Servicing in the Aftermath of a Natural Disaster,” *Mortgage Compliance Magazine*, October 2017.
- “Ask the Experts: Questions Mortgage Servicers Should Be Asking About Unclaimed Property,” *MBA Insights*, Mortgage Bankers Association, August 23, 2017.

- “Phone Pay Fees Under CFPB’s Watchful Eye,” *Law360*, August 9, 2017.
- “Mortgage Servicers Should Review Escheat Compliance,” *Law360*, July 13, 2017.
- “Incentive-Based Compensation Programs: The Consumer Financial Protection Bureau’s Position,” *Employee Benefit Plan Review*, June 2017.
- “The CFPB’s Final Servicing Rule Is Still Unclear,” *National Mortgage News*, December 14, 2016.
- “Why All the Fuss About Independent Contractors?” *Appraisal Buzz Magazine*, Fall 2016.
- “CFPB’s Proposed Changes to the Mortgage Servicing Rules: The Devil Is in the Details,” *Consumer Finance Law Quarterly Report*, Vol. 69, No. 1, Spring 2016.
- “Avoiding CFPB’s Strong Arm on Mortgage Servicing in 2016,” *Mortgage Compliance Magazine*, March 2016.
- “Federal Minimum Standards for Appraisal Management Companies Approved,” *Real Estate Finance Journal*, Summer 2015.
- “Non-Agency Residential Mortgage Loans: A Survey of Legal Issues Affecting the Market,” *Real Estate Finance Journal*, Winter/Spring 2015.

## **Presentations**

- “The Widening Role of the General Counsel,” State Bar of Georgia’s Corporate Counsel Institute, Atlanta, GA, December 15-16, 2022.
- “Trending Issues Track: The Future of Fees and FDCPA Developments,” 2022 Mortgage Banker Association Regulatory Compliance Conference, Washington, D.C., September 18-20, 2022.
- “Servicing After the Pandemic Track: Federal Law Developments and Enforcement Trends in Servicing,” Mortgage Banker Association: Legal Issues and Regulatory Compliance Conference 2022, Miami, FL, May 22-25, 2022.
- “Servicing Solutions Track: Post Pandemic CFPB Exam Preparation,” MBA Live - Spring Conference and Expo: Independent Mortgage Banks, Secondary Markets, Servicing and Technology, webinar, April 21, 2021.
- “State and Federal Enforcement Activity in the COVID-19 Context and Beyond: Key Actions Taken in the Past Year, Pandemic-Induced Priorities, and What to Expect in the Months Ahead” and “How to Navigate Debt Collection Restrictions, Manage Liquidity Challenges, and Reconcile Opposing Demands from Consumers and Investors as a Servicer,” 27th National Forum on Residential Mortgage Regulatory Enforcement & Litigation, webinar, November 16-18, 2020.
- “Regulatory Insight,” MBA Live: Legal Issues & Regulatory Compliance Conference, May 26-27, 2020.
- “MBA Webinar on Forbearance and COVID-19: Q&A for Servicers,” Mortgage Bankers Association, webinar, May 5, 2020.
- “Forbearance and COVID-19: What Servicers Need to Know,” Mortgage Bankers Association, webinar, April 22, 2020.
- “Convenience Fees – Not So Convenient After All?” Association of Corporate Counsel, webinar, September 25, 2019.
- “Washington Regulatory Overview,” MBA’s Regulatory Compliance Conference 2019, Washington, D.C., September 22-24, 2019.
- “Servicing Developments,” MBA Legal Issues & Regulatory Compliance Conference, New Orleans, LA, May 5-8, 2019.

- Finance 411 - Lenders Beware: Money Laundering Issues in Commercial Lending Transactions, January 23, 2019.
- “Important Developments in Consumer Law,” Structured Finance Industry Group (SFIG) Vegas, February 2018., Las Vegas, NV, February 25-28, 2018.
- National Mortgage Servicing Conference & Expo 2018, Grapevine, TX, February 6-9, 2018 .

## ***Professional & Community Engagement***

- American College of Consumer Financial Services Lawyers, Fellow
- American Bar Foundation, Fellow
- Mortgage Bankers Association Political Action Committee (MORPAC), Steering Committee, Associate Vice Chair (2023-2024)
- Women in Housing and Finance Foundation, primary outside counsel (2007–2009)
- The Conference on Consumer Finance Law, Governing Committee

## ***Education***

- American University (J.D., 1992)
- University of Massachusetts (B.A., 1989)

## ***Admitted to Practice***

- District of Columbia
- Pennsylvania

## ***Related Services***

Financial Services & Products | Consumer Financial Services | Structured & Warehouse Finance | Blockchain & Digital Assets