

American Conference Institute's 11th National Forum on

RESIDENTIAL MORTGAGE LITIGATION & REGULATORY ENFORCEMENT

Preparing for the New Generation of Claims, Regulations & Enforcement Initiatives

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

Patrice A. Ficklin (invited)
CFPB

Jean Healey
CFPB

J. Thomas Rosch
FTC

Stacey L.B. Smith
US Attorney's Office, E.D. Pa.

James A. Daross
Office of the Texas Attorney General

Michael Troncoso
Office of the California Attorney General

Joseph Borg
Alabama Securities Commission

Judicial perspectives from:

Hon. Michael R. Wilner
U.S. Dist. Ct., C.D. Cal.

Hon. B. Waugh Crigler
U.S. Dist. Ct., W.D. Va.

Hon. Elizabeth W. Magner
U.S. Bankr. Ct., E.D. La.

Hon. Richard S. Schmidt
U.S. Bankr. Ct., S.D. Tex.

Hon. Michael G. Williamson
U.S. Bankr. Ct., M.D. Fla.

April 29–30, 2013

The Westin Washington DC City Center | Washington, DC

Learn from and network with in-house experts, including:

Alex M. Lockhart
PNC Bank, National Association

Karyn A. Caldwell
Flagstar Bank, FSB

Sarah Jahner Mahloch
Planet Financial Group, LLC

Kristina Maritzczak
Cobalt Mortgage

Rebecca L. Sipowicz
Ocwen Financial Corporation

Gene R. Clark
5 Arches, LLC

Leah S. Getlan
Capital One

Colin F. Jones
TD Bank, N.A.

S. Michael Gray
Springleaf Finance, Inc.

Christopher J. Tucci
Barclays Capital/EquiFirst Corp.

Jamie Crabtree
Equifax

Janna Lewis
Fay Financial/Fay Servicing

Benefit from key updates and strategies on:

- Assessing the impact of the CFPB's new comprehensive regulations on the residential mortgage industry
- Adapting your practice to reflect the latest developments on the CFPB's National Mortgage Database with FHFA
- Loan servicing: understanding and complying with new regulations and implementing loss mitigation strategies
- Best practices for handling the foreclosure review process and managing foreclosure litigation
- Prevailing against the latest plaintiff strategies and understanding class action trends in residential mortgage litigation
- Navigating bankruptcy court and foreclosure litigation standards, and prevailing against the latest bankruptcy litigation claims

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Join key regulatory and enforcement officials, top defense firms, expert in-house counsel and renowned judges to ensure you are fully prepared to manage lending, servicing and foreclosure litigation and comply with the CFPB's mortgage servicing rules and other comprehensive changes and updates

In the wake of the CFPB's regulatory overhaul of the residential mortgage market, all eyes are on the industry. With continuing scrutiny over implementation of the AG settlement, new loan servicing standards, the status of "disparate impact", and continuing bankruptcy litigation claims, it is critical that both in-house and outside counsel understand how to comply with the latest regulatory changes and enforcement efforts and manage the new wave of litigation that the second half of 2013 will bring.

In direct response, American Conference Institute is pleased to announce its **11th National Forum on Residential Mortgage Litigation & Regulatory Enforcement**. This year's Washington, DC program is specifically tailored to ensure that our unparalleled faculty of state and federal regulatory and enforcement officials, renowned jurists, expert in-house counsel, and leading outside counsel provide you with insights and strategies to adapt to the brand new regulatory landscape and defend against the newest claims arising from it. By attending this conference, you will:

- Get an up to the minute assessment of the CFPB's overhaul of the residential mortgage industry and learn how to adapt to the CFPB's comprehensive regulatory changes
- Hear how current judges are handling emerging plaintiff theories and defense strategies, case management, e-discovery, foreclosure documentation errors, and litigation in bankruptcy court
- Get updates directly from state and federal officials on the latest initiatives and priorities, multi-state tactics, and the impact of CFPB regulations

Plus, add value to your attendance by also registering for the exclusive post-conference Focus Session:
Focus on California and Other State and Local Actions: Staying Ahead of Increased Borrower Protections
3:00-5:00 | April 30, 2013

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

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- Loan Servicers
- Loan Purchasers & Securitized
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DAY ONE – MONDAY, APRIL 29, 2013

7:20 Registration and Continental Breakfast

8:00 Co-Chairs' Welcoming Remarks

Andrew K. Stutzman
Chair, Mortgage and Lending Litigation Practice Group
Litigation Practice Group
Stradley Ronan Stevens & Young, LLP (Philadelphia, PA)

Frank A. Hirsch
Partner
Alston & Bird LLP (Durham, NC)

8:05 In-House Roundtables: Ensuring Regulatory Compliance and Managing Litigation, Working with Reduced Budgets and Alternative Billing, and Hiring and Working with Outside Counsel

Panel 1 8:05–9:10	Panel 2 9:10–10:15
<p><i>Alex M. Lockhart</i> Senior Counsel – Mortgage Banking PNC Bank, National Association (Chicago, IL)</p> <p><i>Leah S. Getlan</i> Assistant General Counsel, Litigation Capital One (McLean, VA)</p> <p><i>Gene R. Clark</i> General Counsel 5 Arches, LLC (Irvine, CA)</p> <p><i>Agnes Bundy Scanlan</i> Former Chief Compliance Officer at TD Bank (Washington, DC)</p> <p><i>Jamie Crabtree</i> Senior Director & Regulatory Counsel Equifax Inc. (Atlanta, GA)</p> <p><i>Kristina Maritzak</i> General Counsel, Chief Risk Officer Cobalt Mortgage (Seattle, WA)</p>	<p><i>Karyn A. Caldwell</i> First Vice President & Associate General Counsel Flagstar Bank, FSB (Troy, MI)</p> <p><i>Rebecca L. Sipowicz</i> Litigation Counsel Ocwen Financial Corporation (West Palm Beach, FL)</p> <p><i>Sarah Jahner Mahloch</i> Vice President & Senior Counsel Planet Financial Group, LLC (Chicago, IL)</p> <p><i>S. Michael Gray</i> Assistant General Counsel Springleaf Finance, Inc. (Evansville, IN)</p> <p><i>Janna Lewis</i> EVP and General Counsel Fay Financial/Fay Servicing (Chicago, IL)</p> <p><i>Christopher J. Tucci</i> Director, Barclays Capital SVP & Chief Legal Counsel, EquiFirst Corporation (Charlotte, NC)</p>
<p>Panel 1 Moderator: <i>Rob Mowrey</i> Partner Locke Lord LLP (Dallas, TX)</p>	<p>Panel 2 Moderator: <i>Richik Sarkar</i> Partner Ulmer & Berne LLP (Cleveland, OH)</p>

- Challenges in updating compliance procedures in the wake of the CFPB's new regulations
 - Impact of the new regulations on existing origination and servicing systems
 - Ensuring compliance: Loss mitigation strategies, internal audits, operational system overhauls
 - Managing and responding to enforcement actions
- Dealing with the increased volume of cases
- Adapting litigation strategies and settlement calculations in an era of legal uncertainty and a wave of new regulations
 - What changes have lenders and services made in adapting to new and emerging regulations and case law?

- Corporate counsel responses to internal budgetary pressures and restrictions, and solutions for stretched legal departments
- Lessons learned from past litigation and minimizing exposure to future litigation
- Working with outside counsel: In-house pet peeves and concerns

10:15 Morning Coffee Break

Sponsored by: **PARKER IBRAHIM & BERG**
ATTORNEYS AT LAW

10:30 Special Address by the Former Third Highest-Ranking Official in the U.S. DOJ

Thomas J. Perrelli
Jenner & Block (Washington, DC)

From 2009-2012, Mr. Perrelli served as Associate Attorney General of the United States. He led the Government's efforts to negotiate a \$25 billion settlement to resolve claims against financial institutions for servicing of mortgages.

10:45 **Assessing the Impact of the CFPB's New Regulations on the Residential Mortgage Industry and Adapting to the New Regulatory and Enforcement Paradigm**

Patrice A. Ficklin (invited)

Assistant Director of Fair Lending
Consumer Financial Protection Bureau (Washington, DC)

Kenneth W. Edwards

Policy Counsel
Center for Responsible Lending (Washington, DC)

Ronald L. Rubin

Partner
Hunton & Williams LLP (Washington, DC)
(Former CFPB Enforcement Attorney)

Joseph T. Lynyak, III

Partner
Pillsbury Winthrop Shaw Pittman LLP (Los Angeles, CA)

Moderator:

Thomas M. Hefferon

Partner
Goodwin Procter LLP (Washington, DC)

- Breaking down the CFPB's rewrite of the mortgage process
 - The emergence of national servicing standards
 - Where are we now and where are we headed in the coming months?
- Analyzing the implications of the CFPB's regulatory overhaul of the residential mortgage system
 - Loan application and disclosure phase
 - Closing phase
 - Loan servicing phase
- What will it take to comply with the new regulations?
 - Potential liability for non-compliance
- Definition of a "qualified mortgage"
 - How will this drive origination?
- CFPB examinations: what to expect and how to prepare
 - Status and review of actual enforcement cases
 - What to do to prepare and how to react when faced with an enforcement effort
 - Enforcement and supervisory actions being brought together: what it means for you and what to watch out for
- Litigation and regulatory landscape so far, and implications for the future
 - Areas of focus
 - Announced actions – what industries, practices are in the cross hairs?
 - What powers are the Bureau relying on?

12:00 **Federal Regulatory and Enforcement Roundtable: New and Emerging Initiatives and Priorities**

Jeane Healey

Enforcement Attorney
Consumer Financial Protection Bureau (Washington, DC)

Stacey L.B. Smith

Assistant US Attorney
US Attorney's Office, E.D. Pa. (Philadelphia, PA)
Eastern District of Pennsylvania

J. Thomas Rosch

Commissioner
Federal Trade Commission (Washington, DC)

Chuck Cross (invited)

Vice President of Mortgage Regulatory Policy
Conference of State Bank Supervisors (Washington, DC)

Moderator:

Andrew K. Stutzman

Chair, Mortgage and Lending Litigation Practice Group
Stradley Ronon Stevens & Young, LLP (Philadelphia, PA)

- What servicing practices are being challenged by federal regulators?
 - Increased focus on fair lending
 - Mortgage origination standards
- Status of the consent decree
 - How is the DOJ handling enforcement?
 - Where do they see it going in the future
- Which UDAAPs are being targeted?
 - Potential pitfalls for lenders and servicers
 - Definition of "abusive" practices
 - What types of products or aspects of origination and servicing may be "abusive"?
- Federal regulator perspectives on actions taken by the state-federal mortgage task force
 - Residential-Mortgage Backed Securities Working Group and its impact on the mortgage industry
- FHFA's proposals for new securitization system and model servicing agreements
- Definition of subprime mortgage
 - FDIC's new rule for Deposit Insurance Fund assessment rates for large insured depository institutions

1:15 **Networking Luncheon for Speakers and Delegates**

Sponsored By: 

2:15 **State Regulatory and Enforcement Roundtable: Attorneys General and State Regulators Speak Out on Multi-State Tactics and the Impact of CFPB Proposals on State Enforcement Initiatives**

James A. Davoss

Assistant Attorney General, Consumer Protection Division
Office of the Texas Attorney General (El Paso, TX)

Michael Troncoso

Senior Counsel to the Attorney General
Office of the California Attorney General (Sacramento, CA)

Joseph Borg

Director
Alabama Securities Commission (Montgomery, AL)

Moderator:

Thomas L. Krebs

Partner
Christian & Small LLP (Birmingham, AL)

- The expanded role of state attorneys general, banking and securities agencies and their coordination with the CFPB in relation to the residential mortgage industry
 - Implementation of the CFPB's qualified mortgage rule
- Adapting to evolving state regulatory and enforcement initiatives in the wake of the AG settlement
 - Perspectives on the settlement and its implications for the mortgage servicing industry and individual states

- State regulator perspectives on the Residential-Mortgage Backed Securities Working Group
 - A look at legal action taken by the state-federal task force
 - Bear Stearns and beyond
 - The future of RMBS litigation
- Evaluating preemption in the wake of Dodd-Frank
 - Assessing the impact of CFPB proposals on state enforcement initiatives
 - Ensuring compliance with UDAP laws and enhanced enforcement
 - Cooperating with investigations
- What default servicing practices are being challenged?
 - By states? By AGs?
- State and multi-state tactics
 - Increased focus on fair lending standards
 - Assessing the multi-state mortgage examination process

3:30 **Afternoon Coffee Break**

3:45 **Loan Servicing: Understanding and Complying with the New Servicing Regulations and Implementing Loss Mitigation Strategies**

Colin F. Jones

Vice President & Counsel
TD Bank (Portland, ME)

Sanjay P. Ibrahim

Member
Parker Ibrahim & Berg LLC (Somerset, NJ)

William P. Heller

Chair, National Consumer Finance Litigation & Compliance Practice Group
Akerman Senterfitt LLP (Fort Lauderdale, FL)

A. Michelle Canter

Managing Partner
Lotstein Legal PLLC (Atlanta, GA)

- Summary and analysis of servicing changes
 - How to avoid liability arising out of servicing changes and ensure compliance
 - Managing servicing under new time frames
- Impact of the AG settlement and the CFPB on servicing standards
 - Interplay of the settlement and new standards
- Defending against claims related to loan servicing
 - FDCPA and debt collection claims in the residential mortgage context
 - Credit reporting claims
 - RESPA claims
- Servicer liability for lack of disclosure
 - Lessons learned from documentation errors
 - Loss mitigation programs and strategies
 - Loan modification
 - Borrower claims and effective defenses

4:55 **Fair Lending: Assessing the Status of “Disparate Impact” and Preventing and Managing Claims of Discriminatory Lending**

Anand S. Raman

Partner
Skadden, Arps, Slate, Meagher & Flom LLP (Washington, DC)

Eric Jon Taylor

Partner
Parker Hudson, Rainer & Dobbs LLP (Atlanta, GA)

Therese G. Franzén

Partner
Franzén and Salzano, P.C. (Atlanta, GA)

- Impact of the CFPB on fair lending litigation
- Focus on disparate impact
 - Disparate impact analysis by the CFPB and DOJ
 - Assessing the status of disparate impact in lending litigation and enforcement
- Proactive steps to avoid predatory lending claims and prevent future claims
 - Internal compliance assessments and training
 - Resolving disputes prior to borrowers filing suit
- Force-placed insurance

6:05 **Cocktail Reception**

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DAY TWO – TUESDAY, APRIL 30, 2013

7:30 **Continental Breakfast**

8:00 **View from the Bench: Judicial Perspectives and Insights on Trial and Case Management, Class Certification, Foreclosure and Loan Modification Litigation and Litigating Claims in Bankruptcy Court**

The Honorable Michael R. Wilner

Magistrate Judge
U.S. Dist. Ct., C.D. Calif.

The Honorable B. Waugh Crigler

Magistrate Judge
U.S. Dist. Ct., W.D. Va.

The Honorable Elizabeth W. Magner

Chief Bankruptcy Judge
U.S. Bankr. Ct., E.D. La.

The Honorable Richard S. Schmidt

Bankruptcy Judge
U.S. Bankr. Ct., S.D. Tex.

The Honorable Michael G. Williamson

Bankruptcy Judge
U.S. Bankr. Ct., M.D. Fla.

Moderator:

Hunter Eley

Partner
Doll Amir & Eley LLP (Los Angeles, CA)

- Judicial perspectives on new and emerging plaintiff theories and defense strategies
- What judges are finding persuasive
 - What they're looking at on a practical as well as legal level
- Impact of court-implemented rules
- Determining when sanctions are appropriate

- Approaches to trial and case management
- Judicial perspectives on e-discovery
 - Expectations of counsel when dealing with voluminous discovery requests
- What lenders and servicers need to know to navigate bankruptcy court
- Recent bankruptcy cases
 - Class certification decisions
 - Cases regarding ownership of a note/debt
- Foreclosure litigation standards in bankruptcy court

9:45 **Morning Coffee Break**

10:00 **Best Practices for Managing the Foreclosure Review Process and Foreclosure Litigation: Proving Standing to Foreclose, Overcoming Contested Foreclosures and Responding to Borrower Counterclaims**

Roland P. Reynolds

Partner
Palmer, Lombardi & Donahue LLP (Los Angeles, CA)

Alan M. Warfield

Partner
Jones, Walker, Waechter, Poitevent, Carrère & Denègre L.L.P. (Birmingham, AL)

Michael D. Ferachi

Partner
McGlinchey Stafford PLLC (Baton Rouge, LA)

E. Hutchinson Robbins

Principal
Miles & Stockbridge, P.C. (Baltimore, MD)

- Foreclosure reform efforts and enhancements
- What is expected of banks in the foreclosure review process
 - Best practices internally in managing foreclosures to prevent litigation
 - Ensuring effective compliance reviews are in place
 - Conducting due diligence of servicing compliance
 - Auditing completed foreclosures and conducting foreclosure look-backs
- Managing the latest issues in foreclosure litigation
- Proving standing to foreclose
 - Essential documents required in foreclosure cases, when the original loan documentation is necessary
 - Complying with affidavit procedures
 - Combatting borrower attacks on standing
- Defending against borrower counterclaims arising from loan modifications
 - HAMP and other loss mitigation programs
 - ECOA claims
- Overcoming common defenses, including TILA, SCRA and Fraud and rescission
- Discrimination counterclaims and the emerging fair lending defense
- Recent MERS litigation

11:15 **Focus on Class Actions: Prevailing Against the Latest Plaintiffs Strategies, Claims Trends and Settlement Considerations in Residential Mortgage Litigation**

Robert E. Boone III

Partner
Bryan Cave LLP (Santa Monica, CA)

Anthony J. Laura

Partner
Patton Boggs LLP (Newark, NJ)

Frank A. Hirsch

Partner
Alston & Bird LLP (Durham, NC)

- Class action mortgage trends
 - Loan modification litigation
 - Force-placed insurance litigation
- Mass action trends and developments
- New and emerging claims trends
 - Defending against the influx of cases being brought by plaintiffs' attorneys and state AGs
 - Where plaintiffs are filing and why and how you can use this to structure your case
- The continuing impact of *Wal-Mart v. Dukes* on class certifications
 - How are the lower courts applying the decision
 - Defeating plaintiffs' arguments that *Wal-Mart* should not apply to a particular case
- Settlement considerations

12:30 **Mortgages in Bankruptcy: Navigating Bankruptcy Court, Foreclosure Litigation Standards and Prevailing Against the Latest Bankruptcy Litigation Claims**

John R. Chiles

Partner
Burr & Forman LLP (Birmingham, AL)

Katrina Christakis

Partner
Grady Pilgrim Christakis Bell LLP (Chicago, IL)

- Litigating in bankruptcy court
 - What lenders and servicers need to know
- Foreclosure litigation standards in bankruptcy court
 - Affidavit issues
 - Proof of claim issues
- Evolution of foreclosure cases in bankruptcy court
 - Recent bankruptcy class certification decisions
 - Proof of claims issues and litigation update
- Stay relief
- Sanctions issues
- Recent class certification decisions and class action issues

1:45 **End of Main Conference – Luncheon for Focus Session Participants**

POST-CONFERENCE FOCUS SESSION

TUESDAY, APRIL 30, 2013 | 3:00 – 5:00 pm

A Focus on Recent California and Other State and Local Actions: Staying Ahead of Increased Borrower Protections

Roland P. Reynolds

Partner
Palmer, Lombardi & Donahue LLP (Los Angeles, CA)

Robert E. Boone III

Partner
Bryan Cave LLP (Santa Monica, CA)

Hunter Eley

Partner
Doll Amir & Eley LLP (Los Angeles, CA)

- California Homeowners Bill of Rights
 - Potential for states to enact similar legislation
 - Servicing compliance with HBR
 - Initial court reactions to HBR
- Eminent domain as a tool to seize mortgages and underwater properties
- The implementation of responsible lending ordinances throughout US cities
 - Requirements that banks prove they are serving low and moderate income customers



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Head of Sales, American Conference Institute

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