

American Conference Institute's 16th National Conference on

CONSUMER FINANCE CLASS ACTIONS & LITIGATION

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

July 29 – 30, 2013 | Omni Chicago Hotel | Chicago, IL

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

Attorney General Gregory F. Zoeller
Indiana

Speaker To Be Announced

Consumer Financial Protection Bureau

Michael Troncoso

Office of the California Attorney General

Laura Levine

Office of the New York Attorney General

James Daross

Office of the Texas Attorney General

Glenn Kaplan

Office of the Massachusetts Attorney General

C. Steven Baker

Federal Trade Commission

Thomas James

Office of the Illinois Attorney General

Suzan Sanford

Office of the Michigan Attorney General

Karen Meyers

Office of the New Mexico Attorney General

Maura Healey

Office of the Massachusetts Attorney General

Matthew Lambert

Conference of State Bank Supervisors

Plus, enhance your attendance by registering for the exclusive post-conference Master Class on Trial Strategy:

A Focus on Trials: Aggressively Defending Consumer Finance Cases, Stemming the Tide of Litigation, and Empowering Lenders To Go Back Into the Courtroom

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U.S. Dist. Ct., N.D. Ill.



Hon. Warren W. Eginton
U.S. Dist. Ct., D. Conn.



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U.S. Dist. Ct., D. Neb.



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U.S. Bankr. Ct., E.D.N.Y.



Hon. Richard Kramer
San Francisco Super. Ct.

Our distinguished faculty will provide you with key insights and strategic advice for:

- The impact of the CFPB on consumer finance litigation
- Consumer finance class action litigation, certification, arbitration, and settlement trends
- Fair lending: managing and defending against claims of discriminatory lending, including in the areas of student loans and auto financing
- Residential mortgage and foreclosure litigation
- Debt collection and credit reporting litigation: effective defense strategies for new and emerging claims and class actions arising from the TCPA, FDCPA, and FCRA
- Federal and state enforcement initiatives: preparing for and responding to new priorities, enhanced enforcement efforts, and aggressive investigations

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Consumer financial services companies are facing unprecedented regulatory and enforcement scrutiny and mounting litigation, 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 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 **16th 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 defense 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, arbitration, and settlement trends:** new cases, emerging theories of liability, certification and arbitration developments, offers of full relief, innovations in settlement strategies, and more
- **Mortgage and foreclosure litigation:** defending against TILA claims and defeating foreclosure defenses and borrower stall tactics
- New and emerging strategies for defending against claims and class actions relating to TCPA, FDCPA, and FCRA
- Managing and defending against class actions and claims arising from **student loans, auto lending, credit, debit, and prepaid cards, and bank add-on services and products**
- **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
- **Fair lending:** managing and defending against claims of discriminatory lending and assessing the status of 'disparate impact' in lending litigation and enforcement, including in the areas of **student loans and auto financing**

PLUS, add value to your attendance by also registering for the exclusive post-conference Master Class on Trial Strategy:

A Focus on Trials: Aggressively Defending Consumer Finance Cases, Stemming the Tide of Litigation, and Empowering Lenders To Go Back Into the Courtroom

July 30, 2013 | 4:00 p.m. – 6:00 p.m.

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/CFCACHicago

WHO YOU WILL MEET:

- **In-house counsel from:**
 - Banks
 - Mortgage lenders and brokers
 - Loan servicers and purchasers
 - 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.

Continuing Legal Education Credits



Accreditation will be sought in those jurisdictions requested by the registrants which have continuing education requirements. This course is identified as nontransitional for the purposes of CLE accreditation.

ACI certifies that the activity has been approved for CLE credit by the New York State Continuing Legal Education Board in the amount of 12.0 hours. An additional 2.0 credit hours will apply to Master Class participation.

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7:20 Registration and Continental Breakfast

8:00 Co-Chairs' Opening Remarks



Thomas M. Hefferon
Goodwin Procter LLP



Scott M. Pearson
Seyfarth Shaw LLP

8:05 **In-House Roundtables: How Corporate Counsel are Managing Consumer Finance Claims/Class Actions and Compliance Challenges, 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 – 9:15	Panel 2: 9:15 – 10:25 (10:25 – 10:35 coffee break)	Panel 3: 10:35 – 11:45
<p>Michael B. Goldberg Senior Counsel Wells Fargo</p> <p>Gregory J. Sachnik Assistant General Counsel and SVP Bank of America</p> <p>James K. McMurray Deputy General Counsel Springleaf Finance, Inc.</p> <p>Jason H. Miller General Counsel Select Portfolio Servicing, Inc.</p> <p>Michael L. Frost Senior Vice President & General Counsel The CBE Group, Inc.</p> <p>David Stein General Counsel Residential Finance Corp.</p>	<p>Jeffrey I. Langer Senior Counsel Macy's, Inc.</p> <p>John Grissom Managing Counsel Wells Fargo Bank, N.A.</p> <p>Muzette Hill Stallings Associate General Counsel Ford Motor Credit Company LLC</p> <p>Jonathan Chiu Director, Assistant General Counsel Capital One</p> <p>Karyn A. Caldwell First Vice President Associate General Counsel Flagstar Bank, FSB</p>	<p>Andrew Moritz Assistant General Counsel – Consumer Litigation Citibank, N.A.</p> <p>Leah S. Getlan Assistant General Counsel Capital One</p> <p>Alona V. Rindal Vice President & Corporate Counsel U.S. Bank</p> <p>Sarah Jahner Mahloch Vice President & Senior Counsel Planet Financial Group, LLC</p> <p>Christopher D. Lagow Deputy General Counsel Portfolio Recovery Associates</p> <p>Gregory E. Harmer EVP, Legal and Compliance iQor</p>
<p>Panel 1 Moderator:</p>  <p>Gregory S. Korman Katten Muchin Rosenman LLP</p>	<p>Panel 2 Moderator:</p>  <p>Rob Mowrey Locke Lord LLP</p>	<p>Panel 3 Moderator:</p>  <p>John C. Lynch Troutman Sanders LLP</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
- 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
- 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?
 - Impact on company morale
 - Public relations messaging
- Lessons learned from past litigation
 - Minimizing your exposure to future litigation and better managing future 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 enforcement actions
- 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

11:45 **The CFPB and Consumer Finance Litigation: New and Emerging Regulatory Priorities, Lessons Learned from Recent Enforcement Actions, the CFPB and UDAAP, and Enhanced Oversight and Heightened Scrutiny of Financial Institutions, Nonbank 'Larger Participants', Student Loan Lenders, Auto Lenders, Debt Collection Agencies, and Payday Lenders**



Ken Markison
Associate Vice President & Regulatory Counsel
Mortgage Bankers Association



Thomas M. Hefferon
Goodwin Procter LLP



Frank A. Hirsch
Alston & Bird LLP



Scott M. Pearson
Seyfarth Shaw LLP



Ronald L. Rubin
Hunton & Williams LLP

- Overview of recent CFPB initiatives and enforcement actions and lessons learned
- Assessing the status of the CFPB and the validity of past and future CFPB actions in the wake of *Noel Canning v. NLRB*
- Preparing for and responding to CFPB investigations and examinations
 - Responding to a civil investigative demand (CID)
- Pitfalls to avoid when working with the CFPB
- Where the CFPB is likely headed in the coming months
- 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', including debt collection agencies, student loan lenders, payday lenders, and auto lenders
 - Impact of CFPB rulemaking on these industries
 - Preparing for an uptick in enforcement actions against payday lenders and auto lenders
- 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 'Unfair, Deceptive, or Abusive Acts and Practices' (UDAAP)
- 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'?
- Lender-placed insurance
- Arbitration clauses
- Assessing the CFPB's adjudication procedures
- Attorney-client privilege and the CFPB

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

Networking Luncheon
hosted by:

Nelson Mullins

2:15 **Consumer Finance Class Action Litigation, Arbitration, and Settlement Trends: New Cases, Emerging Theories of Liability, Certification and Arbitration Developments in the Wake of *Wal-Mart v. Dukes* and *AT&T Mobility v. Concepcion*, Offers of Full Relief, Innovations in Settlement Strategies, and More**



Gina Intrepido-Bowden
Director, Legal Notification Services
KCC



John E. Goodman
Bradley Arant Boult Cummings LLP



Michael D. Ferachi
McGlinchey Stafford PLLC



Richard E. Gottlieb
Dykema Gossett PLLC



Steven R. Smith
Bryan Cave LLP

- 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
- Lender-placed insurance class actions
- Recent developments in class action law and their impact on consumer finance litigation
- New developments relating to jurisdiction and removal under CAFA
 - Assessing the Supreme Court's decision in *Standard Fire Insurance Co. v. Knowles*
 - Impact of the decision on the \$5 million amount in controversy requirement for federal jurisdiction over putative class actions
- Assessing the evolving implications of *Wal-Mart* for class certifications
 - How are the lower courts applying *Wal-Mart*?
 - Defeating plaintiffs' theories as to why *Wal-Mart* and its progeny should not apply to a particular case
- *Amgen Inc. v. Connecticut Retirement*
 - Impact on class certification
- Impact of *Comcast Corp. v. Behrend* on class certifications in the consumer finance context
- Using expert testimony and data to make a direct challenge to a class certification
- The status of class action waivers and arbitration in the wake of *Concepcion*
 - *American Express Co v. Italian Colors Restaurant*
 - New developments
 - How are the lower courts applying *Concepcion*?
 - Legislative and state court attempts to avoid *Concepcion*
 - Defeating plaintiffs' theories as to why *Concepcion* and its progeny should not apply to a particular case
- Enforcing arbitration clauses in consumer contracts
- How to avoid scrutiny and objections to your Notice Program
 - Use available resources; avoid hot button indicators; reach the Class; include required information; avoid legalese; provide time and ease of response
 - Case examples
- Innovative and effective settlement strategies
- Assessing the latest settlement trends
- Strategic benefits of settling with a class representative
- Offers of judgment and the ability to moot a class action by extending a class representative an offer of full relief
 - *Genesis HealthCare v. Symczyk*
- 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)

3:45 **Networking and Refreshment Break**

3:55 **Residential Mortgages: Managing and Defending Against Claims and Class Actions Arising From Loan Servicing, Foreclosures, MERS, Lender-Placed Insurance, and Loan Modification Practices, Implementing Effective Loss Mitigation Strategies, and Complying with New and Emerging Regulations**

Howard S. Lindenberg
 Managing Associate General Counsel
 Freddie Mac

Gary A. Deutsch
 Senior Counsel
 PNC Bank, National Association



Jeffrey S. Patterson
 Nelson Mullins Riley & Scarborough LLP



Simon A. Fleischmann
 Locke Lord LLP



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

- Updates on recent actions and case law
- Trends in mortgage servicing and related litigation
- Assessing the National Mortgage Settlement and how it will impact the residential mortgage industry
- National qualification and screening standards for all loan originators
- Operational impact of the new CFPB mortgage origination and servicing rules
- How the new rules are impacting origination and servicing litigation
- Assessing the California's Homeowner Bill of Rights and its impact on the residential mortgage industry
- Best practices and lessons learned from prior foreclosure documentation errors
- Auditing completed foreclosures and conducting foreclosure look-backs
- Attorney fees and related foreclosure filings
- Defending against claims arising from loan servicing
- Managing and defending against class actions arising from lender-placed insurance
- New and emerging claims relating to standing in contested foreclosure cases
- GSE transfer tax litigation
- MERS litigation developments
 - Recording fee class actions
- Handling borrower counterclaims in contested foreclosures
- Overcoming commonly raised defenses including TILA, SCRA, fraud, and rescission claims
- TILA 1641(f)(2) cases
- Preventing bankruptcy from becoming a tool used by borrowers to stall foreclosures
- New developments relating to loss mitigation
- Litigation challenges relating to mortgage origination

- Loan modifications and foreclosure
 - Defending against counterclaims arising from loan modifications and HAMP
 - Assessing the *Wigod* decision
- Responding to challenges to foreclosures in non-judicial foreclosure states

5:10 **Debt Collection and Credit Reporting Litigation: Effective Defense Strategies for New and Emerging Claims Arising From TCPA, FDCPA, and FCRA**



John R. Chiles
 Burr & Forman LLP



E. Scott Palmer
 Palmer, Lombardi & Donohue LLP



Jeffrey D. Pilgrim
 Pilgrim Christakis LLP



Carlos A. Ortiz
 Hinshaw & Culbertson LLP

- Impact of CFPB rulemaking on debt collection litigation
- How debt collectors have adapted their internal compliance and auditing policies and procedures to minimize future litigation
- 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
- Determining what constitutes a 'predictive dialer' for purposes of the TCPA
- Trends in TCPA litigation
- Defending against the new wave of TCPA claims
 - Illegal call recording, text messaging, robo-dialing, cell phone calls, fax blasts, and trade line litigation
 - Assessing the latest plaintiff strategies
- *Mims v. Arrow Financial*
 - Federal jurisdiction for TCPA claims
- Compliance with the TCPA in the absence of regulatory guidance
 - Minimizing the risk of violations
- Certification issues relating to TCPA class actions
- Trends in FDCPA litigation
- *Marx v. General Revenue Corp.*
 - Potential impact on FDCPA litigation
- Defending against the new wave of FDCPA claims
- Minimizing the risk of exposure to FDCPA claims
- Preparing for the FTC's increased focus on potential FDCPA violations
- Understanding and making use of statistics and data related to debt collection litigation
- Strategies for calculating damages based on net worth
- Trends in FCRA litigation
- Best practices for defending against FCRA claims
- Managing and defending against FCRA class actions arising from employee background screenings
- Minimizing the risk of exposure to FCRA claims
 - Providing notice to avoid FCRA violations
- State claims and FCRA preemption

6:10 **Conference Adjourns**

Cocktail Reception
 hosted by:

Katten
 KattenMuchinRosenman LLP

Day Two: Tuesday, July 30, 2013

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. Ruben Castillo
U.S. Dist. Ct., N.D. Ill.



Hon. Warren W. Eginton
U.S. Dist. Ct., D. Conn.



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



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



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



Hon. Alan S. Trust
U.S. Bankr. Ct., E.D.N.Y.



Hon. Richard Kramer
San Francisco Super. Ct.

Moderator:



Andrew K. Stutzman
Stradley Ronon Stevens & Young, LLP

- The state of the law in the wake of *Wal-Mart* and *Concepcion*
 - How the courts are applying the holdings from these two landmark cases to consumer finance litigation
- Judicial insights into the procedural aspects of a class action
- Judicial perspectives on settlements in consumer finance cases
- Judicial perspectives on foreclosure documentation errors
 - The impact of court-implemented rules, including attorney affidavits, file reviews, and enhanced pleading requirements
- Prevalence of documentation errors in other consumer finance litigation, including credit card litigation
- Novel approaches to trial and case management
 - Pre-trial procedures
- Judicial perspectives on e-discovery
- What are the expectations of counsel when dealing with a case involving voluminous discovery requests?
- An overview of the current state of consumer finance bankruptcy litigation
- Recent bankruptcy class certification decisions
- Foreclosure litigation standards in bankruptcy court
- How bankruptcy courts are dealing with MERS and questions of loan ownership
- Judicial practices for bankruptcies when the borrower is in a multiple default situation
- Common asset valuation issues that arise in bankruptcy litigation
- Working effectively with *pro se* litigants
- Best practices for post-judgment collection, finding and attaching assets, and wage garnishment
- Stay relief and avoiding stay violations

9:40

Regulatory and Enforcement Roundtable Part I: The View from Federal Agencies and State Attorneys General on New and Emerging Priorities and the Nexus Between State and Federal Regulatory and Enforcement Initiatives

Speaker To Be Announced

Consumer Financial Protection Bureau



Attorney General Gregory F. Zoeller
Indiana

C. Steven Baker
Director, Midwest Region
Federal Trade Commission

Maura Healey
Chief, Public Protection and Advocacy Bureau
Office of the Massachusetts Attorney General



Suzan Sanford
Chief, Corporate Oversight Division
Office of the Michigan Attorney General

Moderator:



Christopher J. Willis
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 right now?
- Pitfalls to avoid when working with federal agencies
- How will state agencies and attorneys general coordinate investigations, enforcement actions, and settlements with the CFPB, the FTC, and other federal agencies?
- Regulatory and enforcement perspectives on:
 - The National Mortgage Settlement and how it will impact the residential mortgage industry
 - Trends in mortgage servicing and related litigation
 - TCPA, FDCPA, and FCRA hot spots
 - Add-on products and other ancillary banking products
 - Credit, debit, and prepaid cards; student loans; auto loans
- Effectively responding to investigations
 - What to do in the first days, weeks, and months
 - Regulators' pet peeves; consent settlements with regulators

11:10 **Networking and Refreshment Break**

11:20 **Regulatory and Enforcement Roundtable Part II:
A Focus on State Agencies and Attorneys General
and Their Perspectives on the Emerging Regulatory
and Enforcement Paradigm at the State Level**



Michael Troncoso
Senior Counsel to the Attorney General
Office of the California Attorney General

Laura J. Levine
Deputy Bureau Chief
Consumer Frauds and Protection Bureau
Office of the New York Attorney General

James A. Daross
Assistant Attorney General, Consumer Protection Division
Office of the Texas Attorney General



Glenn Kaplan
Chief, Insurance and Financial Services Division
Office of the Massachusetts Attorney General

Thomas P. James
Consumer Counsel, Consumer Fraud Bureau
Office of the Illinois Attorney General

Karen J. Meyers
Assistant Attorney General
Director, Consumer Protection Division
Office of the New Mexico Attorney General

Matthew Lambert
Policy Counsel
Conference of State Bank Supervisors

Moderator:

Rob Mowrey
Locke Lord LLP

- Assessing the National Mortgage Settlement and how it will impact the residential mortgage industry
- Regulatory and enforcement perspectives on trends in mortgage servicing and related litigation
- Assessing the California's Homeowner Bill of Rights and its impact on the residential mortgage industry
- Assessing the investigations and actions that are being brought against financial institutions
- The impact of eased preemption under Dodd-Frank and where financial institutions can expect changes
- What are the biggest areas of concern for state agencies and attorneys general right now?
- Best practices for responding to investigations
 - Pitfalls to avoid when working with state agencies and attorneys general

1:00 **Networking Luncheon for Speakers and Attendees**

2:00 **Fair Lending: Managing and Defending Against Claims of Discriminatory Lending and Assessing the Status of 'Disparate Impact' in Lending Litigation and Enforcement, Including in the Areas of Student Loans and Auto Financing**



Christopher T. Shaheen
Vice President and Chief Litigation Counsel
U.S. Bank



Jay N. Fastow
Dickstein Shapiro LLP



Richik Sarkar
Ulmer & Berne LLP



Eric Jon Taylor
Parker, Hudson, Rainer & Dobbs LLP

- Assessing recent cases and actions
- How state and federal agencies are approaching fair lending issues
- Assessing the status of 'disparate impact' in lending litigation and enforcement
 - What the Mount Holly case could mean for 'disparate impact'
- Defending against the latest claims alleging fair lending violations
 - Data analysis
- Defending against claims of discriminatory lending in the auto financing industry
- Defending against claims of discriminatory lending in the student loan industry
- Statistical modeling of decision making/disparate impact analyses
- Maintaining privilege
- Negotiating successful resolutions
- Public relations concerns
- Settlement considerations and strategies

2:55 **Defending Against New and Emerging Claims Relating to Credit, Debit, and Prepaid Cards and Bank Add-On Services and Products**



Stuart M. Richter
Katten Muchin Rosenman LLP



Jeremy P. Cole
Jones Day



Peter S. Wahby
Greenberg Traurig, LLP

- How have the recent perturbations in the mortgage industry impacted other consumer lending markets?
 - To what extent, if at all, will the processes and procedures used in the credit/debit card and auto loan industries adapt?
- Credit card litigation arising from improper documentation
 - Robo-signing allegations
- Managing and defending against the new wave of credit and debit card claims
- Arbitration in the context of credit card litigation
- Litigation arising from the Durbin Amendment and interchange fees
- Defending against prepaid card claims relating to:
 - Disclosures; fees; expiration dates
- Assessing the increased regulatory interest in add-on services and products and the associated rise in class actions involving add-on services and products
- Overdraft fees
 - Recent developments and the strategies being used in overdraft fee MDL
 - Potential CFPB initiatives
- Claims arising from payment protection/debt cancellation programs and identify theft protection programs
- ATM fee sticker cases
- Developments in litigation surrounding the CARD Act and FACTA
- Strategies for remediating credit card receipt litigation

3:50 **Conference Ends – Registration for Master Class**

Post-Conference Master Class on Trial Strategy

Tuesday, July 30, 2013 | 4:00 p.m. – 6:00 p.m.

A Focus on Trials: Aggressively Defending Consumer Finance Cases, Stemming the Tide of Litigation, and Empowering Lenders To Go Back Into the Courtroom



Eric Jon Taylor
Parker, Hudson, Rainer & Dobbs LLP



Peter J. Van Zandt
LeClairRyan

- In-house counsel considerations
 - Determining if the benefits of a trial outweigh the risks
 - Selecting the right outside counsel
- Persuading lenders to push harder against consumer finance litigation
- An overview of recent trial statistics in key jurisdictions (including California, Texas, Illinois, and New York)
- Assessing the favorability of current laws with respect to lenders
- Evaluating the strength of the plaintiffs' bar with respect to cases brought on behalf of individuals
- Determining the strength of cases brought by individual plaintiffs
- Evaluating how the public views the consumer lending industry
- Using public perceptions to your advantage
- Trial strategies and best practices
 - Determining how much technology is too much at trial
 - Establishing the proper demeanor with the judge and the jury
 - Removing bias at the early stages of the trial
 - Personalizing your client

American Conference Institute's 16th National Conference on

CONSUMER FINANCE CLASS ACTIONS & LITIGATION

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

July 29 – 30, 2013 | Omni Chicago Hotel | Chicago, IL

Hear from more than 20 senior in-house counsel, 12 federal and state regulatory and enforcement officials, and 7 renowned federal and state judges, as well as leading outside defense counsel from around the nation

Plus, don't miss the exclusive post-conference Master Class on Trial Strategy:

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July 30, 2013 | 4:00 p.m. – 6:00 p.m.

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FEE PER DELEGATE	Register & Pay by May 31, 2013	Register & Pay by June 28, 2013	Register after June 28, 2013
<input type="checkbox"/> Conference Only	\$1995	\$2095	\$2295
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Registration Fee

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

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