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19th Annual Consumer Financial Services Institute

- Explore the ways in which the Dodd-Frank Act and the CFPB's activities will affect your practice
- Study the latest regulatory, supervision and enforcement initiatives of the CFPB and state attorneys general
- Examine the latest developments in the enforcement of the Fair Credit Reporting Act (FCRA), Telephone Consumer Protection Act (TCPA) and the Fair Debt Collection Practices Act (FDCPA)
- Get updates on the latest class actions and state attorneys general lawsuits against financial services companies
- Survey class certification and class action settlement developments

Networking Lunch Sponsored by Epiq Systems

New York City, April 7-8, 2014

Birmingham Groupcast Location, April 7-8, 2014

Live Webcast, April 7-8, 2014 — www.pli.edu

Chicago, April 28-29, 2014

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19th Annual Consumer Financial Services Institute

Why You Should Attend

On July 16, 2013, the Senate confirmed Richard Cordray for a five-year term as the Director of the Consumer Financial Protection Bureau (CFPB). The CFPB has been involved in a whirlwind of regulatory, supervisory and enforcement activities since it began operations during 2011 and this level of activity is certain to intensify. In addition to the CFPB, state attorneys general and other federal regulators are pursuing initiatives focused on consumer financial services. These regulatory efforts are taking place against the backdrop of an already-active litigation landscape focused on financial services companies. This year's **Institute** will explore in detail these important developments in consumer financial services regulation and litigation.

What You Will Learn

- Explore the ways in which the Dodd-Frank Act and the CFPB's activities will affect your practice
- Study the latest regulatory and enforcement initiatives of federal and state regulators, including the CFPB, FTC, DOJ, OCC, FDIC, and state attorneys general
- Identify the regulatory and litigation priorities of consumer advocates in the coming year
- Understand the continuing implications of the U.S. Supreme Court ruling in *AT&T Mobility v. Concepcion* and *American Express v. Italian Colors* for consumer arbitration agreements and the potential impact of the CFPB's arbitration study
- Get updates on the latest class actions and state attorneys general lawsuits against financial services companies
- Survey class certification and class action settlement developments

Who Should Attend

Bankers, lenders and lessors involved with consumer financial services and the lawyers who defend or sue them; lawyers who counsel financial institutions, loan servicers, loan brokers, debt collectors and credit bureaus on litigation and compliance issues; lawyers who represent and advocate for consumers; and government lawyers and law professors who specialize in consumer law will benefit from attending this program.

Live Webcast at www.pli.edu

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Program Attorney:
Stacey L. Greenblatt

PROGRAM SCHEDULE

Day One: 9:00 a.m. – 5:00 p.m.

Morning Session: 9:00 a.m. – 12:30 p.m.

9:00

Introduction and Opening Remarks

NYC, CHI, BIR & WEB: Deepak Gupta, Alan S. Kaplinsky, John J. Roddy, Julia B. Strickland

9:15

Keynote Address

NYC, CHI, BIR & WEB: Meredith Fuchs, Associate Director & General Counsel, Consumer Financial Protection Bureau

9:45

NEW SESSION

The CFPB Speaks: Recent Initiatives and Upcoming Activities

- Regulatory developments
 - Implementation of final mortgage rules
 - Rules and studies on debt collection, prepaid cards, payday and deposit advance loans, overdraft fees and arbitration
 - Streamlining initiative and other rulemakings (expanded HMDA data, ECOA data)
- Supervision developments
 - Change in policy regarding presence of enforcement attorneys at exams
 - Focus on third-party service providers
 - Use of consumer complaints and risk-based supervision authority
 - “Larger participant” supervisory efforts, including pending and future rulemaking
- Enforcement developments
 - Use of civil investigative demands and enforcement authority against individuals
 - Consent orders and enforcement actions in the past year
 - Priorities going forward

NYC, BIR & WEB: Charles Honig, Peggy L. Twohig, Natalie R. Williams

CHI: Charles Honig, C. Hunter Wiggins, Christopher J. Young

11:15 *Networking Break*

11:30

NEW SESSION

Fair Credit Reporting Act (FCRA)/Privacy Issues

- Data breach litigation developments
- Current developments in dispute litigation
- Creating an effective privacy program
- State law developments in privacy and data protection
- Managing international data flows

NYC, BIR & WEB: Kevin Mallon, Michael G. Morgan

CHI: Michael G. Morgan, Steven Lezell Woodrow

12:30

Networking Lunch Sponsored by Epiq Systems

Afternoon Session: 1:45 p.m. – 5:00 p.m.

1:45

Fair Lending

- Disparate impact claims under the FHA and ECOA – update on the implications of the settlement of the *Mt. Holly* case and AIA challenge to HUD’s FHA regulation
- CFPB guidance on discretionary dealer pricing in indirect auto lending programs
- Effects test analysis without HMDA data – issues under BISG and other proxy methods
- Status of CFPB and DOJ investigations into auto finance industry
- Update on class certification issues in fair lending class actions after *Wal-Mart v. Dukes*
- Recent settlements and emerging risk areas in fair lending examinations, including fair lending issues in servicing and collections

NYC, BIR & WEB: James A. Huizinga,

Jon M. Seward, Christopher J. Willis

CHI: James A. Huizinga, Christopher J. Willis

2:45

Mortgage Litigation

- The current status of lender-placed insurance litigation and regulatory actions
- The likely impact of the new CFPB qualified mortgage and servicing rules on private mortgage litigation
- Fair lending mortgage litigation: is it dead or just sleeping?
- Lessons learned from the CFPB’s loan originator compensation enforcement action

NYC, BIR & WEB: Franklin G. Burt,

Jonathan R. Marshall

CHI: W. Glenn Merten, Elizabeth Ryan

3:45 *Networking Break*

4:00

Debit Card, Credit Card, Retail Banking & Emerging Payment Models

- Preemption in credit card and other bank litigation
- Developments in the law of good faith and fair dealing
- Litigation under TILA and other consumer statutes
- Updates on litigation concerning debit card interchange regulation
- Developments in AG litigation

NYC, BIR & WEB: Noah A. Levine,

Michael W. Sobol

CHI: Oren S. Giskan, Noah A. Levine

5:00 *Adjourn*

Please plan to arrive with enough time to register before the conference begins.
A networking breakfast will be available upon your arrival.

Day Two: 9:00 a.m. – 1:45 p.m.

9:00

State Regulatory Initiatives and Developments

- State AG scrutiny of debt collection matters
- Updates on mortgage lending, servicing and securitization matters
- The evolving role of multi-state AG actions
- Partnerships between state AGs and the CFPB and U.S. DOJ
- Developments in credit rating agency cases
- Emerging areas of interest to state AGs and regulators

NYC, BIR & WEB: Christopher K. Barry-Smith, Benjamin G. Diehl, Joy Feigenbaum
CHI: Christopher K. Barry-Smith, Benjamin G. Diehl, Joy Feigenbaum, Tom James

10:15

Class Action Developments and Settlements & UDAP Update

- Class certification update
 - Are the courts engaging in rigorous scrutiny as directed by the Supreme Court?
 - What are the most successful approaches to obtaining and resisting class certification?
- Update on Rule 68 offers of judgment after *Genesis Healthcare*
- Developments in removal
 - The implications of *AU Optronics* on AG actions
- Class settlement update
 - What aspects of class settlements are the focus of the courts?
 - Lessons from the Ninth Circuit's *Radcliff v. Experian* decision
 - How do notice programs get tailored to current technology?
- State UDAP developments
- Intersection of regulatory, AG and private litigation

NYC, BIR & WEB: Cameron Azari, Mark L. LoSacco, Jonathan D. Selbin
CHI: Cameron Azari, Roger N. Heller, Andrew W. Moritz

11:30 *Networking Break*

11:45

Telephone Consumer Protection Act (TCPA) Developments, Debt Collection Liabilities Under Fair Debt Collection Practices Act (FDCPA)

- The CFPB's exploration of ways to apply the FDCPA to creditors collecting their own debts
- The extension of arbitration mechanisms to third-party debt collectors
- Class certification trends in TCPA litigation
- Text vs. fax vs. calls – important distinctions in TCPA jurisprudence
- Which party must prove consent exists and what constitutes "prior express consent" under the TCPA?
- The conjunction of the FDCPA and TCPA

NYC, CHI, BIR & WEB: Donald S. Maurice, Beth E. Terrell

12:45

Arbitration

- Does the U.S. Supreme Court opinion in *American Express v. Italian Colors* resolve any and all issues pertaining to the validity of class action waivers?
- Are there other grounds for invalidating arbitration provisions?
- What is the status of the CFPB's study of arbitration under Section 1028 of Dodd-Frank?

NYC, BIR & WEB: Andrew J. Pincus, Claire Prestel, William R. Wade-Gery
CHI: F. Paul Bland, Andrew J. Pincus, William R. Wade-Gery

1:45 Adjourn

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Due to high demand and limited inventory in NYC, we recommend reserving hotel rooms as early as possible.

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Chicago Seminar Location: University of Chicago Gleacher Center, 450 N. Cityfront Plaza Drive, Chicago, Illinois 60611. (312) 464-8787.

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