

**CONSUMER FINANCIAL SERVICES COMMITTEE  
2019 WINTER MEETING  
January 10 - 13, 2019  
Miami, FL**

**CFSC MEETINGS AND PROGRAMS SCHEDULE**

**THURSDAY, JANUARY 10, 2019**

4:00 pm - 6:00 pm

**BEER AND BASICS**  
**Introductory Topics on Consumer Finance Law (CLE)**

**LOCATION**  
**KING BALLROOM 1 & 2**

PRESENTED BY: Young Lawyers

GENEROUSLY SPONSORED BY: Davis Wright Tremaine LLP

Co-Vice Chairs:

Richard Freshwater, Thompson Hine LLP, Cleveland, OH  
Robert Savoie, Member, McGlinchey, Cleveland, OH

Speakers:

Latif Zaman, Associate, Hudson Cook, Hanover, MD  
Jamar King, Associate, Thompson Hine LLP, Dayton, OH  
Peter Cockrell, Associate, McGlinchey, Washington, DC  
Kimberly Monty Holzel, Associate, Goodwin, Boston, MA

Description:

A panel of attorneys will discuss hot topics on issues in the consumer financial services world. Topics will include updates on qualified written requests under the Real Estate Settlement Procedures Act, choice of law provisions in consumer contracts, state data breach laws and the regulation of cryptocurrency businesses.

6:00 pm - 7:30 pm

**CFSC WELCOME RECEPTION**

**LOCATION**  
**CASCATA POOL**  
(King Ballroom 3 for weather backup)

GENEROUSLY SPONSORED BY: Burr & Forman LLP  
Weiner Brodsky Kider PC

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Chair:

Katrina Christakis, Partner, Pilgrim Christakis LLP, Chicago, IL

**FRIDAY, JANUARY 11, 2019**

7:00 am - 8:00 am

**WELCOME & INTRODUCTIONS**

**LOCATION**

**KING BALLROOM 1 & 2**

Chair:

Katrina Christakis, Partner, Pilgrim Christakis LLP, Chicago, IL

Vice-Chairs:

Catherine Brennan, Partner, Hudson Cook, Hanover, MD

David Esquivel, Member, Bass Berry, Nashville, TN

Eric Mogilnicki, Partner, Covington & Burling, LLP, Washington, DC

8:00 am - 9:00 am

**CONSUMER PROTECTION AND PAYMENTS INNOVATION-ARE REGULATORY REFORMS NEEDED? (CLE)**

**LOCATION**

**KING BALLROOM 1 & 2**

PRESENTED BY: Deposit Products and Payment Systems

Chair:

David Beam, Partner, Mayer Brown, Washington, DC

Moderator:

Nancy K. Brooks, Partner, Schuyler, Roche & Crisham, Chicago, IL

Speakers:

Gizelle Barany, General Counsel, Marqeta, Inc., Oakland, CA

Frank Kulbaski, Director, Financial Regulation, PayPal, New York, NY

John Thompson, Chief Program Officer, Center for Financial Services

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Innovation, Chicago, IL  
Tim Boike, Vice President, Industry Relations Program, Federal Reserve Bank  
of Chicago, Chicago, IL

Description:

Electronic payment systems continue to evolve at a rapid pace. These innovations provide increased access for consumers to a host of different kinds of electronic payment transactions, from digital and mobile wallets, P2P transactions, electronic bill pay, to microloans. The question is whether the current regulatory framework adequately protects consumers or whether regulatory reforms are needed.

9:00 am - 10:00 am

**TCPA LITIGATION: WHERE IS IT HEADING NOW? (CLE)**

**LOCATION  
KING BALLROOM 1 & 2**

PRESENTED BY: Debt Collection Practices and Bankruptcy

Chair:

Alan Leeth, Burr & Forman LLP, Birmingham, AL

Speakers:

Tomio Narita, Partner, Simmonds & Narita LLP, San Francisco, CA  
Abbas Kazerounian, Shareholder, Kazerouni Law Group, APC, Costa Mesa, CA  
Matthew Mitchell, Partner, Burr & Forman LLP, Birmingham, AL

Description:

The Ninth Circuit's recent decision in *Marks v. Crunch San Diego, LLC* has added to the increasing confusion in the courts over the proper scope of what qualifies as an "automatic telephone dialing system" under the TCPA. If you attend this program, you can join both sides of the discussion, which will be

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led by a TCPA defense attorney and the plaintiff's attorney who handled the *Marks* case.

10:00 am - 10:15 am

**BREAK**

10:15 am - 11:15 am

**REGULATING INNOVATION: A LOOK AT RECENT DEVELOPMENTS IN FINTECH  
REGULATORY POLICY (CLE)**

**LOCATION  
KING BALLROOM 1 & 2**

PRESENTED BY: Electronic Financial Services and Digital Currency

Chair:

Yolanda Gamboa, Bank of America, Chicago, IL

Moderator:

Jolina Cuaresma, Fellow at Georgetown Law, Washington, DC

Speakers:

Albert Chang, Counsel, CFPB, Washington, DC

Alexandra Villareal O'Rourke, Partner, Financial Regulatory Lead and Fin-Tech  
Co-Lead, Womble Bond Dickinson, Charlotte, NC

Alison Rolleri, Assistant General Counsel, Bank of America, Pennington, NJ

Andrew Smith, Director, Bureau of Consumer Protection, Federal Trade  
Commission, Washington, DC

Description:

A discussion on recent developments on the regulation of FinTech innovations from the perspectives of two regulators, a law firm partner representing FinTech firms and in house counsel at a financial institution.

11:15 am - 12:45 pm

**BATTER UP ... AS STATES STEP TO THE PLATE (CLE)**

**LOCATION**

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**KING BALLROOM 1 & 2**

JOINTLY PRESENTED BY: Federal and State Trade Practices & Personal Property Financing

Co-Chairs:

Nicholas Smyth, Senior Deputy Attorney General, Assistant Director of Bureau of Consumer Protection, Pennsylvania Office of Attorney General, Pittsburgh, PA

John C. Redding, Partner, Buckley Sandler, Los Angeles and San Francisco, CA

Moderator:

Kelly Lipinski, Member, McGlinchey, Cleveland, OH

Speakers:

Nicholas Smyth, Senior Deputy Attorney General, Assistant Director of Bureau of Consumer Protection, Pennsylvania Office of Attorney General, Pittsburgh, PA

Shennan Kavanagh, Deputy Chief, Consumer Protection Division, Massachusetts Attorney General's Office, Boston, MA

Carol Moore, Vice President and General Counsel, Hyundai Capital America, Irvine, CA

Robin Wiessmann, Secretary of Banking and Securities, Pennsylvania Department of Banking and Securities, Harrisburg, PA

Description:

Much has appeared in the press about the pullback of the CFPB under the leadership of Acting Director Mulvaney and the actions of various state Attorneys General and state financial regulators to take up the fight with respect to financial institutions. In this program, we discuss some of the steps states are taking and areas of interest.

We will also discuss how regulated entities should be thinking about the increased focus of those state Attorneys General and regulators.

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12:45 pm - 1:00 pm	<p><b>NEW ATTENDEE WELCOME MEETING</b></p> <p><u>Chair:</u> Katrina Christakis, Partner, Pilgrim Christakis LLP, Chicago, IL</p> <p><u>Vice-Chairs:</u> Catherine Brennan, Partner, Hudson Cook, Hanover, MD David Esquivel, Member, Bass Berry, Nashville, TN Eric Mogilnicki, Partner, Covington &amp; Burling, LLP, Washington, DC</p>	<p><b>LOCATION</b> <b>KING BALLROOM 1 &amp; 2</b></p>
12:45 pm - 1:15 pm	<p><b>CFSC TREATISE MEETING</b></p> <p><u>PRESENTED BY:</u> Federal Regulation of CFS Treatise</p> <p><u>Editor:</u> David Beam, Partner, Mayer Brown, Washington, DC</p> <p><u>Description:</u> Join Editor David Beam for Q&amp;A regarding your assigned chapters for the Consumer Financial Services Treatise, to be submitted to the Business Law Section for 2019 publication. Or learn how to get involved!</p>	<p><b>LOCATION</b> <b>KING BALLROOM 1 &amp; 2</b></p>
7:00 pm - 10:00 pm	<p><b>COMMITTEE RECEPTION AND DINNER (Ticketed Event)</b></p> <p><u>GENEROUSLY SPONSORED BY:</u> Holland &amp; Knight LLP McGlinchey Stafford PLLC</p>	<p><b>LOCATION</b> <b>MAGNOLIA COURTYARD</b> (King Ballroom 3 for weather backup)</p>
<b>SATURDAY, JANUARY 12, 2019</b>		
7:00 am - 8:00 am	<p><b>CORPORATE INCLUSION (CLE)</b></p>	<p><b>LOCATION</b> <b>KING BALLROOM 1 &amp; 2</b></p>

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**CFSC MEETINGS AND PROGRAMS SCHEDULE**

PRESENTED BY: Task Force on Diversity and Inclusion

GENEROUSLY SPONSORED BY: Bass, Berry & Sims PLC  
Covington & Burling, LLP

Chair:  
Sharmin Arefin, Arefin Law, Atlanta, GA

Moderator:  
Robin Nunn, Partner, Davis Wright Tremaine LLP, Washington, DC

Speakers:  
Brian Harris, Director, Product Counsel, Affirm, Castro Valley, CA  
Sheilah Goodman, Associate General Counsel, Fannie Mae, Washington, DC  
Michael Kenny, Associate General Counsel, Citigroup, New York, NY

Description:  
This CLE put on by the Diversity and Inclusion Task Force will discuss the legal issues that plague big data—from privacy and data security laws to the regulation of lead monetization—and recent litigation and enforcement trends on the federal and state levels. This CLE will also discuss the ethical dilemmas of big data and related innovations, such as potential bias in AI, diversity and inclusion issues, and why respecting ethical boundaries benefits companies as much if not more than legal compliance. Finally, this CLE will explore best practices for maintaining legally compliant and ethically sound big data programs, and how to build or maintain trust while public faith in big data erodes.

8:00 am - 9:00 am

**EMERGING TRENDS AND DEVELOPMENTS IN CLASS ACTION LITIGATION  
(CLE)**

**LOCATION  
KING BALLROOM 1 & 2**

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PRESENTED BY: Litigation and Arbitration

Chair:

David Scheffel, Dorsey & Whitney LLP, New York, NY

Moderator:

Matthew Stromquist, Partner, Pilgrim Christakis LLP, Chicago, IL

Speakers:

David Sellinger, Partner, Greenberg Traurig LLP, Florham Park, NJ  
Sabrina Neff, Senior Counsel, Husch Blackwell LLP, Houston, TX

Description:

The Supreme Court has decided a number of cases in the last few years that directly impact class action litigation. These cases have now percolated in the lower courts, sometimes leading to divergent results. Understanding the scope and reach of these decisions is important for both attorneys and the businesses they advise. This panel will discuss a few of the recent key cases—including those that address the timeliness of and jurisdiction over class claims, among others—exploring their impact and importance to both consumers and businesses.

9:00 am - 10:00 am

**FAIR LENDING ISSUES WITH THE USE OF ARTIFICIAL INTELLIGENCE AND BIG DATA IN CONSUMER CREDIT - FROM ADVERTISING TO COLLECTIONS (CLE)**

**LOCATION  
KING BALLROOM 1 & 2**

PRESENTED BY: Fair Access to Services

Chair:

Christopher Willis, Practice Group Leader, Consumer Financial Services  
Litigation, Ballard Spahr LLP, Atlanta, GA



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Moderator:

Christopher Willis, Practice Group Leader, Consumer Financial Services  
Litigation, Ballard Spahr LLP, Atlanta, GA

Speakers:

Brian P. Larkin, Senior Director, Assistant General Counsel, Capital One,  
McLean, VA

Morgan Williams, General Counsel, National Fair Housing Alliance,  
Washington, DC

Adam Gailey, Principal, Charles River Associates, Washington, DC

Alex Lakatos, Partner, Mayer Brown LLP, Washington, DC

Carol Evans, Associate Director, Division of Consumer and Community Affairs,  
Federal Reserve Board, Washington, DC

Description:

The use of machine learning and artificial intelligence – coupled with vast data sources about consumers – is revolutionizing the way in which financial services companies find customers, make credit decisions, and service accounts. This panel will explore the potential for fair lending issues to arise in these contexts, and the practical ways for financial services companies to mitigate those risks.

10:00 am - 10:15 am

**BREAK**

10:15 am - 11:15 am

**PROVIDING PRO BONO ASSISTANCE TO SURVIVORS OF A NATURAL  
DISASTER (CLE)**

**LOCATION  
KING BALLROOM 1 & 2**

PRESENTED BY: Pro Bono

Chair:

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Jennifer D. Newton, Director, Kaufman Rossin, Miami, FL

Moderator:

Jim Morrissey, Attorney, Pilgrim Christakis LLP, Chicago, IL

Speakers:

Anthony Palermo, Attorney, Holland & Knight, ABA YLD Disaster Relief,  
Tampa, FL

Maria Alvarez, Attorney, Legal Services Greater Miami, Disaster Law Services,  
Miami, FL

Louis C. Senat, Attorney, McDonald Turner Senat Law, PLLC, Miramar, FL

Rachel Bentley, Attorney, Legal Aid Society of Palm Beach County, Inc., West  
Palm Beach, FL

Description:

After a devastating hurricane, wild fire, or tornado, aid groups race to provide survivors with the basic necessities of life. But an often-overlooked consequence of such a disaster is its impact on the rights, responsibilities and protections afforded to consumers left in its wake. Survivors are also left to navigate the complex process of obtaining assistance from FEMA and their insurance companies. Learn how individuals and organizations are working together to provide legal assistance to individuals who prior to, or as a result of a disaster, are unable to secure legal services to meet their disaster related needs.

11:15 am - 12:15 pm

**A WALK ON THE WILD SIDE: RECENT TRUTH IN LENDING ACT (TILA)  
LITIGATION (CLE)**

**LOCATION  
KING BALLROOM 1 & 2**

PRESENTED BY: Truth-in-Lending

Chair:

Leonard Chanin, Deputy General Counsel, Fifth Third Bank, Washington, DC

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Moderator:

Leonard Chanin, Deputy General Counsel, Fifth Third Bank, Washington, DC

Speakers:

Eric Mogilnicki, Partner, Covington & Burling, LLP, Washington, DC

Ben Olson, Partner, Buckley Sandler, LLP, Washington, DC

Angela Kleine, Partner, Morrison & Foerster, LLP, San Francisco, CA

Description:

We will have a lively discussion of whether, and if so, when, consumers have standing to bring claims under the Truth in Lending Act (TILA), in light of the U.S. Supreme Court's decision in *Spokeo, Inc., v. Robins*. (In *Spokeo*, the Supreme Court clarified the requirements for a plaintiff to have "standing" to bring an action involving a violation of a statutory "procedural" provision. In particular, the Court stated that a violation must be "concrete" to satisfy the injury component.) Several federal district courts as well as two circuit courts have discussed whether disclosure and similar violations of TILA satisfy the "concrete" injury provisions.

We will also discuss recent developments, including federal legislative developments, involving PACE (Property Assessed Clean Energy) loans. (PACE loans allow consumers to finance energy efficient projects. Such loans create a special assessment on real estate and are paid via a consumer's real estate taxes. PACE loans create a senior priority lien over existing mortgages. Over 30 states authorize PACE loans to finance energy projects.) At least one court has held that TILA does not apply to PACE loans. However, recent federal legislation amends TILA and requires the Consumer Financial Protection Bureau to prescribe regulations addressing these loans, including arguably applying civil liability provisions in TILA to such loans.

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**ROUNDTABLES:**

**Discussions of Late Breaking Topics Not Otherwise Covered**

Co-Chairs:

Sandy Shatz, McGlinchey, Irvine, CA

Heather Thayer, Thayer Legal Services, Minneapolis, MN

12:15 pm - 12:45 pm

**ROUNDTABLE 1**

**LOCATION  
SABAL 4**

Description: To Be Distributed at Meeting

12:15 pm - 12:45 pm

**ROUNDTABLE 2**

**LOCATION  
SABAL 5**

Description: To Be Distributed at Meeting

12:15 pm - 12:45 pm

**ROUNDTABLE 3**

**LOCATION  
SABAL 6**

Description: To Be Distributed at Meeting

12:15 pm - 12:45 pm

**ROUNDTABLE 4**

**LOCATION  
SABAL 7**

Description: To Be Distributed at Meeting

12:45 PM - 1:00 PM

**YOUNG LAWYERS LIAISON MEETING**

**LOCATION  
KING BALLROOM 1 & 2**

Description: Calling all Young Lawyer Liaisons! Join Katrina Christakis for a short meeting to discuss your involvement with the Committee and hear your feedback.

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12:45 pm - 1:45 pm	<b>AMERICAN COLLEGE OF CONSUMER FINANCIAL SERVICES LAWYERS (ACCFSL)</b>  <u>Chair:</u> Jeff Langer, Counsel, Faegre Baker Daniels LLP, Chicago, IL	<b>LOCATION SABAL 7</b>
5:30 pm - 7:00 pm	<b>NEW MEMBER HAPPY HOUR RECEPTION</b>  <u>GENEROUSLY SPONSORED BY:</u> National Creditors Bar Association (NCBA)	<b>LOCATION MAGNOLIA COURTYARD</b> (King Ballroom 3 for weather backup)
<b>SUNDAY, JANUARY 13, 2019</b>		
8:00 am - 8:30 am	<b>LEADERSHIP MEETING</b>  <u>Chair:</u> Katrina Christakis, Partner, Pilgrim Christakis LLP, Chicago, IL	<b>LOCATION SABAL 6</b>
8:30 am - 10:00 am	<b>SAUSAGE MAKING IN PRIVACYLAND: ASSESSING THE CALIFORNIA CONSUMER PRIVACY ACT AND THE CREDIT REPORTING PROVISIONS OF S. 2155 (CLE)</b>  <u>PRESENTED BY:</u> Privacy and Data Security  <u>Chair:</u> David Stein, Of Counsel, Covington & Burling, LLP, Washington, DC  <u>Moderator:</u> David Stein, Of Counsel, Covington & Burling, LLP, Washington, DC	<b>LOCATION KING BALLROOM 1 &amp; 2</b>

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Speakers:

Marc Carlson, Vice President, Legal, Experian North America, Costa Mesa, CA  
Laurie Babinski, Associate General Counsel, Credit Karma, Inc.,  
San Francisco, CA  
Rita Heimes, General Counsel, IAPP, Portsmouth, NH  
Christopher Ott, Partner, Davis Wright Tremaine LLP, Washington, DC

Description:

This program will examine the major legislative developments in privacy and credit reporting from 2018. The panel will focus on the California Consumer Privacy Act (“CCPA”) along with the credit reporting provisions of the federal regulatory reform legislation, S. 2155. The program will trace the evolution of the CCPA from ballot initiative to legislation, the 2018 amendments, and prospects for further amendments. Next, the program will examine the key provisions of the CCPA, including key definitions, substantive consumer protection provisions, and exceptions, with an emphasis on unresolved or problematic issues and potential consequences for industry participants. Finally, the program will cover the new credit reporting provisions adopted in S. 2155, including the national security freeze provisions, veteran and servicemember protection provisions, and the GAO report on consumer reporting agencies.

10:00 am - 10:15 am

**BREAK**

10:15 am - 11:15 am

**LEP: PIECING THE PUZZLE TOGETHER (CLE)**

**LOCATION  
KING BALLROOM 1 & 2**

PRESENTED BY: Housing Finance

Chair:

Christine Acree, Senior Product Counsel, Ellie Mae, Irvine, CA

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Moderator:

Fed Kamensky, Member, Weiner Brodsky Kider PC, Washington, DC

Speakers:

Jacqueline Ledon, Staff Attorney, Legal Services of Greater Miami, Miami, FL  
Elizabeth Kemp, Associate General Counsel, Fannie Mae, Washington, DC  
Tobias Moon, Partner, Husch Blackwell LLP, Dallas, TX

Description:

Providing services to consumers with Limited English Proficiency (LEP) continues to be a growing priority for lenders and servicers who want to reach a wide range of borrowers as well as an area of concern for industry regulators. Discussion includes legal, operational, and practical challenges and considerations as well as targeted solutions, technology, and/or best practices we can utilize to address this.

11:15 am- 12:15 pm

**PEERING THROUGH THE FOG: THE EVOLVING LANDSCAPE OF REGULATORY GUIDANCE (CLE)**

**LOCATION  
KING BALLROOM 1 & 2**

PRESENTED BY: Compliance Management

Chair:

John Morton, Executive Vice President, General Counsel, Mariner Finance, LLC, Baltimore, MD

Speakers:

John Morton, Executive Vice President, General Counsel, Mariner Finance, LLC, Baltimore, MD  
Michael C. Flynn, Partner, Goodwin, Washington, DC  
Jeffrey P. Naimon, Partner, Buckley Sandler, Washington, DC

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Emilio Revilla, Chief Consumer Regulatory Counsel, Capital One, Richmond, VA

Description:

What is the practical impact of supervisory guidance given the September 2018 Interagency Statement Clarifying the Role of Supervisory Guidance? When can businesses and practitioners rely on agency guidance? Please join us for a lively discussion on these issues, as well as the interplay with the role of outside counsel and how these issues impact innovation and regulatory sandboxes.



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**CLE INFORMATION**

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, CT, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, ME, MN, MS, MO, MP, MT, NH, NJ, NM, NV, NY, NC, ND, OH, OK, OR, PA, PR, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit [www.americanbar.org/cle/mandatory\\_cle.html](http://www.americanbar.org/cle/mandatory_cle.html) or contact Quiana Nesbit at [Quiana.Nesbit@americanbar.org](mailto:Quiana.Nesbit@americanbar.org) or 312-988-5588.

**SCHOLARSHIP INFORMATION**

Applications are available for a limited number of scholarships to defray the registration fee. Preference will be given to practitioners with limited means and to unemployed attorneys.

For registration fees over the amount of \$500, attorneys who qualify will receive at least a 50% reduction in the registration fee. Please note, this does not include any reduction in meals, lodging, or travel costs associated with the course. For more information, please contact Quiana Nesbit at [quiana.nesbit@americanbar.org](mailto:quiana.nesbit@americanbar.org)