



The Conference on Consumer Finance Law
 Annual Consumer Financial Services Conference
 November 2-3, 2023 | Southern Methodist University | Dallas, Texas

AGENDA

DAY ONE – November 2, 2023

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| | 8:00am | LIGHT BREAKFAST AND REGISTRATION |
| | 8:45am | OPENING REMARKS <i>James M. Milano Chairman, Conference on Consumer Finance Law</i> |
| DUAL TRACK | | |
| SESSION 1 AUDITORIUM | 9:00am – 10:00am | FCRA: LITIGATION INVOLVING CREDIT INQUIRIES RAISES RISK OF CHANGES TO INDUSTRY PRACTICE |
| | | Description: The speakers will discuss the dramatic increase in litigation involving FCRA “inquiries,” including cases involving ID theft, account review and obtaining credit reports without a permissible purpose. The panel will address the recent Rivera class action and its potential industry-changing impact on how CRAs investigate inquiries and notify furnishers of information regarding disputed inquiries. Defense strategies and compliance suggestions will be at the center of the discussion. Presenters: Colleen Fox <i>Saul Ewing Arnstein & Lehr LLP</i> Zachary D. Miller <i>Burr & Forman LLP</i> Kaitlyn Burke <i>Upbound Group, Inc.</i> |
| SESSION 2 AUDITORIUM | 10:00am – 11:00am | LESSONS LEARNED FROM CONSUMER TRIALS |
| | | Description: May it please the Court? On occasion, a consumer finance case makes it to trial, presenting unique challenges unlike other cases. This panel will explore lessons learned in the trial trenches from the perspective of outside and in-house counsel. Presenters: Tomio Narita <i>Womble Bond Dickinson</i> Sabrina Neff <i>Husch Blackwell</i> David Smith <i>Sunnova</i> |
| | 11:00 – 11:15am | Break |
| SESSION 3 AUDITORIUM | 11:15am – 12:15am | HITTING AN INFLECTION POINT? USING LICENSING LAWS TO CHALLENGE THE BANK LENDING MODEL |
| | | Description: In light of an ever-changing regulatory landscape, nonbank partners need to carefully consider: Broader state licensing requirements; States’ codification of “true lender” tests; and State opt out to federal interest rate preemption by state-chartered banks. In this presentation, we will discuss recent statutory and regulatory measures aimed at further regulating partnerships, touch on “regulation by enforcement” by state regulators, and provide practical advice and examples of state actions changing the regulatory landscape for nonbank partners. Presenters: Susan Seaman <i>Husch Blackwell</i> Lisa Lanham <i>Ballard Spahr LLP</i> |
| | 12:15pm – 2:00 pm | Lunch on Your Own |
| SESSION 4 AUDITORIUM | 2:00pm – 3:00pm | CFPB AND NEW YORK AG V. CREDIT ACCEPTANCE: ISSUES AND IMPLICATIONS |
| | | Description: The lawsuit filed by the CFPB and New York Attorney General against Credit Acceptance has potentially far-reaching implications for the auto finance industry and sales finance products in general. In this session, we will discuss the claims asserted, the status of the litigation, and the implications of the case for the broader auto finance and retail sales finance industries. Presenters: Chris Willis <i>Troutman Pepper Hamilton Sanders LLP</i> Tom Buiteweg <i>Hudson Cook, LLP</i> |
| SESSION 4A FLORENCE HALL 207 | 2:00pm – 3:00pm | SMALL DOLLAR LENDING UPDATE |
| | | Description: This presentation discusses all of the recent legislative and regulatory developments impacting lenders making small dollar unsecured consumer loans. Presenters: Blake Sims <i>Hudson Cook, LLP</i> Tobias Moon <i>Chapman & Cutler LLP</i> |
| | 3:00pm – 3:15pm | Break |
| SESSION 5 AUDITORIUM | 3:15pm – 4:15pm | EMERGING MORTGAGE COMPLIANCE ISSUES: HOT TOPICS IN MORTGAGE ORIGATION AND SERVICING COMPLIANCE |

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| | | <p>Description: It's never easy navigating the mortgage lending and servicing regulatory landscape. Even as it appears COVID is (for the most part) in the rear view, mortgage lenders and servicers continue to face significant regulatory scrutiny and compliance challenges. During this session, the panelists will talk about some of the hot topics in mortgage origination and servicing compliance including, but not limited to, potential Regulation X (mortgage servicing) rulemaking, recent Section 8 consent order takeaways, scrutiny surrounding mortgage servicing-related fees, and LO comp updates.</p> <p>Presenters: Jason Bushby <i>Bradley Arant Boult Cummings LLP</i> Brian Levy <i>Katten Temple, LLP</i> Jeff Rodgers <i>Annaly Capital Management</i></p> |
| SESSION 5A FLORENCE HALL #207 | 3:15pm – 4:15pm | RENT-TO-OWN: NEW HORIZONS IN CFPB AUTHORITY |
| | | <p>Description: Panelists will discuss background information about rent-to-own, including its history, modern innovations, and scrutiny. They will also address whether various state and federal consumer protection laws apply to rent-to-own. Finally, panelists will discuss recent regulatory efforts involving this industry and their impact.</p> <p>Presenters: James Kim <i>Troutman Pepper Hamilton Sanders LLP</i> Justin Hosie <i>Hudson Cook</i></p> |
| SESSION 6 AUDITORIUM | 4:15pm – 5:15pm | UNDERWRITING MODELS AND TARGETED ADVERTISING |
| | | <p>Description: This panel will discuss the potential for bias and discrimination in machine learning credit models, what can cause it, and the options available to creditors (and expected by regulators) to reduce disparate impact in such models. We will also discuss explainability of AI/ML models and highlight the CFPB's recent guidance on specificity of adverse action reasons when an AI/ML model is used to make credit decisions.</p> <p>Presenters: Sarah Schindler-Williams <i>Zest AI</i> Nicholas Schmidt <i>BLDS/Solas AI</i></p> |
| | 5:30pm | Reception The Lumen |
| DAY TWO – November 3, 2023 | | |
| DUAL TRACK | | |
| SESSION 7 AUDITORIUM | 9:00am – 10:00am | PLEADING PRIVACY POST – HUNSTEIN III |
| | | <p>Description: We will be presenting on trends in standing doctrine (capacity to sue in the absence of actual injury under statutory damages theories under federal consumer protection statutes) in the wake of Spokeo, TransUnion and Hunstein and their progeny. While the general headline of federal courts dismissing claims for lack of actual concrete damages, even where there is an alleged bare technical statutory violation with the potential for statutory damages (such as under the TCPA, FACTA, FCRA and FDCPA) has been underway for some years now, and we will cover the latest developments on that front, we will focus on exploring some less-covered ground in the space including: what state courts are doing when the same suits find their way there (state courts are divided because their standing doctrines differ, and some analyses can become fact-intensive), how class actions are impacted where perhaps representatives have some harm but putative members do not and other class-specific formulations of the standing problem, and how the growing body of privacy law (often implicating a risk of concrete harm that has not yet materialized) may be impacted by these developments in the federal courts and the variations among states based on their respective standing doctrines.</p> <p>Presenters: Keith Levenberg <i>Goodwin Law</i> Sara Solano <i>Burr & Forman LLP</i> Brett Natarelli <i>Dykema</i></p> |
| SESSION 8 AUDITORIUM | 10:00am – 11:00am | AFRICAN AMERICAN HOMEOWNERSHIP—REDLINING EXAMS AND ENFORCEMENT ACTIONS |
| | | <p>Descriptions: This session will address trends in fair lending supervision and enforcement with an emphasis on the development of enforcement efforts by the Department of Justice through its Initiative to Combat Redlining.</p> <p>Presenters: Andrea Mitchell <i>Mitchell Sandler LLC</i> Sara Niles <i>United States Department of Justice</i> Kenneth Edwards <i>JPMorgan Chase</i></p> |
| SESSION 8A HILCREST #___ | 10:00am – 11:00am | HOT TOPICS IN PAYMENTS |
| | | <p>Descriptions:</p> <p>Presenters: Kathryn Puls <i>Chapman & Cutler LLP</i> Emily Honsa Hicks <i>DLA Piper</i></p> |

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| | 11:00am – 11:15am | Break |
| SESSION 9 AUDITORIUM | 11:15am – 12:15pm | STUDENT LOAN HOT TOPICS |
| | | <p>Descriptions: This presentation will discuss recent topics related to student lending including: (i) developments in state law regulation of the private education lending industry, with a focus on the increased regulation and supervision of student loan servicers; and (ii) developments relating to the dischargeability of student loans given recent litigation trends and guidance from the CFPB.</p> <p>Presenters: Jessica Salisbury-Copper <i>Thompson Hine LLP</i> Kelly Lipinski <i>McGlinchey Stafford</i> Lynne Xerras <i>Holland & Knight</i></p> |
| SESSION 9A HILCREST | 11:15pm – 12:15pm | AUTO FINANCE REGULATORY DEVELOPMENTS |
| | | <p>Descriptions: This session will cover some of the recent legislative and regulatory developments affecting motor vehicle dealers and the auto finance industry, including the FTC's Proposed Vehicle Shopping Rule, legal activity on lease purchase option charges, the CFPB's Small Business Data Collection Rule and Section 1022 Market Monitoring Order, findings from the CFPB's recent Supervisory Highlights and CFPB action against an auto "loan" servicer for several illegal practices that allegedly harmed consumers.</p> <p>Presenters: Eric Johnson <i>Hudson Cook</i> Evan Baker <i>Capital One</i> John Redding <i>Alston & Bird</i></p> |
| | 12:15pm – 2pm | Lunch on your own |
| SESSION 10 AUDITORIUM | 2:00pm – 3:00pm | AN IRRECONCILABLE TENSION? THE CONFLICT BETWEEN INCREASED FEDERAL REGULATORY PRESSURES AND THE INABILITY TO GROW COMPLIANCE FUNCTIONS |
| | | <p>Descriptions: A constant stream of new regulations, increasingly aggressive regulators, and aggressive enforcement activity put great stress on Compliance and Risk Management functions. But at the same time, these pressures and regulatory expectations of ever-growing Compliance and Risk Management functions collide against a lack of available staff to hire and tight hiring budgets in an uncertain economic environment. How can companies realistically square this circle? Join a lively presentation addressing these critical issues.</p> <p>Presenters: Michael Flynn <i>Buchalter Law Firm</i> Dylan Reeves <i>Stites & Harbison PLLC</i></p> |
| SESSION 10A HILCREST | 2:00pm – 3:00pm | AS TECHNOLOGY ADVANCES, PRIVACY LITIGATION TRENDS CONTINUE TO MORPHE |
| | | <p>Descriptions: Privacy risk comes from litigation and regulators. How can businesses stay ahead? This panel will walk through the Plaintiffs' bar's efforts to expand the reach of old privacy statutes like the California Invasion of Privacy Act and the Video Privacy Protection Act to website tools. We will also discuss how to leverage State privacy law compliance obligations as defenses.</p> <p>Presenters: Genevieve Walser-Jolly <i>Severson & Werson</i> R. Glenn Knirsch <i>Alorica</i></p> |
| SESSION 11 AUDITORIUM | 3:00pm – 4:00pm | Ethics and the Art of Negotiation |
| | | <p>Descriptions:</p> <p>Presenters: Carliss Chatman <i>SMU Law School</i></p> |