



The Conference on Consumer Finance Law
Annual Consumer Financial Services Conference

May 18-19, 2023 | Loyola Law School | Chicago, IL

AGENDA

DAY ONE – May 18, 2023

LIGHT BREAKFAST AND REGISTRATION

OPENING REMARKS

James M. Milano | Chairman, Conference on Consumer Finance Law

COMMON TRACK

SESSION 1	9:00am – 10:00am	Title: Mass Arbitration: The New Frontier
Total Time: 60 minutes		Description: The panelists will discuss the recent use of “mass arbitration” threats by consumer finance plaintiffs’ attorneys to pressure businesses to settle claims in order to avoid large arbitration fees. The panel will address strategies to defend against mass arbitration, how the large arbitral authorities are managing the matters, changes being made to arbitration provisions and numerous other issues raised by this new settlement pressure tactic.
		Presenters: Katrina Christakis <i>Pilgrim Christakis LLP</i> Zach Miller <i>Burr & Forman LLP</i> Kevin Ranlett <i>Mayer Brown LLP</i>
SESSION 2	10:00am – 11:00am	Title: APR Comes to Non-Bank Commercial Finance: State Small Business Loan Disclosure Laws
Total Time: 60 minutes		Description: This panel will explore the regulatory compliance associated with the commercial financing disclosures enacted in New York and California. The panel also will discuss the operational hurdles associated with these requirements. This is a growing area with more and more states (e.g., UT and VA) enacting similar statutes
		Presenters: Leonard Bernstein <i>Holland & Knight, LLP</i> Tobias Moon <i>Chapman and Cutler LLP</i> Rina Jariwala <i>Fundbox</i>
	11:00am – 11:15am	Break
SESSION 3	11:15am – 12:15pm	Title: Enhanced Antitrust Scrutiny of the Consumer Financial Services Industry
Total Time: 60 minutes		Description: In recent years, federal antitrust regulators have increasingly focused on CFS industry practices that they perceive as anticompetitive. Chief among these are certain proposed mergers and other practices involving digital markets and payment platforms. As is common in the antitrust field, plaintiffs’ class action litigation has followed. This panel will discuss how to minimize risk and exposure in this new legal environment.
		Presenters: Emilia McKee Vassallo <i>Ballard Spahr LLP</i> Susie Seaman <i>Husch Blackwell LLP</i> Edward D. Rogers <i>Ballard Spahr LLP</i>
	12:15pm – 1:15pm	Lunch on Your Own
SESSION 4	1:15pm - 2:15pm	Title: Home Appraisals and Racial Bias—Recent Developments in Federal Guidance and Oversight
Total Time: 60 minutes		Description: Racial bias in home appraisals has been a focus of the current administration, particularly since the issuance of the PAVE Report. Today’s presentation will discuss recent developments in federal guidance and oversight regarding appraisals, appraisal bias, and the reconsideration of value process. We will also discuss recent developments in both government investigations and private litigation concerning appraisal bias.
		Presenters: Caren Enloe <i>Smith Debnam Narron Drake Saintsing & Myers, LLP</i> Tim Ofak <i>Weiner Brodsky Kider PC</i> Sharon Whitaker <i>American Bankers Association</i>

SESSION 5	2:15pm – 3:15pm	Title: What's New in Credit Contracts: Revisions to the Holder Rule
Total Time: 60 minutes		Description: This panel will cover recent developments around the FTC's Holder Rule. In the past two years, the FTC and the California Supreme Court have seemingly re-defined the limits on liability under the Holder Rule, including whether prevailing consumers can recover their attorneys' fees under the Holder Rule cap. We will discuss the current state of the law, strategies for minimizing litigation risk, and best practices for consumer finance companies. Presenters: James W. Sandy <i>McGlinchey Stafford PLLC</i> Robin Nunn <i>Morgan, Lewis & Bockius LLP</i> Robert Tilley <i>Hudson Cook, LLP</i>
	3:15pm – 3:30pm	Break
SESSION 6	3:30pm – 4:30pm	Title: Old Dog New Tricks: How Junk Fees Gave UDAAP More Bite!
Total Time: 60 minutes		Description: The CCFL presentation on junk fees will cover the Biden Administration's crackdown on "so-called" junk fees, in particular through regulatory efforts by the CFPB, the FTC and state regulators. The panelists will address (1) What Are Junk Fees? (2) What Led to the Focus on Junk Fees? (3) What is UDAAP and How Does it Fit In? (4) Regulatory Enforcement by Industry/Product and (5) Key Takeaways/ Best Practices. Presenters: Melissa Baal Guidorizzi <i>Orrick Herrington Sutcliffe, LLP</i> Jeff Ehrlich <i>McGuireWoods LLP</i> Thomas James <i>ILAG</i>
SESSION 7	4:30pm – 5:30pm	Title: Emerging Issues on the Use of Predictive Technology
Total Time: 60 minutes		Description: The use of Machine Learning (ML) and Artificial Intelligence (AI) in various aspects of consumer finance is rapidly increasing. AI / ML brings numerous benefits to consumers and financial institutions alike. But, those benefits can only be realized if financial institutions take steps to make sure that the AI being used is transparent, fair, and compliant with existing consumer finance regulations. A panel of leading experts will discuss key issues to the compliant use of AI/ML in consumer finance, focusing on lending-related activities. Presenters: Marc Minor <i>Thompson Hine LLP</i> Teddy Flo <i>Zest AI</i> Yolanda McGill <i>Zest AI</i> Jehan A. Patterson <i>Debevoise & Plimpton</i>
	5:30pm	Reception
DAY TWO – May 19, 2023		
COMMON TRACK		
SESSION 8	9:00am – 10:00am	Title: Fair Lending Enforcement Post-Townstone: Reg B, Redlining, and Unfairness
Total Time: 60 minutes		Description: The CFPB has been active on multiple fronts trying to shore up its fair lending enforcement and supervisory authority, through the Townstone Financial redlining case now on appeal to the Seventh Circuit, ECOA definitional battles on multiple fronts, and with its efforts to enshrine discrimination as a form of UDAAP. This panel will discuss the evolving fair lending regulatory and enforcement landscape against this backdrop. Presenters: Chava Brandiss <i>Davis Wright Tremaine LLP</i> Kenneth Edwards <i>JP Morgan Chase</i> Andrew Smith <i>Covington & Burling LLP</i>
SESSION 9	10:00am – 11:00am	Title: From 'Pretty Please' to 'Thou Shalt': Regulation and Enforcement in U.S. Financial Data Privacy and Security
Total Time: 60 minutes		Description: This presentation will address the latest in privacy and cybersecurity impacting financial institutions. We will walk through recent privacy laws and regulations, data breaches with key takeaways, and litigation trends including CIPA class actions. Presenters: David Tallman <i>McGlinchey Stafford PLLC</i> Genevieve Walser-Jolly <i>Severson & Werson PC</i> Webb McArthur <i>Hudson Cook, LLP</i>
	11:00am – 11:15am	Break

SESSION 10	11:15am – 12:15pm	Title: I Need to Investigate What?! That's Gross (and Other Legal Developments Regarding FCRA Investigations)
Total Time: 60 minutes		<p>Description: CRAs and furnishers have obligations to investigate consumer disputes regarding the accuracy of credit reporting. But when does the investigation cross over from fact-finding to the realm of legal interpretation? This panel will explore the body of emerging case law regarding FCRA compliance obligations in the face of disputes involving both factual and legal questions.</p> <p>Presenters: Joseph Apatov <i>McGlinchey Stafford PLLC</i> Scott Hyman <i>Severson & Werson PC</i> Sabrina Neff <i>Husch Blackwell LLP</i></p>
	12:15pm – 1:15pm	<i>Lunch on Your Own</i>
SESSION 11	1:15pm – 2:15pm	Title: Dark Patterns and Disclosures: Marketing and Originating Financial Products Online and Through Mobile Experiences
Total Time: 60 minutes		<p>Description: In this panel, we review the issues surrounding online and mobile advertising, origination and servicing, including the current regulatory focus on “dark patterns,” and whether consumers see and understand disclosures and know what they are giving up – in terms of money or data - on mobile devices with small screens and elsewhere</p> <p>Presenters: Chris Willis <i>Troutman</i> Malini Mithal <i>Federal Trade Commission</i> Jeff Sovern <i>St. John's University</i></p>
SESSION 12	2:15pm – 3:15pm	Title: CFPB Coordination with and Encouragement of State Enforcement
Total Time: 60 minutes		<p>Description: The constellation of recent CFPB activity reveals that this Bureau behaves differently than its predecessors regarding coordination with and encouragement of state enforcement actions. At the same time, state agencies are confidently stepping into enforcement territory once exclusively occupied by the Bureau and federal agencies. This panel will explore the emergence of these new behaviors and their effect on enforcement activity.</p> <p>Presenters: John Wells <i>WilmerHale</i> Leslie Sowers <i>Husch Blackwell LLP</i> Michael Yaghi <i>Troutman Pepper Hamilton Sanders LLP</i></p>
SESSION 13	3:15pm – 4:15pm	Title: Where Things Stand on Standing: Recent Developments Regarding Article III Standing and Practical Considerations When Faced With a Lawsuit
Total Time: 60 minutes		<p>Description: Since the Supreme Court's decisions in <i>Spokeo</i> and <i>Ramirez</i>, Article III standing has been a topic of contention in consumer protection litigation. This panel will explore notable decisions regarding standing in claims brought under the FDCPA, TCPA and FCRA. We will also offer practical considerations for litigators and in-house counsel.</p> <p>Presenters: Jim Morrissey <i>Pilgrim Christakis LLP</i> Dylan Reeves <i>Stites & Harbison PLLC</i></p>