



The Conference on Consumer Finance Law
Annual Consumer Financial Services Conference

November 14-15, 2024 | Dedman School of Law SMU | Dallas, Texas

AGENDA

DAY ONE – November 14, 2024

	8:00am	LIGHT BREAKFAST AND REGISTRATION
	8:45am	OPENING REMARKS <i>Eric Johnson Chairman, Conference on Consumer Finance Law</i>
COMBINED SESSIONS		
SESSION 1 - KARCHER AUDITORIUM	9:00am – 10:00am	All the Eye Can't See: How Underground Regulations, Geofencing and Emerging Technologies Impact Litigation Strategies Description: This panel will discuss recent California regulatory activity in the financial services lending and FinTech space, the use of technology for Geolocation in financial services, and legal limits on both. Presenters: Scott Hyman Womble Bond and Dickinson (US) LLP Sabrina Neff Husch Blackwell LLP
SESSION 2 - KARCHER AUDITORIUM	10:00am – 11:00am	AI Intelligence + Consumer Financial Services Description: This presentation will address the evolving landscape of AI regulation in consumer financial services, with a focus on current and future trends in legislation and regulation. The panelists will discuss state and federal efforts to legislate or regulate key issues surrounding the use of AI in financial services including the ethical use of AI, transparency in AI decision-making, and the importance of robust data privacy measures. Panelists will discuss the role of lawmakers and regulatory bodies in setting guidelines designed to protect consumers, as well as best practices in compliance and legal risk management related to AI deployment for financial institutions. Presenters: Emily Honsa-Hicks DLA Piper Jeffrey P. Naimon Orrick LLP
	11:00am – 11:30am	Break
SESSION 3 - KARCHER AUDITORIUM	11:15am – 12:15pm	Rate Regulation Through DIDMCA and True Lender: Does It Matter and Is it Enforceable? Description: This presentation will review federal and state laws impacting consumer credit, focusing on DIDMCA, rate exportation, the National Bank Act, and true lender laws. Join us for a discussion of these issues and how they are impacting financial services companies. Presenters: Robert Savoie McGlinchey Stafford PLLC Shavaugn Lewis Upstart Network, Inc.
	12:15pm – 2:00pm	Lunch on Your Own
SESSION 4 - KARCHER AUDITORIUM	2:00pm – 3:00pm	New FDIC Rules Affecting Digital Banking Services and Bank Fintech Arrangements Description: This program will take a deep dive into the FDIC's recent rulemaking on FDIC signage, advertising and deposit insurance misrepresentations. We will also discuss how the FDIC's new rule fits within the federal prudential regulators' increased focus on bank-Fintech arrangements. Presenters: Susan Seaman Husch Blackwell LLP Judy Chen Chapman and Cutler LLP James Booker Sutton Bank
	3:00pm – 3:15pm	Break
SESSION 5 - KARCHER AUDITORIUM	3:30pm – 4:30pm	BNPL Developments from the CFPB Description: This panel will review the CFPB Buy Now, Pay Later (BNPL) Interpretive Rule and navigate through the evolving BNPL industry, highlighting the CFPB's interpretive rule and its implications for lenders and consumers alike. Presenters: Tobias Moon Chapman and Cutler LLP Julianna Gerrick Steptoe LLP Luke Diamond CFPB
SESSION 6 - KARCHER AUDITORIUM	4:30 – 5:30pm	Mass Arbitration in 2024: The Impact of Social Media and Technology on the Mass Arbitration Boom and Recent Impactful Judicial Decisions

		<p>Description: The presenters will discuss the recent wave of mass arbitration filings and demands to consumer finance companies, focusing on how consumer firms are using technology and social media to find clients. They will discuss the attorney-client relationship between attorneys and mass arbitration claimants, the limitations of technology with respect to the attorney-client relationship and the vetting of claims. They will also discuss recent case law addressing challenges to the mass arbitration model and arbitration administrators offering mass arbitration alternatives.</p> <p>Presenters: Zachary Miller Burr & Forman LLP Rich Lee New Era ADR Dan McKenna Ballard Spahr LLP</p>
	5:30pm	<i>Reception The Lumen Hotel</i>

DAY TWO – November 15, 2024

AUTO TRACK

SESSION 7 - KARCHER AUDITORIUM	9:00am – 10:00am	The CARS Rule and Ancillary Products
		<p>Description: This panel will discuss the ins and outs of the FTC’s CARS Rule, and the FTC’s recent cases against auto dealers relating to add-on products.</p> <p>Presenters: Eric Mogilnicki Covington & Burling LLP Matthew Wernz FTC Jonice Gray Paul Hastings, LLP</p>
SESSION 10 - KARCHER AUDITORIUM	10:00am – 11:00am	2024 CFPB Auto Finance Exam Focus Areas
		<p>Description: In this panel, we will discuss recent areas of focus by the CFPB in auto finance supervisory examinations, including repossessions, optional product refunds, advertising and credit reporting. We’ll include practical tips about how to get ahead of each of these focus areas, and make some predictions about future focus areas as well.</p> <p>Presenters: Chris Willis Troutman Pepper Hamilton Sanders LLP Tom Buiteweg Hudson Cook, LLP Bethany Slomski-Rangel Exeter Finance LLC</p>
	11:00am – 11:15 am	Break
SESSION 11 -KARCHER AUDITORIUM	11:15am – 12:15pm	Servicemembers Civil Relief Act: <i>Getting it Right</i>
		<p>Description: This presentation will discuss SCRA provisions implicating consumer law issues, and the issues related to those provisions, including common problems and best practices.</p> <p>Presenters: Alan Martinson DOJ</p>
	12:15pm – 2:00pm	Lunch on your own
SESSION 13-KARCHER AUDITORIUM	2:00pm – 3:00pm	Recent Trends: Auto Finance Litigation
		<p>Description: This panel will discuss the FTC Cars Rule, which aims to combat deceptive practices in auto retail, ensuring transparency and fairness for consumers. The CFPB continues supervisory highlights and enforcement actions, shedding light on prevalent issues within the industry. The "Piggyback" Auto Finance litigation underscores the complexities of auto financing, while the Pennsylvania One Document Rule emphasizes the importance of clear and concise documentation in financial transactions. Additionally, various state regulatory concerns further complicate the compliance landscape, necessitating a thorough understanding of both federal and state-level regulations to navigate the challenges effectively.</p> <p>Presenters: Mike Kilgarriff Ballard Spahr LLP Julia Whitelock Hudson Cook, LLP</p>
	3:00pm – 3:15pm	Break Before Final Combined Session

MORTGAGE TRACK

SESSION 8 - FLORENCE HALL RM 207	9:00am – 10:00am	Business Purpose Mortgage: Commercial Finance Regulation and Residential Secured Lending
		<p>Description: Recently, state and federal regulators have started expanding the scope of consumer-style financial services regulations to include commercial purpose finance products. Whether it’s federal reporting regulations such as Dodd-Frank 1071 or TILA-style disclosure requirements, small to medium size business finance companies are increasingly subject to regulation. This panel will discuss these trends with a focus on how expanding regulations have affected the business purpose mortgage space. We will discuss business purpose HMDA issues, fair lending, disclosures and licensing, and other issues that affect small business finance companies.</p> <p>Presenters:</p>

		Christopher K. Friedman Husch Blackwell LLP Mehul Madia Sheppard Mullin Andrew Narod Bradley Arant Boult Cummings LLP
SESSION 9 -FLORENCE HALL RM 207	10:00am – 11:00am	Recent Consumer Protection Activity in Rental Housing Management
		Description: Federal agencies have had an active year guiding, cajoling, and enforcing against the rental housing industry. Divining from recent FTC settlements and rulemakings and CFPB research, property management companies and vendors are now addressing new expectations for rent/fee disclosures, marketing, resident screening, AI-enhanced consumer communications, and debt collections. This panel reviews recent applications of the FTC Act, Fair Credit Reporting Act, and Fair Debt Collections Practices Act to rental housing management and anticipates what trends we might expect in the year ahead.
		Presenters: Jay Harris Hudson Cook, LLP Sylvia Leong Real Page
	11:00am – 11:15am	Break
SESSION 12 -FLORENCE HALL RM 207	11:15am- 12:15pm	The Privacy Risk Lurking in Your Mortgage Stack
		Descriptions: This panel will look at how technology such as adtech and AI functions. We will also discuss privacy principles that exist across jurisdictions. Understanding privacy principles allow inhouse counsel to issue spot new and existing technology within the business, anticipate the concerns of regulators, and minimize litigation risk.
		Presenters: Genevieve Walser-Jolly Womble Bond and Dickinson (US) LLP Brad Kelso Privageo
	12:15pm – 2:00pm	Lunch on your own
SESSION 14 -FLORENCE HALL RM 207	2:00pm – 3:00pm	The Mortgage Minefield: Current Challenges and Legal Trends
		Description: This panel will discuss the CFPB’s Notice of Proposed Rulemaking (NPRM) on Regulation X as well as current trends and hot topics in mortgage servicing litigation.
		Presenters: Kathryn “Kasey” Davis McGlinchey Stafford PLLC Jessica Salisbury-Copper Thompson Hine LLP Corrine Huft Mr. Cooper Clinton Burton Mr. Cooper
	3:00pm – 3:15pm	Break Before Final Combined Session
COMBINED SESSION		
KARCHER AUDITORIUM	3:15pm – 4:15pm	Recognizing, Protecting, and Preserving the Attorney-Client Privilege
		Description: This panel will discuss how the ABA Model Rules, adopted in 1983, serve as a cornerstone for legal ethics and professional conduct in the United States. While many states have embraced these Model Rules, others have tailored their own versions to better suit local legal landscapes. For in-house counsel, navigating these rules can be particularly complex, as they must adhere to the specific requirements of the states where they are licensed and where they provide legal advice. This dual compliance ensures that in-house counsel maintain the highest standards of ethical practice across different jurisdictions.
		Presenters: Sanford Shatz McGlinchey Stafford PLLC Daniel Plunkett McGlinchey Stafford PLLC