

16th Annual Consumer Financial Services Institute

New York City, February 28 - March 1, 2011

Boston, Philadelphia, Pittsburgh, Mechanicsburg and

New Brunswick Groupcast Locations, February 28 - March 1, 2011

Live Webcast, February 28 - March 1, 2011 — www.pli.edu

Chicago, March 31 - April 1, 2011

- Explore the consumer related provisions of the Dodd-Frank Act including:
 - Title X's creation of the Consumer Financial Protection Bureau
 - Title XIV's impact on mortgage regulation
- Analyze the Dodd-Frank Act's impact on federal preemption standards
- Examine the impact of *AT&T v. Concepcion* on the validity of class action waivers

Do You Know There Are 5 Ways To Attend PLI's Programs? See inside for details...

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Why You Should Attend

On July 21, 2010, the President signed into law the most sweeping piece of financial regulatory reform legislation since the Great Depression – the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). Title X of the Dodd-Frank Act creates the Bureau of Consumer Financial Protection (CFPB) charged with regulating and supervising practically all banks and other providers of consumer financial services. In addition to assuming regulatory responsibility for virtually all federal consumer protection laws, the CFPB has been given the broad authority to issue new regulations defining “unfair, deceptive or abusive” acts or practices.

The **16th Annual Consumer Financial Services Institute** will explore in detail the consumer-related provisions of the Dodd-Frank Act and the CFPB’s anticipated agenda during the first year. As in the past, this year’s **Institute** will also cover significant developments in class action and other consumer financial services litigation.

What You Will Learn

- Explore the ways in which the Dodd-Frank Act and the newly created CFPB will affect your clients
- Hear the latest enforcement initiatives of state regulators and attorneys general and the ways in which their authority has been greatly enhanced by Title X of the Dodd-Frank Act
- Examine the changes in the application of state laws to national banks and federal thrifts in light of the Dodd-Frank Act’s impact on federal preemption standards
- Identify the regulatory and litigation priorities of consumer advocates in the coming year
- Discuss the possibility of the U.S. Supreme Court ruling in *AT&T v. Concepcion* that the Federal Arbitration Act preempts state law invalidating class action waivers
- Survey the onslaught of litigation being brought against mortgage lenders and servicers

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.

Live Webcast at www.pli.edu

The New York City session of this program is available live via the web at www.pli.edu:

- Print the Course Handbook
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Director of Litigation
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Professor Jeff Sovern

Co-Coordinator, Consumer Law
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Jamaica, New York

Peggy L. Twohig

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(New York City only)

William R. Weinstein

Law Offices of William R. Weinstein
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(New York City only)

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Scottsdale, Arizona

**Office of the Attorney General
of California** *(Invited)*

Los Angeles

**Office of the Attorney General
of New York** *(Invited)*

New York City

PROGRAM SCHEDULE

Please plan to arrive with enough time to register before the conference begins.

A networking breakfast will be available upon your arrival.

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, BOS, CHI, PHIL, PITT, MECH, NB & WEB: Alan S. Kaplinsky, John J. Roddy, Julia B. Strickland

9:15

Title X of the Dodd-Frank Act: The New Consumer Financial Protection Bureau

- Structure and regulatory, examination and enforcement powers of the CFPB
- Vast changes to the National Bank Act and federal thrift preemption of state laws
- New enforcement authority conferred on state attorneys general
- Remaining authority of the federal banking agencies and the FTC
- Implications of Title X of the Dodd-Frank Act on class action litigation
- Recent developments at the Federal Reserve Board and the Federal Trade Commission

NYC, BOS, PHIL, PITT, MECH, NB & WEB: Leonard N. Chanin, Tim Fernholz, Peggy L. Twobig, Joel Winston

CHI: Allison I. Brown, Tim Fernholz, Katherine M. Porter

11:15 Networking Break

11:30

The New Consumer Perspective

- What are the worst practices and who are the worst actors – and what should be done about them?
- What are the real world consequences of fringe lending?
- What are the most pressing needs the CFPB should address?
- How and where can state AGs most effectively use their enforcement powers?
- Increasing consumer understanding of creditors' products and the contract terms that go with them

NYC, BOS, CHI, PHIL, PITT, MECH, NB & WEB: Kathleen E. Keest, Stuart T. Rossman, Professor Jeff Sovern

12:30 Lunch

Afternoon Session: 2:00 p.m. – 5:00 p.m.

2:00

State Regulatory Initiatives and Developments

- Expanded powers under Title X of the Dodd-Frank Act
- Regulatory perspectives on preemption
- What industries and activities are the regulators focusing on?
- What role does the National Association of Attorneys General (NAAG) play in assisting state AGs to fulfill their enforcement objectives?
- Unique state AG initiatives across the country

NYC, BOS, PHIL, PITT, MECH, NB & WEB:

Christopher K. Barry-Smith, Dennis Cuevas, Office of California Attorney General (Invited), Office of New York Attorney General (Invited)

CHI: Dennis Cuevas, Tom James, Patrick Madigan (Invited), Scott D. Schafer, Office of California Attorney General (Invited), Office of New York Attorney General (Invited)

3:00 Networking Break

3:15

Overdraft Fee Litigation and Credit Card Developments

- Overdraft fee litigation developments
 - Avalanche of class actions challenging debit card overdraft fees, including the MDL proceeding in the Southern District of Florida
 - \$203 million judgment issued by Judge Alsup in *Gutierrez v. Wells Fargo Bank*
 - Regulatory, supervisory and enforcement initiatives by the federal banking agencies
 - Potential impact of the CFPB
 - Settlement of class actions
- Credit card developments
 - Proliferation of change in terms litigation, including interest rate and other payment term changes
 - McCoy, Barrer and Rubio and their implications
 - Credit counseling and credit repair organizations
 - Card issuer liability securitization statements
 - Payment protection plan class actions

NYC, BOS, CHI, PHIL, PITT, MECH, NB & WEB: Michael D. Donovan, Robert C. "Bobby" Gilbert, Laurence J. Hutt, Julia B. Strickland

5:00 Adjourn

Day Two: 9:00 a.m. – 5:00 p.m.

Morning Session: 9:00 a.m. – 12:15 p.m.

9:00

Arbitration

- Will the Supreme Court in *AT&T v. Concepcion* finally determine whether the Federal Arbitration Act preempts state law invalidating a class action waiver?
- Implications of other significant Supreme Court opinions including *Stolt-Nielsen S.A. v. Animalfeeds* and *Rent-a-Center West v. Jackson*
- Prohibition against using arbitration in residential mortgage agreements and authority given to the CFPB to prohibit or regulate arbitration provisions under the Dodd-Frank Act
- Drafting pointers

NYC, BOS, CHI, PHIL, PITT, MECH, NB & WEB:
Deepak Gupta, Alan S. Kaplinsky

10:00

Class Action Developments and Settlements and UDAP Update

- Class action developments and settlements
 - Recent class certification decisions and their implications, including *Dukes v. WalMart*
 - Settlement issues, including anticipating possible objections
 - CAFA update
- UDAP update
 - Is preemption still a viable defense?
 - Implications of the Dodd-Frank Act on UDAP claims
 - Recent developments as to issues of injury, reliance and causation and other substantive defenses
 - Distinctions between private and governmental claims

NYC, BOS, PHIL, PITT, MECH, NB & WEB:
Joel S. Feldman, Deepak Gupta, William R. Weinstein, Christopher J. Willis

CHI: *Joel S. Feldman, Deepak Gupta, James O. Lattner, Christopher J. Willis*

11:00 Networking Break

11:15

Class Action Developments and Settlements and UDAP Update

(continued)

12:15 Lunch

Afternoon Session: 1:30 p.m. – 5:00 p.m.

1:30

Mortgage Developments – Litigation and Regulatory (Title XIV)

- Litigation developments
 - Home Affordable Modification Program (HAMP) and Mortgage Electronic Registration Systems, Inc. (MERS) litigation – where we are, where we're going
 - Servicer resistance to loan modification and the resulting litigation
 - Releases and waivers – uses and misuses of class action releases and loan modification claims waivers
 - Payment option arm litigation and other claims arising from variable rate mortgage origination
 - The ECOA/FHA discrimination cases – class certification, settlement and ongoing litigation issues
 - What is the “robo-signing” issue all about?
 - Other hot issues in mortgage litigation
- Regulatory Developments – Title XIV of the Dodd-Frank Act
 - How may a borrower's ability to repay be shown and how helpful is the safe harbor?
 - How may originators be compensated?
 - What products are originators prohibited from steering borrowers into?
 - How will servicers and appraisal activities be affected?

NYC, BOS, PHIL, PITT, MECH, NB & WEB:
Martin C. Bryce, Jr., Shennan A. Kavanagh, Laurence E. Platt, John J. Roddy, Garrett W. Wotkins
CHI: *Martin C. Bryce, Jr., Gary Klein, Laurence E. Platt, John J. Roddy, Garrett W. Wotkins*

3:15 Networking Break

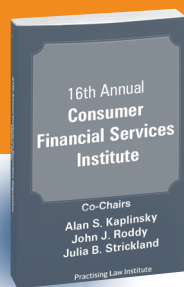
3:30

Collection Issues Including the Telephone Consumer Protection Act (TCPA) and Hot Topics

- Collection issues including the TCPA
 - Fair Debt Collection Practices Act (FDCPA)
 - Foreclosure rescue
 - Fair Credit Reporting Act (FCRA) – FACTA litigation update
 - Debt settlement – regulatory and enforcement update
 - State court procedural actions against debt collectors
- Hot topics including auto finance and student lending

NYC, BOS, PHIL, PITT, MECH, NB & WEB:
James A. Francis, Alan S. Kaplinsky, Rebecca Pruitt,
John J. Roddy, Lisa M. Simonetti, Julia B. Strickland
CHI: James A. Francis, Tara L. Goodwin,
Alan S. Kaplinsky, Rebecca Pruitt, John J. Roddy,
Lisa M. Simonetti, Julia B. Strickland

5:00 Adjourn



PLI's Nationally Acclaimed Course Handbooks

All program attendees will receive a copy of the Course Handbook *16th Annual Consumer Financial Services Institute*. This bound volume is prepared specifically for this program and also stands alone as a permanent reference. PLI's Course Handbooks represent the definitive thinking of the nation's finest legal minds, and are considered the standard reference in the field. The Course Handbook will be available on the first day of the program.

Please note: Webcast attendees will have access to a downloadable version of the Handbook one business day prior to the program.

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New York City Hotel Accommodations:

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Hilton New York Hotel, 1335 Avenue of the Americas, New York, New York 10019. Reservations (877) NYC-HILT. Please mention you are booking a room under the Practising Law Institute Corporate Rate and the Client File N# is 0495741. You may also book reservations online: go to www.pli.edu for this program, click Hilton link to see preferred rates. Enter requested dates and Practising Law Institute rates will appear.

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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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Payment Policy: Registration fees are due in advance. Attendees may pay by check, Visa, MasterCard, American Express or Diners Club.

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February 28 - March 1, 2011

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Make necessary corrections on mailing address.

YES, please register me for the following session:

16th Annual Consumer Financial Services Institute

- ☐ 28317 **New York City Seminar,*** February 28 - March 1, 2011, PLI New York Center, \$1,595²
- ☐ 28318 **Chicago Seminar,*** March 31 - April 1, 2011, University of Chicago Gleacher Center, \$1,595²
- ☐ 30773 **Boston Groupcast Location,*** February 28 - March 1, 2011, Massachusetts CLE, \$1,595²
- ☐ 30559 **Philadelphia Groupcast Location,*** February 28 - March 1, 2011, Pennsylvania Bar Institute, \$1,595²
- ☐ 30560 **Pittsburgh Groupcast Location,*** February 28 - March 1, 2011, PBI Professional Development Conference Center, \$1,595²
- ☐ 30561 **Mechanicsburg Groupcast Location,*** February 28 - March 1, 2011, Pennsylvania Bar Institute, \$1,595²
- ☐ 31022 **New Brunswick Groupcast Location,*** February 28 - March 1, 2011, New Jersey Institute for Continuing Legal Education, \$1,595²
- ☐ **Live Webcast,*** February 28 - March 1, 2011 (Register online prior to first day of program - #28320), \$1,595²

²Privileged Member Fee: \$0

- ☐ 28319 Course Handbook only, \$199
- ☐ 28322 Audio CDs,¹ available March 2011, \$797.50
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