

# 15th Annual Consumer Financial Services Institute

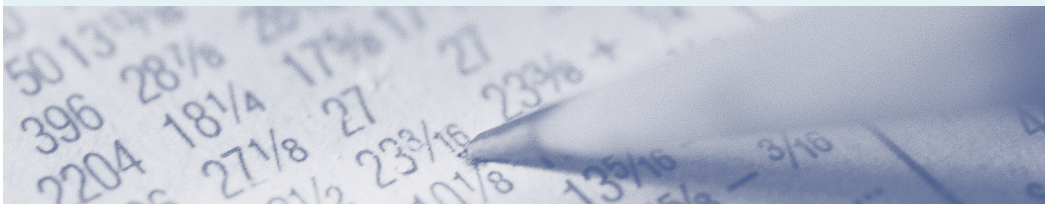
New York City, February 18-19, 2010

Cleveland, Philadelphia and Pittsburgh Groupcast Locations,  
February 18-19, 2010

Live Webcast, February 18-19, 2010 — [www.pli.edu](http://www.pli.edu)

Chicago, April 8-9, 2010

- Get the latest information on the proposed Consumer Financial Protection Agency and regulatory restructuring
- Identify the activities and industries that have become the focus of State Attorneys General
- Survey the types of lawsuits being brought against mortgage lenders, credit card issuers and other financial services providers
- Explore recent developments in class action, credit reporting and collection, arbitration and bankruptcy



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

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## Why You Should Attend

With the economic stimulus package now in place and the economy beginning to show signs of recovery, Congress, the Federal Reserve Board, and the federal and state banking agencies are enacting new laws and promulgating new regulations which will have a profound effect on banks and other consumer financial services providers for years to come. More statutes and regulations are certainly on the way.

The Obama Administration has proposed the creation of a new Consumer Financial Protection Agency which will be charged with regulating all consumer financial services products and enforcing the full array of federal consumer protection laws. In light of the flood of important activity in the regulatory arena, the **15th Annual Consumer Financial Services Institute** will explore the latest regulatory and enforcement developments affecting the consumer financial services industry. This year's **Institute** will also cover important developments in class action litigation, including analysis of the latest lawsuits filed against mortgage lenders, credit card issuers and other financial services providers, as well as updates on the war over consumer arbitration.

## What You Will Learn

- Explore the latest developments at Treasury, the Federal Reserve Board, the Federal Trade Commission and the Department of Housing and Urban Development in the aftermath of the financial crisis
- Analyze the implications of significant opinions regarding federal preemption
- Get important updates on the latest developments involving the Class Action Fairness Act (CAFA), Real Estate Settlement Procedures Act (RESPA), Fair and Accurate Credit Transactions Act (FACTA), Credit Card Accountability, Responsibility, and Disclosure (CARD) Act and Unfair and Deceptive Practices (UDAP) statutes
- Study the impact of the attorneys general and other regulatory investigations into lending industry practices
- Examine the types of lawsuits being brought in the aftermath of the economic meltdown, including "change in terms" litigation against credit card issuers and the ongoing array of mortgage litigation

## 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, insurance companies, loan servicers, loan brokers, debt collectors and credit bureaus on litigation and compliance issues.

## Watch and Listen to the Live Webcast at [www.pli.edu](http://www.pli.edu)

A simultaneous live online broadcast of the New York City session of this program is available for individual viewing from your computer on [www.pli.edu](http://www.pli.edu). Webcast participants will receive streaming audio/video instantaneously from the live program, can view and/or print the Course Handbook, and submit questions electronically. Get "real-time" education right from your PC!

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**Reserve your place today, call (800) 260-4PLI.**

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# PROGRAM SCHEDULE

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, CHI, CLE, PHI, PITT & WEB:*

*Alan S. Kaplinsky, John J. Roddy, Julia B. Strickland*

9:15

## **Federal Regulatory Initiatives and Developments**

- Overview of the latest developments at Treasury, the Federal Reserve Board, the Federal Trade Commission and the Department of Housing and Urban Development
- Details of, and prospects for, the proposed Consumer Financial Protection Agency and regulatory restructuring
- New disclosure requirements for mortgages, credit cards and private student loans

*NYC, CLE, PHI, PITT & WEB:*

*Leonard N. Chanin, Nessa E. Feddis, Ivy M. Jackson, Professor Adam J. Levitin, Joel Winston*

*CHI: Robert A. Cook, Nessa E. Feddis,*

*Professor Adam J. Levitin, Bart Shapiro, Joel Winston*

11:15 *Networking Break*

11:30

## **State Regulatory Initiatives and Developments**

- Consumer arbitration initiative/National Arbitration Forum litigation — What happens next?
- Regulatory perspectives on preemption
- What industries and activities are the regulators focusing on?

*NYC, CLE, PHI, PITT & WEB:*

*Christopher K. Barry-Smith, Joy Feigenbaum, Tom James*

*CHI: Christopher K. Barry-Smith, Tom James, Patrick Madigan*

12:30 *Lunch*

*Afternoon Session: 1:45 p.m. – 5:00 p.m.*

1:45

## **Credit Card Developments & Retail Banking Developments and Payment Issues**

- Credit card developments
  - Update on the status of the *McCoy* and *Swanson* decisions and their implications
  - Regulations under the CARD Act
  - Specter of litigation arising out of the CARD Act and the new UDAP rules
  - Change in terms litigation
- Retail banking developments and payment issues
  - Overdraft fee litigation: plaintiffs' "available balance" theory and defenses, and status of MDL
  - Preemption issues
  - Electronic Funds Transfer Act (EFTA) litigation

*NYC, CHI, CLE, PHI, PITT & WEB:*

*Michael D. Donovan, L. Richard Fischer, Richard D. McCune, Lisa M. Simonetti*

3:30 *Networking Break*

3:45

## **Mortgage Developments**

- Changing of credit limit litigation
- Status of Equal Credit Opportunity Act (ECOA)/Fair Housing Act (FHA) cases
- Foreclosure related class actions
- Servicer actions/bankruptcy actions
- Challenges to Mortgage Electronic Registration Systems (MERS)

*NYC, CLE, PHI, PITT & WEB: Mark A. Chavez, Gary Klein, David H. Pittinsky*

*CHI: Martin C. Bryce, Jr., Andrew S. Friedman, Garrett W. Wotkyns*

5:00 *Adjourn*

## **PLI's Guarantee**

It's simple. If you're not completely satisfied with the return on your investment from any PLI program, your money will be refunded in full.

Please plan to arrive with enough time to register before the conference begins.  
A networking breakfast will be available upon your arrival.

## DAY TWO: 9:00 A.M. – 5:00 P.M.

*Morning Session: 9:00 a.m. – 12:30 p.m.*

9:00

### Arbitration

- Demise of the National Arbitration Forum
- Future of the use of arbitration for debt collection
- Important recent opinions dealing with class action waivers
- Status of federal and state legislation
- Implications of U.S. Supreme Court certiorari grant in *Stolt-Nielson v. Animalfeeds*

*NYC, CLE, PHI, PITT & WEB:*

*Professor Richard H. Frankel, Alan S. Kaplinsky*

*CHI: F. Paul Bland, Alan S. Kaplinsky*

10:00

### Class Action Developments and Settlements & UDAP Update

- Class action developments and settlements
  - Recent developments in class certification – Has recent caselaw changed the landscape?
  - Dealing with objectors/competing class actions
  - Issues arising in the settlement context
  - CAFA update
- UDAP update
  - Which states are UDAP filing magnets, and why?
  - Latest developments on the injury, reliance and causation fronts: who's winning this key battle?
  - Recent judicial treatment of substantive defenses to UDAP claims
  - Certification of nationwide classes with UDAP claims

*NYC, CLE, PHI, PITT & WEB: Elizabeth J. Cabraser, Professor Dwight Golann, Gail E. Lees, George Y. Niño, Julia B. Strickland, William R. Weinstein, Christopher J. Willis*

*CHI: Elizabeth J. Cabraser, Michael A. Caddell, Gail E. Lees, Julia B. Strickland, William R. Weinstein, Christopher J. Willis*

11:30 *Networking Break*

11:45

### Class Action Developments and Settlements & UDAP Update *(continued)*

12:30 *Lunch*

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

2:00

### Bankruptcy Related Issues & Credit Reporting and Collection Issues

- Bankruptcy related issues
  - Implications of the U.S. Trustee's allegations in the Countrywide Cases
  - Chapter 13 plans crafted to compel application of mortgage proceeds, requiring notice of fees and charges
  - Servicing abuses including failing to properly account for regular and deficiency payments pursuant to Chapter 13 plans
  - Servicing overcharges in the Chapter 13 process including continuing to collect pre-petition or other amounts of mortgage debts, and charging fees that are not brought before the Court for determination of reasonableness
- Credit reporting and collection issues
  - 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

*NYC, CLE, PHI, PITT & WEB: Cindy D. Hanson, Honorable William C. Hillman, Rebecca Pruitt*

*CHI: Honorable Joan N. Feeney, Tara L. Goodwin, Cindy D. Hanson, Rebecca Pruitt*

3:45 *Networking Break*

4:00

### Current Hot Issues

- Auto lending issues
- Student lending issues
- Home Affordable Modification Program (HAMP) impact
- Payday and auto title lending, including cross-border and Internet lending

*NYC, CHI, CLE, PHI, PITT & WEB:*

*Alan S. Kaplinsky, John J. Roddy, Julia B. Strickland*

5:00 *Adjourn*

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## Cleveland, Philadelphia and Pittsburgh Groupcast Locations

*Co-sponsored by the Cleveland Metropolitan Bar Association and the Pennsylvania Bar Institute, respectively*

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See Registration Form for details.

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Charles M. Horn (Mayer Brown LLP, Washington, D.C.)

1 looseleaf volume, approx. 250 pages, \$235 (Updated annually or as needed):  
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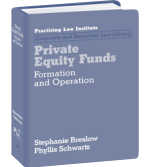
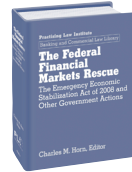
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# 15th Annual Consumer Financial Services Institute

New York City, February 18-19, 2010      Live Webcast, February 18-19, 2010 — www.pli.edu  
 Cleveland, Philadelphia and Pittsburgh Groupcast      Chicago, April 8-9, 2010  
 Locations, February 18-19, 2010

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- 25180 **Cleveland Groupcast Location**, \* February 18-19, 2010, Cleveland Metropolitan Bar Association, \$1,595<sup>2</sup>
- 25054 **Philadelphia Groupcast Location**, \* February 18-19, 2010, Pennsylvania Bar Institute, \$1,595<sup>2</sup>
- 25055 **Pittsburgh Groupcast Location**, \* February 18-19, 2010, PBI Professional Development Conference Center, \$1,595<sup>2</sup>
- Live Webcast**, \* February 18-19, 2010 (Register online prior to first day of program - #23610), \$1,595<sup>2</sup>
- 23608 **Chicago Seminar**, \* April 8-9, 2010, University of Chicago Gleacher Center, \$1,595<sup>2</sup>
- 23609 Course Handbook only, \$199
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