

AGENDA

2018 FINANCIAL SERVICES CONFERENCE

BALTIMORE MARRIOTT WATERFRONT
BALTIMORE, MARYLAND
APRIL 22-24, 2018

SUNDAY, April 22, 2018

5:00 – 6:30 pm WELCOME RECEPTION AT THE HOTEL

MONDAY, April 23, 2018

7:30 – 8:30 am LIGHT BREAKFAST BUFFET AND REGISTRATION

8:30 – 8:45 am OPENING REMARKS

MICHAEL A. BENOIT, Partner, Hudson Cook, LLP, Washington, DC
LISA C. DELESSIO, Partner, Hudson Cook, LLP, Hanover, MD

GENERAL SESSIONS

8:45 – 9:45 am

POLITICS AND POLICY - CONSUMER FINANCIAL SERVICES REGULATION IN THE TRUMP ERA

Join a panel of experts discussing policy shifts and the politics influencing consumer financial services regulation and legislation. The panel will present their outlook on the emerging legal and regulatory landscape and the direction(s) in which the political winds are blowing.

MICHAEL A. BENOIT, Partner, Hudson Cook, LLP, Washington, DC
NESSA E. FEDDIS, Senior Federal Counsel, American Bankers Association, Washington, DC
KATE LARSON, Director, U.S. Chamber of Commerce, Center for Capital Markets Competitiveness, Washington, DC
CELIA H. WINSLOW, Director, Legal and Regulatory Affairs, American Financial Services Association, Washington, DC
STEVEN I. ZEISEL, Executive Vice President & General Counsel, Consumer Bankers Association, Washington, DC

9:45 – 10:00 am

BREAK

10:00 – 11:00 am

UDAAP BASICS: LEARNING TO SEE YOUR ADVERTISING THROUGH A REGULATOR'S EYES

This panel will explain the standards of unfairness, deception, and abuse that federal regulators apply to advertising material. We will also discuss more specific advertising standards that regulators have developed from UDAAP origins, including standards specific to participation in social media, online advertising, and substantiation.

Panelists:

ANDREA S. COTTRELL, Associate, Hudson Cook, LLP, Fort Worth, TX
MICHAEL A. GOODMAN, Partner, Hudson Cook, LLP, Washington, DC

<p>11:00 am – 12:00 pm</p>	<p>MILITARY LENDING DEVELOPMENTS</p> <p>Policy makers and consumer advocates continue to prioritize legal protections for members of our armed forces. This panel will discuss the Military Lending Act, with a special focus on credit card account rules that took effect on October 3, 2017, and operational issues that arise from the MLA Final Rule. The panel will also discuss recent developments in Servicemember Civil Relief Act litigation.</p> <p><i>Panelists:</i> MICHAEL A. BENOIT, Partner, Hudson Cook, LLP, Washington, DC A. JAMES CHAREQ, Partner, Hudson Cook, LLP, Washington, DC ERICA A.N. KRAMER, Associate, Hudson Cook, LLP, Ooltewah, TN L. JEAN NOONAN, Partner, Hudson Cook, LLP, Washington, DC</p>
<p>12:00 pm – 1:30 pm</p>	<p>LUNCH (ON YOUR OWN)</p>
<p>1:30 – 2:30 pm</p>	<p>FINTECH DEVELOPMENTS</p> <p>This panel will discuss developments in financial technology law as applicable to consumer and business-lending platforms, as well as key regulatory developments and trends.</p> <p><i>Panelists:</i> CATHERINE M. BRENNAN, Partner, Hudson Cook, LLP, Hanover, MD SARAH FAGIN CUTRONA, Chief Legal Officer, Elevate, Fort Worth, TX AZBA HABIB, Assistant General Counsel, Kabbage, Atlanta, GA MALINI MITHAL, Acting Associate Director, Division of Financial Practices, Federal Trade Commission, Washington, DC</p>
<p>2:30 – 2:45 pm</p>	<p>BREAK</p>

AUTO FINANCE SESSIONS

<p>2:45 – 3:45 pm</p>	<p><u>AUTO FINANCE SESSION: WHAT’S THAT LOUD SUCKING NOISE? THE SOUND OF STATES FILLING THE FEDERAL ENFORCEMENT GAP. . .</u></p> <p>In this panel, we will discuss state regulatory activities in the auto finance space. We will discuss how state Attorneys General enforce laws against unfair and deceptive acts and practices and will cover important enforcement actions by both state AGs and relevant regulatory agencies. Our panelists will cover how lessons learned from enforcement actions can impact critical compliance decisions.</p> <p><i>Panelists:</i> PATRICIA E.M. COVINGTON, Partner, Hudson Cook, LLP, Richmond, VA ERIK M. KOSA, Associate, Hudson Cook, LLP, Washington, DC L. JEAN NOONAN, Partner, Hudson Cook, LLP, Washington, DC</p>
<p>3:45 – 4:30 pm</p>	<p><u>AUTO FINANCE SESSION: COMPLIANCE ISSUES AND INNOVATION IN AUTO FINANCE</u></p> <p>In this panel, we will discuss innovation in auto finance and related compliance issues. We will address transportation network and subscription services, online vehicle sales, e-contracting, contract modifications, and why having a comprehensive compliance management system remains vitally important.</p> <p><i>Panelists:</i> ERIC L. JOHNSON, Partner, Hudson Cook, LLP, Oklahoma City, OK NICOLE F. MUNRO, Partner, Hudson Cook, LLP, Hanover, MD NORA R. UDELL, Associate, Hudson Cook, LLP, Hanover, MD</p>

4:30 – 4:45 pm

BREAK

HOUSING AND ALTERNATIVE FINANCE SESSIONS

2:45 – 3:45 pm

HOUSING FINANCE SESSION: TRID AND RESPA SECTION 8 DEVELOPMENTS

This session will cover implementation of the CFPB's August 2017 amendments to the TILA/RESPA Integrated Disclosures Rule in advance of the October 1, 2018 mandatory compliance date. Topics covered will include:

- Settlement Service Provider List clarifications;
- Construction lending potpourri;
- Fee tolerance clarifications, including the impact of fee decreases and reductions in lender credits; and
- TIP and TOP clarifications, including the new TOP tolerance.

This session will also cover recent developments in RESPA Section 8 litigation and enforcement, including:

- The *PHH* decision;
- CFPB scrutiny of "co-marketing" arrangements;
- The *Borders & Borders* decision; and
- The CFPB's Meridian Title enforcement action

Panelist:

JOSEPH E. MAYK, Partner, Hudson Cook, LLP, West Chester, PA

3:45 – 4:30 pm

ALTERNATIVE FINANCE SESSION: AN UPDATE ON SMALL DOLLAR LENDING AND ALTERNATIVE FINANCIAL SERVICES

Panelists will discuss federal rule making, key agency actions, cases, and certain state law developments over the last year for small dollar lending and lease-to-own.

Panelists:

HURSELL K. BROWN, Partner, Hudson Cook, LLP, Fort Worth, TX

RICHARD P. HACKETT, Partner, Hudson Cook, LLP, Portland, ME

JUSTIN B. HOSIE, Partner, Hudson Cook, LLP, Ooltewah, TN

C. JEREMY POPE, Shareholder, Pope/Partners LLC, Auburn, AL

H. BLAKE SIMS, Partner, Hudson Cook, LLP, Ooltewah, TN

4:30 – 4:45 pm

BREAK

PRIVACY SESSIONS

2:45 – 3:45 pm

PRIVACY SESSION: NAVIGATING THE REGULATORY PITFALLS IN CUSTOMER ACQUISITION: UNDERSTANDING THE RULES OF THE ROAD AROUND PRESCREENING, PREQUALIFICATION, AND LEAD GENERATION

There is a renewed interest in using prescreening, prequalification, and other forms of lead generation to acquire new customers. But each of these avenues comes with important regulatory considerations. Do you need to provide an adverse action notice? What about risk-based pricing notices? Is there a way to structure my program to reduce these types of regulatory burdens? What responsibilities may my vendor undertake for me? This session will focus on the laws surrounding these forms of customer acquisition and discuss strategies for compliance.

Panelists:

REBECCA E. KUEHN, Partner, Hudson Cook, LLP, Washington, DC

JENNIFER L. SARVADI, Partner, Hudson Cook, LLP, Washington, DC

3:45 – 4:30 pm

PRIVACY SESSION: GDPR AND THE CONSUMER: COMPLYING WITH THE CONSUMER-FACING REQUIREMENTS OF GDPR

The General Data Protection Regulation (GDPR) is the European Union's new comprehensive data protection and privacy law. Even if you don't operate in the EU, you are likely to run up against GDPR issues if you collect, store, use, or disseminate data on consumers. In this panel we will discuss some of the consumer-facing requirements of the GDPR (or in Europeanese, the "rights and freedoms of the data subject") that you might encounter, including the GDPR's concept of consent and the ominous sounding "right to be forgotten." We will also discuss the regulation's territorial scope and related compliance issues.

Panelists:

REBECCA E. KUEHN, Partner, Hudson Cook, LLP, Washington, DC

WEBB MCARTHUR, Associate, Hudson Cook, LLP, Hanover, MD

4:30 – 4:45 pm

BREAK

MERCHANT CASH ADVANCE AND SMALL BUSINESS LENDING SESSIONS

2:45 – 3:45 pm

MERCHANT CASH ADVANCE AND SMALL BUSINESS LENDING SESSION: FEDERAL AND STATE REGULATORY UPDATE

Find out what's new and what's on the horizon for state and federal regulation of merchant cash advance and small business lending.

Panelists:

KATHERINE C. FISHER, Partner, Hudson Cook, LLP, Hanover, MD

CALEB N. ROSENBERG, Associate, Hudson Cook, LLP, Hanover, MD

3:45 – 4:30 pm

MERCHANT CASH ADVANCE AND SMALL BUSINESS LENDING SESSION: COMPLIANCE RISK FROM UNLIKELY SOURCES

A discussion of the unlikely sources of compliance risk for MCA companies and small business lenders, including Fair Credit Reporting Act concerns, state licensing, privacy law and data security breach issues. We will explore federal and state laws, some of which may seem to be "consumer" laws, that hold hidden compliance risk for commercial entities that do not consider them.

Panelists:

KATHERINE C. FISHER, Partner, Hudson Cook, LLP, Hanover, MD

ROBERT F. GAGE, Partner, Hudson Cook, LLP, Ann Arbor, MI

LINDSEY ROHAN, Attorney, Lindsey Rohan Attorney at Law, Lake Grove, NY

4:30 – 4:45 pm

BREAK

GENERAL SESSION

4:45 – 5:45 pm

FAIR LENDING: 2017-2018 DEVELOPMENTS

The new Administration has brought big changes in fair lending. Will it ever be the same? Knowing what is different and what is not has never been more important. Join the always popular Jean-and-John show to learn where we are and where we are heading.

Panelists:

L. JEAN NOONAN, Partner, Hudson Cook, LLP, Washington, DC
JOHN L. ROPIEQUET, Of Counsel, Saul Ewing Arnstein & Lehr LLP, Chicago, IL

6:00 – 7:00 pm

COCKTAIL RECEPTION

7:30 – 9:00 pm

DINNER: A TASTE OF BALTIMORE

TUESDAY, April 24, 2018

7:30 – 8:30 am

LIGHT BREAKFAST BUFFET

8:30 – 9:30 am

PRACTICAL TIPS FOR EXAM PREPARATION

This panel will help you get ready for the inevitable CFPB or state exam. Three partners from Hudson Cook's Government Practice Group will discuss the CFPB's exam lifecycle and what to do before, during, and after an exam to meet the regulator's expectations and reduce the risk of an enforcement action.

Panelists:

TRISHA J. CACCIOLA, Partner, Hudson Cook, LLP, Great Neck, NY
A. JAMES CHAREQ, Partner, Hudson Cook, LLP, Washington, DC
LUCY E. MORRIS, Partner, Hudson Cook, LLP, Washington, DC

9:30 – 10:30 am

CYBERSECURITY

The announcement of high profile breaches involving consumer credit data has resulted in increased calls for "more and better" regulation. But are there gaps to be filled? This panel will discuss current and proposed state and federal agency regulation, legislative developments, and where the debate is heading and the impact on financial services providers.

Panelists:

MARC CARLSON, Senior Counsel, Experian, Costa Mesa, CA
M. KATHRYN HAWKINS, Associate, Hudson Cook, LLP, Portland, ME
REBECCA E. KUEHN, Partner, Hudson Cook, LLP, Washington, DC

10:30 – 10:45 am

BREAK

10:45 – 11:45 am

ETHICS: HINDSIGHT IS 20/20: AN EXAMINATION OF ETHICAL QUANDARIES IN THE CONSUMER FINANCE ARENA

Panelists will discuss CFPB jurisdiction over attorneys, ethical rules that impact the provision of financial services advice, and recent cases addressing attorney liability and malpractice. Case studies are drawn from actual litigation and will be used to guide the discussion and address real-life scenarios.

Panelists:

KATRINA S. CHRISTAKIS, Partner, Pilgrim Christakis LLP, Chicago, IL
ZACHARY D. MILLER, Partner, Burr & Forman LLP, Nashville, TN

11:45 am – 12:45 pm

LUNCH (PROVIDED)

12:45 – 1:30 pm

WEB CONTENT ACCESSIBILITY UNDER THE AMERICANS WITH DISABILITIES ACT

Panelists will discuss recent developments in compliance with the Americans with Disabilities Act as it applies to the accessibility of web content. This will include a discussion of recent cases and plaintiffs' actions, as well as the Department of Justice's decision to list ADA web content rulemakings as "inactive." The panelists will also provide an overview of the Web Content Accessibility Guidelines 2 as well as ways to reduce litigation risks.

Panelists:

JUSTIN B. HOSIE, Partner, Hudson Cook, LLP, Ooltewah, TN

ERICA A.N. KRAMER, Associate, Hudson Cook, LLP, Ooltewah, TN

1:30 – 2:30 pm

EVALUATING YOUR OWN COLLECTIONS COMPLIANCE: PREPARING FOR EXAMINATIONS AND DUE DILIGENCE

Activity related to collection and recovery is still the biggest source of customer complaints to companies and to regulators, and continues to be a source of regulatory and litigation risk for creditors. As a result, regulators are on the look-out for high risk red flags in creditors' collection practices, as are creditors' lending and investment partners. In this panel, we will review the most common areas of concern in creditor collections and personal property repossessions today, including collection call frequency, collection communications, repossession fees, and using technology to collect debt. We will discuss how you can manage risk by monitoring performance in those areas and using system controls so that your house is in order for compliance reviews.

Panelists:

THOMAS J. BUIREWEG, Partner, Hudson Cook, LLP, Ann Arbor, MI

ANASTASIA V. CATON, Associate, Hudson Cook, LLP, Washington, DC

CHARLES F. DODGE, Partner, Hudson Cook, LLP, Hanover, MD

2:30 pm

END OF CONFERENCE