



## Alan D. Wingfield

### Partner

Troutman Sanders Building  
 1001 Haxall Point  
 15th Floor  
 Richmond, VA 23219  
 804.697.1350 telephone  
 804.698.5172 facsimile  
[alan.wingfield@troutman.com](mailto:alan.wingfield@troutman.com)

Alan Wingfield is a partner in the firm's Consumer Financial Services practice, with a focus on Financial Services Litigation and consumer law compliance counseling. Alan has represented businesses in many venues nationally in class actions and individual consumer litigation. Alan's practice includes compliance counseling to help businesses with the myriad federal and state consumer protection laws and laws regulating financial services companies. He assists particularly with the "alphabet soup" of consumer protection statutes, including:

- Fair Credit Reporting Act (FCRA) and Regulation V (Reg V);
- Telephone Consumer Protection Act (TCPA), Telemarketing Sales Rule (TSR) and state law analog statutes;
- Truth in Lending Act (TILA) and Regulation Z (Reg Z);
- Equal Credit Opportunity Act (ECOA) and Regulation B (Reg B);
- Fair Debt Collection Practices Act (FDCPA) and state law analog statutes;
- Electronic Fund Transfer Act (EFTA) And Regulation E (Reg E);
- Real Estate Settlement Procedures Act (RESPA) and Regulation X (Reg X);
- Federal and state Odometer Acts;
- Expedited Funds Availability Act (EFAA) and Regulation CC (Reg CC);
- The impact of Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank) on the consumer protection landscape, including Unfair, Deceptive, or Abusive Acts and Practices (UDAAPs) regulation;
- Section 5 of the Federal Trade Commission Act and regulations promulgated thereunder prohibiting unfair or deceptive acts and practices;
- State Unfair and Deceptive Act and Practices acts (UDAP);
- State laws regulating finance charges and the forms of consumer agreements, including usury laws and retail installment sales acts; and
- Articles 2, 3, 4, 9 and 9A of the Uniform Commercial Code (UCC).

Alan also is experienced in handling business litigation based on contracts and federal and state securities laws, as well as defending shareholder derivative and class action claims.

Alan provides ongoing analysis and commentary on developments in the consumer financial services industry through the Consumer Financial Services Law Monitor

#### Practice

- Financial Services Litigation
- Consumer Financial Services
- Business Litigation
- Litigation
- Regulatory Compliance
- Securities Litigation

#### Education

- Duke University (J.D., 1987)
- University of Missouri-Columbia (A.B., 1981)
- University of Missouri-Columbia (B.J., 1981)

#### Bar and Court Admissions

- Virginia
- U.S. District Court for the Eastern District of Virginia
- U.S. District Court for the Western District of Virginia
- U.S. Bankruptcy Court for the Eastern District of Virginia
- U.S. Bankruptcy Court for the Western District of Virginia
- U.S. Court of Appeals for the Fourth Circuit

#### Distinctions

- AV Preeminent Rating, Martindale-Hubbell Peer Review
- Named a BTI Client Service All-Star (2011, 2014 and 2016)
- Selected by *Law & Politics* as a Virginia Super Lawyer in Consumer Law (2007, 2012-2018)
- Recognized in *The Best Lawyers in America* in Commercial Litigation (2013-2014, 2017-2019)
- Recognized in *The Best Lawyers in America* in Consumer Law (2017-2019)
- Recognized in *The Best Lawyers in America* in Litigation - Banking and Finance (2013-2019)
- Named Virginia Super Lawyer in Consumer Law (2012-2017)
- Named Virginia Business magazine's Legal Elite

---

blog at [cfslawmonitor.com](http://cfslawmonitor.com), and as author of numerous client e-alerts.

## **Representative Matters**

### **Financial and Consumer Law Litigation**

- *Reese v. Anthem, Inc., et al.*, No. 17-07940 (E.D. La. Mar. 12, 2018): Motion to Dismiss granted with prejudice in a TCPA putative class action relating to informational health care-related text messages.
- Represented banks of all sizes, bank and non-bank mortgage servicers, auto finance companies, consumer finance companies, credit card issuers, specialized lenders, franchise and independent automobile dealers, and national retailers, in many individual and class action litigations under federal and state consumer protection laws.
- Represented the nation's largest used car retailer in class action litigation challenging sales practices.
- Represented one of the largest banks in defense of putative FCRA class actions arising out of hiring processes.
- Represented a national consumer reporting agency in class action litigation challenging fundamental business practices.
- Represented a top-ten bank and its affiliates in multiple consumer law and other disputes of all sizes.

### **Counseling and Compliance**

- Counseled the nation's largest used automobile dealer on numerous state and federal law compliance issues.
- Counseled some of the largest health benefits companies on TCPA compliance requirements.
- Counseled one of the largest banks in the country on a large array of state law compliance requirements.
- Counseled a range of companies, such as a national background investigation company, a national retailer, and a specialized financial services company, on the full gamut of federal "alphabet soup" consumer protection statutes – such as the FCRA, ECOA, FDCPA, TCPA, TILA, EFTA, EFAA – as well as to state law consumer law protection statutes.

### **Business Litigation**

- Represented banks of all sizes, broker-dealers, extractive resource companies, transportation firms, technology firms, and national retailers, among others, in a wide variety of non-consumer arbitration, litigation and disputes, including contract, lender liability, fiduciary liability, UCC negotiable instrument, complex creditors' rights including judicial sales, trust administration, securities fraud and bankruptcy adversary proceeding

litigation.

- Represented innovative technology companies, extractive resource companies, and others in shareholder disputes.
- Represented one of the nation's largest coal producers in multiple contract disputes, including disputes with vendors and with customers under Article 2 of the UCC and the Convention for the International Sale of Goods (CISG).
- Represented leading local real estate developer in defending dissolution and breach of fiduciary duty claims brought by minority member in a limited liability company.
- Represented multiple commercial landlords in counseling and litigation regarding tenant defaults, including bankruptcy representation.

### Speaking Engagements and Publications

- Co-author, "[Shutdown's Messy Impact On Consumer Protection Activities](#)," *Law360*, January 11, 2019.
- Quoted, "[From the Web: Evaluating the Potential Impact of the Government Shutdown on Federal Courts](#)," *ACA International*, January 9, 2019.
- Co-author, "[A Small Step Toward 'Employee' Clarity For FCRA](#)," *Law360*, January 8, 2019.
- Co-author, "[High Court Junk Fax Case Is Not Just About Junk Faxes](#)," *Law360*, November 20, 2018.
- Co-author, "[ALERT for Ninth Circuit and TCPA: A System That Has the Capacity to Automatically Dial Stored Numbers is an ATDS](#)," *Troutman Sanders*, September 21, 2018.
- Co-author, "[Federal Inaction And State Activity: Student Loan Edition](#)," *Law360*, August 1, 2018.
- Speaker, "Did the D.C. Circuit Short-Circuit the TCPA? Life After *ACA v. FCC*," Troutman Sanders Webinar, March 20, 2018.
- Speaker, "Game-Changers in Consumer Class Actions," Troutman Sanders Webinar, April 17, 2018.
- Co-Author, "[The Latest On TCPA Exemption For Health Care-Related Calls](#)," *Law360*, February 7, 2018.
- Co-author, "[A Closer Look at Consumer Finance Law in 2017, and Beyond](#)," *Law360*, January 17, 2018.
- Co-author, "[Federal Deregulation Opens the Door for State-Level Threats to Auto Finance](#)," *Business Law Today*, January 16, 2018.
- Co-author, "[Annual Report: 2017 Consumer Financial Services Year in Review and a Look Ahead](#)," January 10, 2018.
- Quoted, "[GAO decides Congress can review auto loan guidance](#)," *Reuters*, December 5, 2017.
- Co-author, "[TCPA Litigation Heating Up, Poses Significant Litigation Risk](#)," Virginia Association of Community Banks E-Newsletter, December 2017.
- Presenter, "The CHOICE Act Passed the House: Now What? An Update on Financial Industry Regulation Under the Trump Administration," Troutman

Sanders Consumer Financial Services Webinar Series, June 29, 2017.

- Co-author, "[2 Dish Network Defeats Suggest TCPA Is Not Dead Yet](#)," *Law360*, June 9, 2017.
- Presenter, "Fair Lending Hotspots: Redlining and Small Business Lending," Virginia Community Bankers Association, May 9, 2017.
- Presenter, "CFPB Regulatory Update," Virginia Bankers Association, May 3, 2017.
- Presenter, "FCRA Hot Issues: Class Actions & More," (Client CLE), March 30, 2017.
- Presenter, "Small Business Lending & Workouts: Consumer Protection Issues - What You Need to Know," (Client CLE), March 27, 2017.
- Presenter, "Electronic Fund Transfer Act (EFTA) - Latest Trends & Developments Webinar," Troutman Sanders Consumer Financial Services Webinar Series, March 23, 2017.
- Presenter, "Redlining and Fair Lending: What you Need to Know," Troutman Sanders Consumer Financial Services Webinar Series, February 9, 2017.
- Co-author, "[Future FCC Leadership Could Mean Big Changes For TCPA](#)," *Law360*, January 10, 2017.
- Panelist, "How Will the Trump Administration Impact the Banking and Financial Services Industry?" Troutman Sanders Consumer Financial Services Webinar Series, December 14, 2016.
- Co-Author, "[A Serious Circuit Split On Class Ascertainability](#)," *Law360*, June 30, 2016.
- Panelist, "A Year in Review – TCPA Developments Since the FCC's Landmark Declaratory Ruling," Troutman Sanders Consumer Financial Services Webinar Series, June 7, 2016.
- Co-author, "[11th Circ. Strikes Back At Untimely 'Piggyback' Class Actions](#)," *Law360*, August 10, 2015.
- Presenter, "High-Risk FCRA Reporting Issues for Furnishers," ACA International Annual Convention & Expo, July 20, 2015.
- Co-Author, "[The Good, The Bad And The Unclear In FCC's Plan For TCPA](#)," *Law360*, June 5, 2015.
- Co-author, "[New York Announces Sweeping New Regulation of the Debt Collection Industry](#)," *TerraLex*, March 16, 2015.
- Presenter, "UDAP and Fair Lending Update" to Institute of Continuing Legal Education in Georgia and Business Law Section of Georgia State Bar, February 6, 2015.
- Presenter, "Navigating the Dangerous Collision Between the TCPA and Collections" to the Shaw Systems Conference, February 23, 2015.
- Presenter, "Ten Commandments for Avoiding Lender Liability" to Lending Executives Committee at the Virginia Bankers Association, January 23, 2015.
- Co-author, "[DriveTime Settlement Is A Sign Of The Times For CFPB](#)," *Law360*, December 10, 2014.

- Co-author, "[CFPB Steps Up Efforts to Fundamentally Reform Indirect Auto Finance Industry in Face of Growing Resistance](#)," *Terralex Connections*, December 9, 2014.
- Co-author, "[The TCPA Balance Shifts: The Eleventh Circuit Decision in Mais is Extremely Favorable for Collectors](#)," *Terralex Connections*, December 9, 2014.
- Co-author, "[Fourth Circuit Rules Debt Collector Violated 'Call Charged' Section of TCPA for Using an ATDS to Call a Residential Landline](#)," *Terralex Connections*, December 9, 2014.
- Co-author, "[FCC Opinion On TCPA Consent Could Impact Debt Collectors](#)," *Law360*, August 19, 2014.
- Co-author, "[Pa. Ruling Supports Common-Sense Application of TCPA](#)," *Law360*, May 13, 2014.
- Co-author, "[FTC Enforcement Trends In 2013 And 2014 For FDCPA](#)," *Law360*, May 1, 2014.
- Co-author, "[Calif. Court Clears The Way For CFPB](#)," *Law360*, February 10, 2014.
- Co-author, "[Enhanced Consumer Law Enforcement: Class Actions Often Follow](#)," *Executive Counsel Magazine*, December 2013.
- Presenter, "CFPB, FTC, State Regulators and Compliance," Credit and Collection News Seminar, New York City, NY, September 17-18, 2013; Chicago, IL, October 1-2, 2013; Los Angeles, CA, November 12-13, 2013; Dallas, TX, December 3-4, 2013; Atlanta, GA, February 18-19, 2014.
- "[Top 5 Questions About the CFPB's 'Larger Participant Rule'](#)," *Corporate Counsel*, January 14, 2013.
- Co-author, "[CFPB's Reach Extends To 'Larger Participants' And Beyond](#)," *Law360*, December 7, 2012.
- Co-Author, "[Extending CFPB Supervision To Nonbanks](#)," *Law360*, January 6, 2012.
- Co-Author, "[The CFPB's Authority to Regulate 'Abusive' Consumer Financial Products and Services](#)," *Bureau of National Affairs (BNA), Securities Regulation & Law Report*, December 2011.
- Author, "[Judicial Deference to Agency's Interpretation of TILA Reaches New High Water Mark](#)," Troutman Sanders Advisory (February 1, 2011).
- Quoted, "Consumer law world of its own in Richmond court," *Virginia Lawyers Weekly* (April 19, 2010).
- Quoted, "Pro se divorce is on the rise in Virginia," *Virginia Lawyers Weekly* (August 17, 2009).
- Presenter, "Devil in the Details - Drafting to Get What You Expect When Your Contract Goes to Court" (Richmond Bar Association).
- Presenter, "What's Going on Here? Surging Consumer Litigation – Including Class Actions – in State and Federal Court," (Va. CLE).
- Presenter, "Car Fraud Litigation," (Va. CLE).
- Presenter, "Commercial and Consumer Credit Issues for Automobile

Lenders," (Client CLE).

- Presenter, "Data Breaches, Statutory and Regulatory Landscape," (Client CLE).
- Author, "Fiduciary Attorney-Client Communications: An Illusory Privilege?" (8 Prob. & Prop. 60).