

2:20 **Managing Bankruptcy and Foreclosures in Consumer Finance Class Actions & Litigation**



The Honorable Michael B. Kaplan
United States Bankruptcy Judge
U.S. Bankr. Court, District of New Jersey



Stephen J. Bumgarner
Partner
Burr & Forman LLP (Birmingham, AL)



B. Rush Smith III
Partner
Nelson Mullins Riley & Scarborough LLP (Columbia, SC)

- “Hot button” issues for bankruptcy courts and trustees: stay violations; collection of fees and advances for insurance and property taxes, and notice requirements; redactions of personal identifying information and other recent developments
- Class certification in bankruptcy court: leading-edge theories advanced by class counsel and trends in court decisions
- Defense strategies for suits based on the lenders’ failure to disclose fees and protective advances
- Enforceability of arbitration clauses in bankruptcy court
- Recent trends in foreclosure claims: What is coming down the pipeline?
- Successfully defending against counter-claims, including claims of unreasonable and inaccurate fees, invalid disclosures and unsuitable loans

3:25 **Afternoon Refreshment Break**

3:35 **Emerging State and Local Enforcement Activities and Investigations and Their Impact on Preemption and Litigation Against Lenders**



C. Vance Beck
Senior Vice President
Wachovia Corporation Legal Division (Charlotte, NC)



Bruce M. Jacobs
Partner
Spilman Thomas & Battle, PLLC (Charleston, WV)



Knox Dobbins
Partner
Sutherland Asbill & Brennan LLP (Atlanta, GA)

- How the Supreme Court’s preemption decision in *Cuomo, Attorney General of New York v. Clearing House Association, L.L.C., et al* will impact consumer finance litigators
 - The impact on national v. state charter banks
 - The impact on the scope of state substantive laws
- Examining the most recent state enforcement activities
- How to respond to:
 - Use of state licensing power to ban certain brokers and servicers
 - Notices of intended settlement under CAFA and the ability to object to terms
- Protecting your client when responding to probes by state enforcement authorities
- What to do in response to the state’s exercise of authority over foreclosure activity of state chartered lenders
- Settlement strategies – how to work with municipalities without sacrificing your position

4:40 **Working With AGs to Maneuver Your Way Through the Investigation Process**

Gregory E. Harmer
Executive Vice President, General Counsel
iQor, Inc. (New York, NY)



Ashley L. Taylor
Partner
Troutman Sanders LLP (Richmond, VA)



Andrew L. Sandler
Partner
Buckley Sandler LLP (Washington, DC)

Working with the AG’s Office

- Understanding your company’s position in the marketplace
- Effectively communicating with the AG’s office to reach a swift resolution
- Preparing for multi-state coordination and enforcement

Growing Authority of the States AG

- How will the proposed Consumer Financial Protection Agency Act of 2009 increase the authority and function of the AG’s office
- Whether Congress’ proposal to allow state AG’s to prosecute national banks will lead to increased litigation
- AG’s increased authority in the enforcement of new standards for consumer products
- The role of state law in promoting consumer safety and providing compensation for injuries

5:45 **Day One Concludes**

DAY TWO – Thursday, January 28, 2010

7:30 **Continental Breakfast**

8:00 **In-House Counsel Insights on Preventing and Managing Consumer Finance Litigation**

Marisa A. Gómez
Assistant General Counsel, Marketing – Legal Regulatory
Capital One Services, Inc. (McClean, VA)

Kristina M. Larese
Associate General Counsel
PHH Mortgage Corporation (Mount Laurel, NJ)

Howard S. Lindenberg
Associate General Counsel, Freddie Mac (McLean, VA)

James K. McMurray
Deputy General Counsel
American General Finance, Inc. (Evansville, IN)

David Oppenheimer
Senior Counsel, Law and Compliance
Discover Financial Services (Riverwood, IL)

Nicholas ‘Mick’ Sladic
Senior Associate General Counsel & Vice President, Legal
Capital One Services, Inc. (Richmond, VA)

William R. Thompson
Managing Director, Chief Counsel-Litigation
GMAC ResCap (Fort Washington, PA)



Mark L. LoSacco
Senior Litigation Counsel, American Express Travel Related
Services Company, Inc. (New York, NY)



Joseph T. Green
General Counsel
TCF National Bank (Wayzata, MN)

Moderator:



Richard E. Gottlieb
Member
Dykema Gossett PLLC (Chicago, IL)

In-house counsel from around the country will share their best practices for handling consumer finance claims. They’ll share with you their successful strategies for internally managing claims and tell you what they are doing to prevent class actions. Points of discussion include:

Document and E-Discovery

- Formulating a document and e-discovery plan that defends against plaintiff’s overly burdensome request
- Avoiding the cost of discovery falling disproportionately on the defendants
- Determining what information the defense must produce during the discovery process