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American Conference Institute's 16th National Forum on

RESIDENTIAL MORTGAGE LITIGATION & REGULATORY ENFORCEMENT

On the One-Year Anniversary of the CFPB Mortgage Rules, This Event Will Set the Stage for Litigation Strategies and Responding to Government Initiatives in the Coming Year

Enforcement & regulatory priorities from:

HUD

U.S. Attorney's Office, D.N.J.

Alabama Securities Commission

Arkansas Securities Department

California Housing Finance Agency

California Dept. Business Oversight

Office of the Attorney General of Texas

A Truly National View From the Bench:



Hon. Helen W. Gillmor
U.S. Dist. Ct., D. Haw.



Hon. Wiley Y. Daniel
U.S. Dist. Ct., D. Colo.



Hon. Lee Yeakel
U.S. Dist. Ct., W.D. Tex.



Hon. Fernando J. Gaitan Jr.
U.S. Dist. Ct., W.D. Mo.



Hon. David Hittner
U.S. Dist. Ct., S.D. Tex.



Hon. Matthew F. Kennelly
U.S. Dist. Ct., N.D. Ill.



Hon. George C. Steeh
U.S. Dist. Ct., E.D. Mich.



Hon. Christopher A. Nuechterlein
U.S. Dist. Ct., N.D. Ind.



Hon. Craig A. Gargotta
U.S. Bankr. Ct., W.D. Texas



Hon. Richard S. Schmidt
U.S. Bankr. Ct., S.D. Texas



Hon. Elizabeth W. Magner
U.S. Bankr. Ct., E.D. La.



Hon. Michael B. Kaplan
U.S. Bankr. Ct., D.N.J.



Hon. Robert B. Freedman
Calif. Super. Ct., Alameda Co.



Hon. Anthony J. Mohr
Calif. Super. Ct., Los Angeles Co.



Hon. Allan L. Tereshko
Pa. Ct. Common Pleas



Hon. Ramy I. Djerassi
Pa. Ct. Common Pleas



Hon. Sandra Moss (ret.)
Pa. Ct. Common Pleas

Hear from Calif.
state judges &
federal judges
from district and
bankruptcy courts
in 7 Circuits

January 15-16, 2015 | Omni Los Angeles Hotel at California Plaza | Los Angeles, CA

In-House insights from industry experts, including:

Ken Markison
Mortgage Bankers Association

Jennifer Peterson
Wells Fargo Law Department

Karim Hatata
Ocwen Financial Corporation

Wendy A. Scholl
Bank of America

David Cherneski
Prospect Mortgage, LLC

Stephen B. Fleming
Phoenix Capital Inc.

Gary A. Deutsch
PNC Legal Department

Ronald M. Morrison
Impac Mortgage Holdings, Inc.

and others to follow

New sessions this year include:

- State of the Industry: CFPB Enforcement, Examinations, Investigations, Administrative Actions and Suits; Issues Involving TILA/RESPA SID Regulation, HMDA, QRM and Rulemaking; and New Risks Involving UDAAP, Ability-to-Repay/QM and RESPA (including QWR)
- The Borrower's Perspective: Insights From the Plaintiffs' Bar and Consumer Advocates
- Government Insights on the Current State of the Residential Mortgage Industry for 2015, Regulatory and Enforcement Priorities at Both the National and State Levels, and How to Prepare for and Respond to Examinations, Supervision, and Investigations in a Multi-Agency Environment
- Fair Lending: Ramped Up Enforcement Including in the UDAAP Context; DOJ and CFPB Involvement; "Disparate Impact" Theory as a Litigation Game Changer; the Shift to New Issues Involving Maternity Leave, Disability Documentation, LGBT, Reverse Discrimination and HMDA; Predatory and Abusive Lending Claims Including Discriminatory Pricing/Steering; and the Latest Settlement Orders, Themes and Implications
- Mortgage Servicing: Litigation and Enforcement Concerns, Defending Against Innovative Borrower Claims Including Under TILA Reg Z Amendments and New RESPA Servicing Rules, and the Latest on Servicer Liability for Credit Reporting Under FCRA and Debt Collection under FDCPA
- Loss Mitigation, Loan Modification and the Home Affordable Modification Program: New Loan Modification Litigation Risks (Including in Conjunction With Evolving Theories of Recovery for HAMP); Modifications and REO; and Continuity of Loss Mitigation for "In-Flight" Loan Mods
- Recent Class Action & Mass Action Developments and New California HBOR Issues Related to Pre-Foreclosure Contact, Dual Tracking, SPOC, Private Rights of Action, Safe Harbor, Duty of Care, and Tender
- MERS and County Fee Litigation and Foreclosure Trends
- The Current Wave of Lender-Placed Insurance and Private Mortgage Insurance Claims

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Here are just some of the companies and firms already participating:

U.S. Dept. of Housing and Urban Development	Wells Fargo	Locke Lord
U.S. Attorney's Office, D.N.J.	Stites & Harbison	BuckleySandler
Alabama Securities Commission	National Consumer Law Center	Pfeifer & de la Mora
Arkansas Securities Department	Bilzin Sumberg Baena Price & Axelrod	Skadden, Arps, Slate, Meagher & Flom
California Housing Finance Agency	Ice Legal, P.A.	Franzén and Salzano
California Department of Business Oversight	Greenberg Traurig	Aldridge Connors
Office of the Attorney General of Texas	Jones Day	Burke, Warren, MacKay & Serritella
Mortgage Bankers Association	LotsteinLegal	Parker Ibrahim & Berg
PMAC Lending Services, Inc.	Lane Powell	Varga Berger Ledsky Hayes & Casey
Bank of America	O'Melveny & Myers	Doll Amir Eley
Prospect Mortgage, LLC	Alston & Bird	Stradley Ronon Stevens & Young
PNC Legal Department	Severson & Werson	Relman, Dane & Colfax
Ocwen Financial Corporation	Goodwin Procter	McGlinchey Stafford
Phoenix Capital Inc.	Parker, Hudson, Rainer & Dobbs	Palmer, Lombardi & Donohue
	Pilgrim Christakis	

The industry's leading litigators and in-house counsel are meeting in Los Angeles on January 15-16. Attend to benchmark your current strategies, learn the latest government enforcement and regulatory priorities, and get judicial insights from California state judges and federal judges from district and bankruptcy courts located in 7 different Federal Circuits.

In addition to unparalleled networking opportunities, ACI's 16th Residential Mortgage Litigation and Regulatory Enforcement conference will provide attendees with the latest insights and expert advice from our exceptional faculty on defending against lending, servicing and foreclosure litigation, and will keep you ahead of the curve with regard to increased enforcement efforts and the evolving regulatory paradigm at both the federal and state level. Sessions include:

- State of the Industry for Lenders and Servicers One Year After the CFPB Mortgage Rules: Bureau Enforcement, Examinations, Investigations, Administrative Actions and Suits Regarding Originations and Servicing; Overarching Issues Involving TILA/RESPA SID Regulation, HMDA, QRM and Rulemaking; and New Enforcement and Litigation Risks Involving UDAAP, Ability-to-Repay/QM, RESPA (including QWR) and Beyond
- The Borrower's Perspective: Insights From the Plaintiffs' Bar and Consumer Advocates
- In-House Insights on Litigation Management in this Evolving Regulatory and Enforcement Environment, Preparing for and Managing Lending, Servicing, and Foreclosure Litigation, Enhancing Relationships with Outside Counsel, and Working With Reduced Budgets and Smaller Staffs
- Government Insights on the Current State of the Residential Mortgage Industry for 2015, Regulatory and Enforcement Priorities at Both the National and State Levels, and How to Prepare for and Respond to Examinations, Supervision, and Investigations in a Multi-Agency Environment
- Fair Lending: Ramped Up Enforcement Including in the UDAAP Context; DOJ and CFPB Involvement; "Disparate Impact" Theory as a Litigation Game Changer; the Shift to New Issues Involving Maternity Leave, Disability Documentation, LGBT, Reverse Discrimination and HMDA; Predatory and Abusive Lending Claims Including Discriminatory Pricing/Steering; and the Latest Settlement Orders, Themes and Implications
- Recent Class Action & Mass Action Developments, Examining Key State Nuances and Developments in Hotbed Jurisdictions Nevada, Florida, New York, Illinois, and Texas, and Dissecting New California HBOR Issues Related to Pre-Foreclosure Contact, Dual Tracking, SPOC, Private Rights of Action, Safe Harbor, Duty of Care, and Tender
- Establishing Standing, Defending Against Persistent Claims Relating to MERS and County Fee Litigation, Foreclosure Trends and Overcoming Contested Foreclosures, and Responding to Borrower Counterclaims and Stall Tactics
- Views from the Bench: Judicial Perspectives on the Latest Plaintiff Theories, Emerging Defense Strategies, Lender-Placed Insurance Litigation, Bankruptcy and Foreclosure Litigation, Heightened Scrutiny of Lenders and Servicers, Case Management, E-Discovery, and More
- The Fallout from the Fallout for Mortgage Servicing: Litigation and Enforcement Concerns, Defending Against Innovative Borrower Claims Including Under TILA Reg Z Amendments and New RESPA Servicing Rules, and the Latest on Servicer Liability for Credit Reporting Under FCRA and Debt Collection under FDCPA
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- The Current Wave of Lender-Placed Insurance and Private Mortgage Insurance Claims: Government Action, Private Lawsuits, Trends of Claims Surviving Early Stages of Litigation, Classwide Settlement Features and More
- Third-Party Vendor Management and Enhanced Diligence Standards Over Service Providers: With Heightened Regulatory Expectations, What Are the Best Practices in Selection and Monitoring, Risk Management, Contracts and Exit Strategy?
- Mortgages in Bankruptcy: Prevailing Against the Latest Bankruptcy Litigation Claims

This event will fill up quickly, so register now by calling 1-888-224-2480, faxing your registration form to 1-877-927-1563, or registering online at www.AmericanConference.com/ResidentialMortgageLA

Who You Will Meet

In-House Counsel from

- Mortgage lenders
- Mortgage brokers
- Banks and thrifts
- Loan servicers
- Loan purchasers
- Investment banks
- Hedge funds
- Private equity

Private practice attorneys specializing in:

- Financial services
- Mortgages
- Bankruptcy
- Securities litigation
- Consumer finance
- Regulations and compliance

7:15 Registration and Continental Breakfast

8:00 **Chairs' Welcome**

Wendy A. Scholl
Associate General Counsel, Litigation
Bank of America

Hunter Eley
Partner
Doll Amir & Eley LLP

Roland P. Reynolds
Partner
Palmer, Lombardi & Donohue LLP

8:05 **State of the Industry on the One-Year Anniversary of the CFPB Mortgage Rules: Bureau Enforcement, Examinations, Investigations, Administrative Actions and Suits Regarding Originations and Servicing; Overarching Issues Involving TILA/RESPA SID Regulation, HMDA, QRM and Rulemaking; and New Enforcement and Litigation Risks Involving UDAAP, Ability-to-Repay/QM, RESPA (Including QWR) and Beyond**

Ken Markison
Vice President, Regulatory Counsel
Mortgage Bankers Association

Albert J. Rota
Partner
Jones Day

Michael R. Pfeifer, Esq.
Partner
Pfeifer & De La Mora, LLP

Wendy Walter
Managing Attorney
RCO Legal, P.S

Moderator:

Roland P. Reynolds
Partner
Palmer, Lombardi & Donohue LLP

- How the servicing rules have impacted the industry so far: Lessons learned and pitfalls to avoid; Best practices for ensuring compliance; Litigation risks arising from the new rules; Practical experiences with litigation to date
- CFPB examinations – what to expect: What are examiners looking for?; Practical guidance on how best to prepare; Enforcement and litigation risks arising from an examination
- CFPB enforcement actions: Status and assessment of recent enforcement cases; How companies are responding; What to expect going forward
- Rule specific clarifications and rules on the horizon re HMDA and QRM
- RESPA-TILA Integration and liability
- Enforcement and litigation risk of TILA (including Ability-to Repay and QM) and RESPA (including QWR)
- CFPB enforcement for UDAAP violations
- Gauging the Bureau's approach to UDAAP issues in marketing, advertising and more

- Which acts and practices put lenders and servicers at greatest risk for UDAAP violations?
- Assessing the definition of 'abusive' practices: Potential pitfalls for the mortgage industry; What aspects of origination and servicing may be 'abusive'?; Lessons learned from recent enforcement actions
- The CFPB's mortgage loan complaint process
- Amicus program: analysis of cases filed so far

9:35 **The Borrower's Perspective: Insights From the Plaintiffs' Bar and Consumer Advocates**

Tara Twomey
Of Counsel
National Consumer Law Center

Amanda Lundergan
Attorney
Ice Legal, P.A.

Moderator:

Richard E. Gottlieb
Partner
BuckleySandler LLP

In this session, you will hear from leading plaintiffs' attorneys and consumer advocates on claims trends, foreclosure litigation, where cases are headed in the coming months, and how lenders and servicers can work with borrowers to minimize the need for litigation. You will obtain key insights into the types of actions plaintiffs' counsel are focusing on and how to prepare for and respond to new and innovative claims, as well as how consumer advocates view the current residential mortgage landscape. Highlights of this session will include:

- How borrowers' counsel are approaching litigation arising from alleged foreclosure documentation errors
- Emerging theories of liability
- How the plaintiff's bar is continuing to adapt to CAFA
- Consumer advocate perspectives on MERS: Long term viability of MERS
- How the industry can best work with borrowers to pursue loan modifications and avoid foreclosures and litigation
- Recent litigation against property preservation companies

10:35 Morning Coffee Break Sponsored by: **dae** doll
amir
eley

10:50 **In-House Insights on Litigation Management in an Evolving Regulatory and Enforcement Environment; Preparing for and Managing Lending, Servicing, and Foreclosure Litigation; Enhancing Relationships with Outside Counsel; and Working With Reduced Budgets and Smaller Staffs**

Wendy A. Scholl
Associate General Counsel, Litigation
Bank of America

David Chernek
Senior VP, Associate General Counsel
Prospect Mortgage, LLC

Gary A. Deutsch
Chief Counsel – Mortgage Litigation
PNC Legal Department

Karim Hatata
Senior Counsel, Originations Compliance
Ocwen Financial Corporation

Jennifer Peterson
Counsel
Wells Fargo Law Department

Ronald M. Morrison
Executive Vice President/General Counsel
Impac Mortgage Holdings, Inc.

Stephen B. Fleming
Senior Vice President
Phoenix Capital Inc.

Moderator:

Hunter Eley
Partner
Doll Amir & Eley LLP

- Perspectives on the CFPB servicing rules and their impact on the industry: Compliance challenges and how to overcome them; Practical guidance regarding CFPB examinations; Litigation trends arising from the new rules
- How are lenders and servicers adapting to new and emerging regulations and case law? What changes have they made?
- What do corporate counsel find to be the most challenging aspects of revamping compliance procedures and policies?
- Where are lenders and servicers turning for guidance?: Developing best practices
- Managing and responding to enforcement actions: Tools that are available when facing an enforcement action; Responding to the action; Jurisdiction hurdles when dealing with multiple state and federal agencies; Assessing the role of state attorneys general versus the role of the CFPB and other federal agencies
- Adapting your litigation strategies and settlement calculations to account for new trends
- Dealing with overzealous discovery requests in litigation and regulatory inquiries
- Managing and defending against claims arising from TILA, HAMP, and RESPA
- Lender-placed insurance claims
- Top 5 concerns of in-house counsel now and in the near-term
- Identifying and minimizing exposure to risk
- Foreclosure mediation: Best practices for maximizing the effectiveness of these programs
- Lessons learned from past litigation: Minimizing your exposure to future litigation and better managing future litigation
- Advising outside counsel on how to better support in-house counsel
- Top 5 issues that in-house counsel wants their outside counsel to be thinking about
- How corporate counsel are responding to internal budgetary pressures
- Exploring the use of alternative fee agreements with outside counsel
- Internal and external cost-cutting: What has worked and what has not
- In-house staffing solutions for stretched legal departments

1:00 **Government Insights on the Current State of the Residential Mortgage Industry for 2015, Regulatory and Enforcement Priorities at Both the National and State Levels, and How to Prepare for and Respond to Examinations, Supervision, and Investigations in a Multi-Agency Environment**

Bryan Greene
General Deputy Assistant Secretary
Office of Fair Housing and Equal Opportunity
U.S. Dept. of Housing and Urban Development

R. Stephen Stigall
Assistant United States Attorney
District of New Jersey

Claire L. Tauriainen
Attorney III
California Housing Finance Agency

Mary Ann Smith
Deputy Commissioner of Enforcement
California Department of Business Oversight

Karyn Tierney, J.D.
Deputy Commissioner
Arkansas Securities Department

Richard L. Bischoff
Assistant Attorney General, Consumer Protection
and Public Health Division
Office of the Attorney General of Texas

Moderator:

Joseph Borg
Director
Alabama Securities Commission

- Impact of the CFPB on state enforcement initiatives: States' codification of CFPB standards
- CFPB/DOJ settlement implementation
- Perspectives on the servicing rules and their impact on the mortgage servicing industry: Compliance challenges for the industry; Best practices for ensuring compliance
- CFPB and other federal and state agency examinations: What to expect and how to prepare for an examination; Problems that regulators, especially the CFPB, are finding in examinations; Top 10 violations
- How federal and state agencies and attorneys general are working together
- Increasing focus on fair lending concerns
- Ensuring compliance with UDAAP
- Perspectives on lender-placed insurance
- Assessing the multi-state mortgage examination process
- Cooperating with investigations
- Reaching consent settlements with regulators
- Implementing lessons learned from past enforcement actions

2:40 **Afternoon Break**

12:00 **Networking Luncheon for Speakers & Attendees**

2:50 **Fair Lending: Ramped Up Enforcement Including in the UDAAP Context; DOJ and CFPB Involvement; “Disparate Impact” Theory as a Litigation Game Changer; the Shift to New Issues Involving Maternity Leave, Disability Documentation, LGBT, Reverse Discrimination and HMDA; Predatory and Abusive Lending Claims Including Discriminatory Pricing/Steering; and the Latest Settlement Orders, Themes and Implications**

David K. Stein, Esq.
Member
Bricker & Eckler LLP

Darren M. Welch
Partner
Skadden, Arps, Slate,
Meagher & Flom LLP

Philip R. Stein
Partner
Bilzin Sumberg Baena
Price & Axelrod LLP

Glenn Schlactus
Partner
Relman, Dane &
Colfax PLLC

- Recent cases and enforcement actions: Recent activity in CA: L.A. City attorney lawsuits against a number of lenders
- How state and federal agencies are approaching fair lending issues
- Assessing the status of ‘disparate impact’ in lending litigation and enforcement: HMDA data serving as basis for claims
- Disparate impact in the age of the Qualified Mortgage: Assessing the likelihood that lenders who underwrite QM loans will face fair lending claims because loans meeting the QM standards may result in a disparate impact on certain demographic groups
- New and emerging allegations of discriminatory practices and how to defend against them
- Assessing the evolving definition of and uncertainty relating to fair lending
- Impact of the CFPB on fair lending litigation: CFPB initiatives and enforcement efforts relating to discriminatory lending and ‘disparate impact’
- Defending against the latest claims alleging fair lending violations: Early interviews and information gathering; Data analysis
- Impact of recent regulatory and litigation developments on the defense of predatory lending claims
- Public relations concerns
- Settlement considerations and strategies

4:05 **Recent Class Action & Mass Action Developments, Examining Key State Nuances and Developments in Hotbed Jurisdictions Nevada, Florida, New York, Illinois, and Texas, and Dissecting New California HBOR Issues**

John J. Calvagna
Partner
McGlinchey Stafford
PLLC

Sanjay Ibrahim
Partner
Parker Ibrahim & Berg LLC

Jonathan N. Ledsky
Partner
Varga Berger Ledsky
Hayes & Casey

States

- Which states are driving the litigation nationwide?
 - CA, NV, FL, NY, IL, TX
- A spotlight on unique California HBOR issues including Pre-Foreclosure Contact, Dual Tracking, SPOC, Private Rights of Action, Safe Harbor, Duty of Care, and Tender

- California Homeowner’s Bill of Rights: update on possible case law
- Non traditional lending models originating in California
- Other states’ following suit with Homeowner’s Bill of Rights
 - Nevada’s modeled after California’s
- How these states implicate other states’ litigation
- What to be on the lookout for
- Lessons to be learned

Class and Mass

- CAFA developments
- Removability
- Current trends in issue certification
- Heightened scrutiny of all aspects Rule 23
- Class actions and experts
- Recent settlement trends and strategy
- Class action settlements for preliminary and final approval
- Class notice issues
- Release scope
- Attorney Fees

5:10 **Establishing Standing, Defending Against Persistent Claims Relating to MERS and County Fee Litigation, Foreclosure Trends and Overcoming Contested Foreclosures, and Responding to Borrower Counterclaims and Stall Tactics**

Andrew D. LeMar
Partner
Burke, Warren, MacKay
& Serritella, P.C.

Joseph W. Guzzetta
Attorney
Severson & Werson

Ronald J. Stay
Counsel
Stites & Harbison PLLC

- Conditions precedent to foreclosure
- Assessing borrower attacks on standing
 - New and emerging claims
 - How to combat and defeat standing attacks
- Update on MERS litigation
 - *Robinson v. AHMSI*: 9th circuit case
 - Borrower claims
 - Qui tam cases
 - County recorder/AG litigation
- MERS interest as mortgagee or beneficiary
- Transfer of notes via endorsement and delivery rather than assignment
- Assignment of mortgages
- Handling borrower counterclaims in contested foreclosures
- Overcoming commonly raised defenses including TILA, SCRA, fraud, and rescission claims
- Preventing bankruptcy from becoming a tool used by borrowers to stall foreclosures
- Loss mitigation
- Litigation challenges relating to mortgage origination
- Loan modifications and foreclosure: Defending against counterclaims arising from loan modifications and HAMP
- Foreclosure mediation programs
- Responding to challenges to foreclosures in non-judicial foreclosure states

6:05 **Conference Adjourns**

7:30 Continental Breakfast

8:00 **Views from the Bench: Judicial Perspectives on the Latest Plaintiff Theories, Emerging Defense Strategies, Lender-Placed Insurance Litigation, Bankruptcy and Foreclosure Litigation, Heightened Scrutiny of Lenders and Servicers, Case Management, E-Discovery, and More**

Judges Panel 1 8:00 – 9:35 (break 9:35-9:45)	Judges Panel 2 9:45 – 11:25
<p><i>Hon. Helen W. Gillmor</i> U.S. Dist Ct., D. Haw.</p> <p><i>Hon. Wiley Y. Daniel</i> U.S. Dist. Ct., D. Colo.</p> <p><i>Hon. Lee Yeakel</i> U.S. Dist. Ct., W.D. Tex.</p> <p><i>Hon. Fernando J. Gaitan Jr.</i> U.S. Dist. Ct., W.D. Mo.</p> <p><i>Hon. David Hittner</i> U.S. Dist. Ct., S.D. Tex.</p> <p><i>Hon. Matthew F. Kennelly</i> U.S. Dist. Ct., N.D. Ill.</p> <p><i>Hon. George C. Steeh</i> U.S. Dist. Ct., E.D. Mich.</p> <p><i>Hon. Christopher A. Nuechterlein</i> U.S. Dist Ct., N.D. Ind</p>	<p><i>Hon. Craig A. Gargotta</i> U.S. Bankr. Ct., W.D. Texas</p> <p><i>Hon. Richard S. Schmidt</i> U.S. Bankr. Ct., S.D. Texas</p> <p><i>Hon. Elizabeth W. Magner</i> U.S. Bankr. Ct., E.D. La.</p> <p><i>Hon. Michael B. Kaplan</i> U.S. Bankr. Ct., D.N.J.</p> <p><i>Hon. Robert B. Freedman</i> Calif. Super. Ct., Alameda Co.</p> <p><i>Hon. Anthony J. Mohr</i> Calif. Super. Ct., Los Angeles Co.</p> <p><i>Hon. Allan L. Tereshko</i> Pa. Ct. Common Pleas</p> <p><i>Hon. Ramy I. Djerassi</i> Pa. Ct. Common Pleas</p> <p><i>Hon. Sandra Moss (ret.)</i> Pa. Ct. Common Pleas</p>
<p><u>Moderator:</u> <i>Andrew K. Stutzman</i> Stradley Ronon Stevens & Young LLP</p>	<p><u>Moderator:</u> <i>Katrina Christakis</i> Pilgrim Christakis LLP</p>

- Emerging claims and litigation trends arising from the plaintiffs' bar: How defense counsel are responding
- Insights into new measures lenders and servicers must implement to mitigate future liability
- Lender-placed insurance litigation
- Loan modification litigation
- Navigating through bankruptcy court — what lenders and servicers need to know
- Discretionary awards of attorneys' fees
- Determining when sanctions are appropriate
- Insights into foreclosure mediation programs: How effective are these programs?; How to maximize the benefits of foreclosure mediation
- Novel approaches to trial and case management; Pre-trial procedures
- Judicial perspectives on e-discovery: What are the expectations of counsel when dealing with a case involving voluminous discovery requests?

11:25 **The Fallout from the Fallout for Mortgage Servicing: Litigation and Enforcement Concerns, Defending Against Innovative Borrower Claims Including Under TILA Reg Z Amendments and New RESPA Servicing Rules, and the Latest on Servicer Liability for Credit Reporting Under FCRA and Debt Collection under FDCPA**

Frank Hirsch
Partner
Alston & Bird LLP

Andrew G. Yates
Partner
Lane Powell PC

Eric Jon Taylor
Partner
Parker, Hudson, Rainer & Dobbs LLP

- Fallout from the servicing rules
 - o Enforcement issues
 - o Compliance hurdles and how best to overcome them
 - o Types of private claims arising from the rules: Practical experiences with such litigation
- Impact of Basel III on loan servicing
- Defending against claims relating to loan servicing
- Debt collection practices claims and servicer liability under the FDCPA
- Assessing when a mortgage servicer may be considered a debt collector
- Credit reporting claims and the FCRA
- Escrow issues
- RESPA issues
- Fair lending issues
- Class action issues arising from loan servicing
- What can originators learn from recent litigation involving servicers?
- Servicer liability for lack of disclosure: Viability of good faith defense; Sufficient evidence to show adequate disclosure; Conducting due diligence of servicing compliance

12:20 **Loss Mitigation, Loan Modification and the Home Affordable Modification Program: New Loan Modification Litigation Risks (Including in Conjunction With Evolving Theories of Recovery for HAMP); Modifications and REO; Continuity of Loss Mitigation for “In-Flight” Loan Mods, and More**

Simon Fleischmann
Partner
Locke Lord LLP

Elizabeth L. McKeen
Managing Partner
O'Melveny & Myers LLP

- Loan modification litigation and HAMP
- Complying with the requirements for a permanent modification: 30-day trial period
- Borrower claims and effective defenses
- The rise in HAMP-related False Claims Act litigation
- Mortgage fraud considerations in relation to HAMP

1:05 **The Current Wave of Lender-Placed Insurance and Private Mortgage Insurance Claims: Government Action, Private Lawsuits, Trends of Claims Surviving Early Stages of Litigation, Classwide Settlement Features and More**

David L. Permut
Partner
Goodwin Procter LLP

Peter Wabby
Shareholder
Greenberg Traurig, LLP

- Assessing recent claims alleging that banks engaged in deceptive practices relating to lender-placed insurance: Potential violations of TILA, RICO, and other consumer protection laws; Possible collusion among lenders and insurance companies
- Results of state investigations: NY, CA, IL; NYSDFS regulation of lender-placed insurance
- How lenders can defend against and mitigate operational and reputational risks relating to their lender-placed insurance practices

1:50 **Networking Luncheon for Speakers & Attendees**

2:50 **Third-Party Vendor Management and Enhanced Diligence Standards Over Service Providers: With Heightened Regulatory Expectations, What Are the Best Practices in Selection and Monitoring, Risk Management, Contracts and Exit Strategy?**

Michelle Canter
Partner
LotsteinLegal PLLC

Loretta Salzano
Partner
Franzén and Salzano, P.C.

- Impact of enhanced regulatory scrutiny and oversight
- CFPB initiatives
 - o Power to supervise “related persons” and “material service providers”
 - o To what extent are banks liable for lending done through a third-party relationship?
- OCC activity
- Implementing best practices to manage and mitigate the risk of outsourcing
- Third-party vendor products and fees
- Liability for the actions of mortgage brokers
- Contracting with ethical third parties
- Making the decision to work with a third-party entity
 - o Assessing the decrease in servicing costs vs. the increased risks of litigation and reputational damage

3:40 **Mortgages in Bankruptcy: Prevailing Against the Latest Bankruptcy Litigation Claims**


John Crane
Partner
Aldridge Connors LLP

David L. Permut
Partner
Goodwin Procter LLP

- Litigating in bankruptcy court
 - o Defending against borrower claims
- Class action issues
- Foreclosure litigation standards in bankruptcy court
- Affidavit issues
- Recent bankruptcy class certification decisions
- Latest cases regarding ownership of a debt/note
- Proof of claim issues and litigation update
- Stay relief and avoiding stay violations
- Trustee Office inquiries

4:30 **Conference Ends**

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 Accreditation will be sought in those jurisdictions requested by the registrants which have continuing education requirements. This course is identified as nontransitional for the purposes of CLE accreditation.

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