



Legal Issues Conference Agenda

February 23-24 – Renaissance Arlington Capital View Hotel – Arlington, VA

THURSDAY, FEBRUARY 23

- **11:30 AM – 12:15 PM** **REGISTRATION & LUNCH**

- **Sponsored By:**



- **12:15 PM – 12:30 PM** **OPENING REMARKS**

- **Speaker:** Andrew Duke, Executive Director, Online Lenders Alliance

- **12:30 PM – 1:30 PM** **SESSION 1: HOW CHANGES AT CFPB AND OTHER REGULATORS ARE AFFECTING ENFORCEMENT**

- **Description:** The CFPB and other regulators are pursuing an expansive regulatory and enforcement agenda. Hear from a panel of legal experts as they provide insights into the top legal issues that the regulators will prioritize in 2023, with a focus on how recent initiatives have shaped these supervision and enforcement priorities, and what may be next.
 - **Speakers:**
 - Mehul Madia – Counsel – Manatt, Phelps & Phillips, LLP
 - Scott M. Pearson – Partner – Manatt, Phelps & Phillips, LLP
 - Joseph Reilly – Partner – Manatt, Phelps & Phillips, LLP
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- **1:30 PM – 2:30 PM** **SESSION 2: RETHINKING FAIR LENDING**

- **Description:** From the beginning, the Biden Administration has made it clear that fair lending and racial equity are critical focus areas for executive agencies. And true to form, executive agencies governing the financial services space – including the CFPB – have taken concrete action to strengthen their ability to combat purported racial discrimination. This panel will provide an update on the development of regulatory authority to combat discrimination, enforcement trends in fair lending and anti-discrimination,

and will provide concrete strategies on how players in the space can attempt to mitigate fair lending risk. In doing so, this panel will discuss emerging areas of concern such as algorithmic bias, the use of UDAAP as a tool for regulators to combat discrimination, trends in advertising and marketing and fair lending, and recent state and federal regulatory commentary regarding fair lending and climate change.

○ **Speakers:**

- Christopher K. Friedman – Associate – Bradley Arant Boult Cummings LLP
- David T. Long, Jr. – Associate – Bradley Arant Boult Cummings LLP
- Andrew J. Narod – Partner – Bradley Arant Boult Cummings LLP

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● 2:30 PM – 3:00 PM

COFFEE BREAK

● 3:00 PM – 4:00 PM

SESSION 3: THE EMPIRE STRIKES BACK – CONSUMER ARBITRATION UNDER FIRE

- **Description:** Arbitration provisions in consumer agreements have become commonplace instruments in managing dispute resolution in consumer finance. And over the past decade, the Supreme Court and Courts of Appeals have affirmed the strength of the Federal Arbitration Act and the validity of class action waiver provisions contained within arbitration agreements. Since its inception, the Consumer Financial Protection Bureau has sought to thwart this expansion by eliminating the use of arbitration agreements used by supervised entities in their ordinary course with customers. In 2017, the CFPB issued a rule banning the use of arbitration agreements by supervised entities altogether. Later that year, Congress voted to repeal the Bureau’s rulemaking vis-à-vis the Congressional Review Act. This January, the Consumer Financial Protection Bureau renewed its attempt to hamper the use of arbitration agreements, proposing a new rule to create a public registry of form contract terms and conditions used by supervised nonbanks. According to the U.S. Chamber of Commerce, the public registry rule is “yet one more attempt [by the Bureau] to try and eliminate the use of arbitration agreements.” How did the CFPB, courts and Congress get to the consumer arbitration landscape we are today? How do recent court decisions affect your litigation risk? What does the Bureau’s new proposed rule mean for the standard arbitration language you use in your form agreements? And what does the CFPB’s rule making mean for your business?

○ **Speakers:**

- Allen H. Denson – Partner – Stroock & Stroock & Lavan LLP
- Daniel C. Fishbein – Associate – Stroock & Stroock & Lavan LLP
- Brian C. Frontino – Partner – Stroock & Stroock & Lavan LLP

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● 4:00 PM – 4:30 PM

COMMUNITY FINANCIAL SERVICES ASSOCIATION VS CFPB UPDATE

- **Speaker:** TBC

• **4:30 PM – 5:30 PM** **SESSION 4: FUTURE OF FINTECH AND BANK PARTNERSHIPS**

- **Description:** The partnership between banks and non-banks continues to be a popular model to offer credit to consumers. The partnership allows for synergies between banks and non-banks that could not exist without the partnership. However, some do not view the partnership favorably. To some, the bank partnership is seen as a way around state usury laws. As a reaction to bank partnerships, some states have gone after the arrangement through litigation and legislation. This panel will provide an update on the legal and regulatory landscape surrounding bank partnerships and provide some thoughts as to what is on the horizon for the bank partnership model.
- **Speakers:**
 - *Michael M. Aphibal – Associate – Venable LLP*
 - *Jonathan L. Pompan – Partner – Venable LLP*
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• **5:30 PM – 6:30 PM** **RECEPTION**

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FRIDAY, FEBRUARY 24

• **8:30 AM – 9:00 AM** **BREAKFAST**

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• **9:00 AM – 10:00 AM** **SESSION 5: THE IMPACT AND IMPLICATIONS OF CFPB'S NEW REGISTRIES**

- **Description:** The CFPB has proposed two new registries covering enforcement actions and establishing a system that will track contracts that use arbitration provisions, waivers, or other limits. Learn what these two proposals could mean for your company and how they may reshape enforcement at the federal and state levels.
- **Speakers:**
 - *R. Andrew Arculin – Partner – Blank Rome LLP*
 - *Michael J. Barry – Partner – Blank Rome LLP*
 - *Daniel V. Funaro – Associate – Blank Rome LLP*
 - *Paula M. Vigo Marques – Associate – Blank Rome LLP*
- **Sponsored By:**

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- **10:00 AM – 10:30 AM** **COFFEE BREAK**

 - **10:30 AM – 11:30 AM** **SESSION 6: WHAT YOU NEED TO KNOW ABOUT THE CHANGING DATA SECURITY AND PRIVACY LANDSCAPE FACING THE FINTECH INDUSTRY**
 - **Description:** As the world increasingly moves to digitization, there continues to be a growing amount of data produced, bringing with it issues surrounding data security and privacy. The panel will review new developments in key privacy and security laws, regulations and the current approach taken by regulators including the Federal Trade Commission (FTC), Consumer Financial Protection Bureau (CFPB), and Securities and Exchange Commission (SEC) in this area.

 - **Speakers:**
 - *Garylene Javier – Associate – Crowell & Moring LLP*
 - *Kim Phan – Partner – Troutman Pepper Hamilton Sanders LLP*

 - **Sponsored By:**
- The logo for Troutman Pepper consists of the word "troutman" in a blue, lowercase, sans-serif font, with a stylized blue and purple graphic element above the 'n'. Below "troutman" is the word "pepper" in a purple, lowercase, sans-serif font.
- **11:30 AM – 11:45 AM** **CLOSING REMARKS**
 - **Speaker:** *Andrew Duke, Executive Director, Online Lenders Alliance*