



**2023 NCBA
CONNECT**
the annual conference
at the epicenter of legal collections
Denver, CO | May 3-5

Conference Agenda

Tuesday, May 2

3:00-5:00 p.m.

NCBA Board Meeting

Director's Row H - Lobby Level

Wednesday, May 3

7:30 a.m.-6:00 p.m.

Registration Desk Open - Sponsored by Pro Asset

Plaza Registration - Concourse Level

7:30-10:00 a.m.

Exhibitor Setup

Plaza Foyer - Concourse Level



8:00 a.m.-1:00 p.m.

Golf Scramble - Sponsored by TRAKAmerica

Start your conference experience by participating in the NCBA Golf Scramble at [The Club at Inverness](#) one of Denver's most prestigious courses! We're also offering [Super Tickets](#) to upgrade your golf game with mulligans, raffle tickets, and to move up one tee box. Proceeds from the Golf Scramble will go to the [NCBA Advocacy Support Fund](#).

9:00-11:00 a.m.

Pickleball Tournament

If you like tennis, badminton or pingpong, come give Pickleball a try. All levels of experience are welcome and teams will be assigned based on skill level for a round-robin tournament. The cost per player is \$50 which includes paddles, grab and go breakfast, and transportation.

Interested in sponsoring this event? Reach out to us at sponsorship@creditorsbar.org.

9:00 a.m.-5:00 p.m.

Open Client Individual Meeting - LegalStream

Walk in or schedule a time to meet with LegalStream during their open client meeting hours using their [claendly.com link](#).

Plaza Court 8 - Concourse Level



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9:00-11:30 a.m.

Espresso Bar - Sponsored by Barron & Newburger, P.C.

Plaza Foyer - Concourse Level

9:00 a.m.-5:00 p.m.

Client Individual Meetings

10:00 a.m.-6:30 p.m.

Exhibit Hall Open

Plaza Foyer - Concourse Level

10:00-11:00 a.m.

Let's Play! How to Win or Lose with Collection Regulations

There is overwhelming focus on regulatory compliance woven into almost every segment of creditors rights law. Join us as our presenters utilize a unique and entertaining platform to delve into the vast array of regulations and laws that are critical for every creditors rights lawyer to know.

Hear from experienced subject matter experts as they cover:

- States' privacy laws and debt collection
- Consumer complaint investigation best practices
- The CFPB's Regulation F and the use of the Model Validation Notice



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- Regulatory compliance and class actions
- Professional Responsibility Considerations for creditors rights lawyers
- Regulatory Compliance and Avoiding Litigation

CLE is pending for this session.

Speakers: **Crystal Duplay**, Levy & Associates; **Adam Cleveland**, Adam L. Cleveland, P.C.; **Jennifer Keys**, Warten, Fisher & Lee, LLC; **Jessica Lamoreux**, Oliver Technology; **Justin Penn**, Hinshaw & Culbertson, LLP

Plaza F - Concourse Level

11:10 a.m.-12:10 p.m.

Confidence Inspiring Cross-Examination

Small or complex dispute, leverage your case for victory through cross-examination. This program will present the original “Killer Cross Examination” techniques and apply them to creditors’ rights trials. These techniques revolutionized presenter, Wes Wollenweber’s trial practice over the years, including cases on behalf of plaintiff creditors. In this workshop format, attendees will learn and apply the amazing effective and simple cross-exam method in tandem with case themes, proper impeachment, and using the cross-exam preparation as the foundation for preparation of the entire trial. These tried-and-true techniques lead to commanding confidence in the courtroom.

Key learning points and practical skills in this session:

- Less is more: attendees will learn how to present cross-examination questions in short, fast statements that judges and jurors appreciate.
- Style is everything: being authentic in the presentation style is the key to effective cross-examination.
- Controlling the difficult and/or evasive witness: how to use the looping technique with difficult witnesses to obtain the admissions concerning a debt, a contract, the intent to pay, etc.
- How to set up the cross-exam: using case trilogies, concise outlines, and goals for key admissions and impeachment.



CLE is pending for this session.

Speaker: **Wes Wollenweber**, WF Legal

Plaza F - Concourse Level

12:10-1:10 p.m.

Lunch in Exhibit Hall

Plaza Foyer - Concourse Level

12:10-1:10 p.m.

Bankruptcy Lunch

Open to any NCBA members interested in Bankruptcy for the Creditors Rights Attorney.

Plaza A - Concourse Level

1:00-2:00 p.m.

Client Group Meeting - Absolute Resolutions Corporation

By invitation only.

Plaza D - Concourse Level

1:20-2:20 p.m.

We Decided to Take the Show on the Road – Class Actions Continued



In this session, we will discuss recent decisions relating to Class Action litigation and how some of the new developments, such as the question of Article III Standing may change defense strategies. We will debate the question - state vs federal court - which is better for you? We will also provide a check-list of things one should do when faced with a class action and some preventative steps firms can take before suit.

CLE is pending for this session.

Speakers: **Lawrence Bartel**, Gordon Rees Scully Mansukhani, LLP; **Bart Lloyd**, Nathan & Nathan; **Mitch Lee Williamson**, Barron & Newburger PC

Plaza F - Concourse Level

2:30-3:30 p.m.

Malpractice Concerns and Other Ethical Issues within the Debt Collection Practice of Law

A practical discussion of legal ethics—including relevant Rules of Professional Conduct—and legal malpractice issues in the context of collections work.

Key learning points and practical skills in this session:

Using real world examples, this course explores the model rules of professional conduct, claims against debt collection and creditors rights lawyers based on attorney malpractice and professional misconduct.

Common ethical considerations include:

- Relationship between professional responsibility and malpractice exposure
- Protecting the attorney-client relationship
- Related causes of action
- Common defenses
- Risk management techniques
- Best practices to mitigate claims



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Ethics CLE is pending for this session.

Speakers: **Nabil Foster**, Barron & Newburger PC; **Tomio Narita**, Simmonds & Narita LLP

Plaza F - Concourse Level

3:00-5:00 p.m.

MCM Innovation Lab

By invitation only.

Plaza E - Concourse Level

3:30-5:00 p.m.

JST Customer Meeting

JST customers only please.

Plaza B - Concourse Level

3:30-3:50 p.m.

Break in Exhibit Hall

Plaza Foyer - Concourse Level



3:50-5:00 p.m.

**Consumer Banking and Credit Regulation, Creditors Rights, and the CFPB -
Sponsored by Provana**

Banks, other creditors, and creditors rights advocates are all integral parts of the credit lifecycle and ecosystem. Join regulators, industry practitioners, and subject matter experts as they explore the ever-changing regulatory environment affecting both consumer credit and collections, and what is on the horizon.

This session will explore bank v. non-bank regulated entities, and the larger participant rule affecting consumer debt collectors, including:

- What these terms mean for regulatory compliance risk for creditors rights law firms
- Regulator focus on “junk fees” and related rules affecting creditors
- Bank and credit issuer fees and the impact of those fees on debt collection
- CFPB proposed rules on “repeat offender” and “contract terms and conditions” registration requirements for non-banks
- UDAAP “fairness” and “disparate impact” principles in banking, and how those concepts play out in the debt collection context

CLE is pending for this session.

Speakers: **Amy Mertz Brown**, Gurstel Law Firm; **K (Gandhi) Eswaramoorthy**, Consumer Financial Protection Bureau; **Diana Banks Thompson**, American Bankers Association

Plaza F - Concourse Level

5:00-6:30 p.m.

Defense Bar Reception



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[Bassford Remele, P.A.](#)
[The Law Offices of Ronald S. Canter, LLC](#)
[Hinshaw & Culbertson LLP](#)
[Messer Strickler Burnette, Ltd.](#)
[Simmonds & Narita LLP](#)
[Tobin & Marohn](#)

Plaza Foyer - Concourse Level

5:00-5:45 p.m.

NCBA New Member/First Timer Meet & Greet

Look for special marked tables in the Defense Bar Reception.

Plaza Foyer - Concourse Level

Thursday, May 4

7:30-8:30 a.m.

SCBA Forum Breakfast Meeting

Plaza D - Concourse Level

7:45 a.m.-5:30 p.m.

Registration Desk Open - Sponsored by Pro Asset



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Plaza Registration - Concourse Level

7:45 a.m.-5:00 p.m.

Exhibit Hall Open

Plaza Foyer - Concourse Level

7:45-8:30 a.m.

Breakfast in Exhibit Hall - Sponsored by TransUnion

Plaza Foyer - Concourse Level

8:00 a.m.-5:00 p.m.

Client Individual Meetings

8:00-11:30 a.m.

Espresso Bar - Sponsored by Barron & Newburger, P.C.

Plaza Foyer - Concourse Level

8:00-10:00 a.m.

Client Group Meeting - American Express

By invitation only.



Plaza A-B - Concourse Level

8:30-9:30 a.m.

Consumer Protection Laws, Federal Regulators, and State Attorneys General

Over the last decade, the CFPB has consistently partnered with states across the country to enforce federal and state consumer financial protections. Federal law authorizes state attorneys general and state regulators to enforce certain provisions of the Consumer Financial Protection Act. Significant regulatory decisions are at the forefront of the actions creditors rights law firms take across every segment of their law practices. Lawyers and their organizations need to draw on current information, experience and analytics to assess regulatory problems and evaluate solutions. Tailored towards creditors rights law practitioners, this CLE pending program helps develop the insight needed to better navigate an ever changing federal and state regulatory environment. Participants will hone the legal skills needed for understanding, analyzing, and assessing regulations — and for making more effective compliance-related decisions.

CLE is pending for this session.

Speakers: **Bernard Eskandari**, Supervising Deputy Attorney General, California Department of Justice; **Martha Upton Fulford**, First Assistant Attorney General/UCCC Administrator, Colorado Attorney General's Office; **Joann Needleman**, Clark Hill PLC; **Manny Newburger**, Barron & Newburger PC

Plaza F - Concourse Level

9:00 a.m.-5:00 p.m.

Open Client Individual Meeting - LegalStream

Walk in or schedule a time to meet with LegalStream during their open client meeting hours using their claendly.com link.

Plaza Court 8 - Concourse Level



9:00-9:30 a.m.

Client Group Meeting - Forward Financing LLC and Mavrides Moyal Packman & Sadkin, LLP

By invitation only.

Plaza E - Concourse Level

9:30-10:00 a.m.

Client Group Meeting - LCS Financial

By invitation only.

Plaza D - Concourse Level

9:40-10:40 a.m.

Developing an Effective Diversity and Inclusion Strategy - Sponsored by TransUnion

We know diversity is important in our personal lives — to our colleagues, employees, and clients. A diverse team with unique individual perspectives can deliver exceptional results. This educational session offers insights into yourself, your workforce, workplace and market place, and the benefits of inclusion at all levels in your organization.

Learn from TransUnion's Denise Fields, a DEI subject matter expert, as she discusses with NCBA member Messerli & Kramer's Jillian Walker and Derrick Weber, helpful best practices for setting your company up for success. At the same, you'll learn how to create an environment fueled by engagement and innovation by applying a roadmap that ensures all are heard, recognized, and appreciated.

Topics and session themes include:



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- Recruitment and talent acquisition
- Workforce demographics
- Culture of inclusion and belonging
- Brand reputation/corporate citizenship
- Innovation
- Competitive advantage in the industry

This session is not eligible for CLE.

Speakers: **Denise Fields**, TransUnion; **Jillian Walker**, Messerli & Kramer P.A.; **Derrick Weber**, Messerli & Kramer P.A.

Plaza F - Concourse Level

10:00-10:30 a.m.

Open Client Group Meeting - AACANet, Inc.

Plaza E - Concourse Level

10:15-11:15 a.m.

Client Group Meeting - Harvest Strategy Group

By invitation only.

Plaza A-B - Concourse Level

10:40-11:00 a.m.

Break in Exhibit Hall - Sponsored by KnovaOne



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Plaza Foyer - Concourse Level

11:00 a.m.-12:00 p.m.

Collection Litigation Compliance Hot Topics for 2023

This session will cover new and updated hot topics in collection litigation including Regulation F developments, Hunstein developments, new CFPB Consent Decrees, the No Surprises Act, Medical Debt Credit Reporting, the FTC Safeguards Rule coming June 9th, as well as internal and external updates on payments, data, and new technology.

This session will include "A Look Forward: Forecasting the Future of Collection Litigation". This session will dive in and look at internal and external factors that collection law firms will face over the next 10 years from regulatory changes to technology advances.

Key learning points and practical skills in this session:

- Stay up to date with key compliance, regulatory, and case law developments for 2023 and beyond.
- Develop a 3, 5, and 10 year plan for collection law firms.

CLE is pending for this session.

Speakers: **Porter Heath Morgan**, Martin Lyons Watts Morgan; **Thomas Sooy**, Law Offices of Robert Schuerger Co., LPA; **Brit Suttell**, Barron & Newburger PC

Plaza F - Concourse Level

11:15 a.m.-12:15 p.m.

Client Group Meeting - Citi

By invitation only.

Plaza E - Concourse Level



12:00-1:30 p.m.

Lunch in Exhibit Hall

Plaza Foyer - Concourse Level

12:15-1:15 p.m.

Defense Bar Lunch

Plaza D - Concourse Level

1:00-2:00 p.m.

Client Group Meeting - Midland Credit Management

By invitation only.

Plaza A-B - Concourse Level

1:00-1:30 p.m.

Client Group Meeting - ARSI

By invitation only.

Plaza E - Concourse Level



1:30-2:30 p.m.

Attorney Well-Being & Mental Health

Attorneys face a wide range of stressors in their daily work lives that may pose unique mental health challenges. Normalizing discussing these health concerns and managing them is crucial for sustaining well-performing client services. This program will discuss how litigation and collection practices may trigger health concerns and the common warning signs to learn and monitor for your colleagues, employees, and oneself as part of our ethical responsibilities. We will discuss resources available to help and what steps lawyers can take to develop resilience and self-care techniques.

Key learning points and practical skills in this session:

Identifying and normalizing mental well-being for attorneys in our industry. We will discuss our ethical obligations to address these issues, how the issues are defined, and provide resources available. The presentation will be fact and statistic based to provide overviews, definitions, and direction to resources. The goal is to normalize people discussing this topic openly to encourage others to seek help.

Attorney wellness specialty CLE is pending for this session.

Speakers: **Lauren Burnette**, Messer Strickler Burnette, Ltd.; **Kat O'Brien**, United Holding Group; **Colin Winkler**, ACA International

Plaza F - Concourse Level

2:00-2:30 p.m.

Client Group Meeting - Bank of America

By invitation only.

Plaza E - Concourse Level

2:35-3:05 p.m.

Client Group Meeting - TRAKAmerica



By invitation only.

Plaza A-B - Concourse Level

2:40-3:40 p.m.

Electronic Communications, Reg F. and Compliance - Sponsored by KnovaOne

In 2021 the CFPB released Reg. F providing rules and guidance on the application of the Fair Debt Collection Practices Act (FDCPA). Reg. F placed a focus on consumers' communication preferences and includes methods for learning and confirming consumers' preferred methods for digital and other means of communications. Despite Reg. F, many in the creditors rights industry remain apprehensive about using electronic means of communication. Our presenters will explain what forms of electronic communications are allowed and how to implement best practices to avoid unintended complications or serious compliance violations.

Key learning points and practical skills in this session:

- Regulation F's treatment of consumer communications
 - Electronic Mail
 - Texting
 - Voicemail Drops
- Communication Considerations for practitioners
 - Improper Third-Party Disclosure
 - Harassment, Unfair or Deceptive Acts or Abusive Practices
 - TCPA and the Use of Digital Communications Tools in Debt Collection
- Electronic Communications and Consumer Permissions
 - Consents
 - Opt-Outs
 - Opt-Ins

CLE is pending for this session.



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Speakers: **Joann Needleman**, Clark Hill PLC; **Barb Nilsen**, Blitt and Gaines; **Brit Suttell**, Barron & Newburger PC

Plaza F - Concourse Level

3:10-4:10 p.m.

Client Group Meeting - JPMorgan Chase

By invitation only.

Plaza E - Concourse Level

3:40-4:00 p.m.

Break in Exhibit Hall - Sponsored by KnovaOne

Plaza Foyer - Concourse Level

4:00-5:00 p.m.

Client Group Meeting - Barclays Bank Delaware

By invitation only.

Plaza A-B - Concourse Level



4:00-5:00 p.m.

Let's Talk About Ethics: From Advertising to Privilege. (Part 1)

Every day, attorneys run into ethical situations from negotiating settlement across state lines, to whether a conversation with an existing client is privileged, to what is said during the cocktail reception tonight. This 2 part session will discuss the ethical rules for common situations in which attorneys find themselves and how attorneys should address those situations, including video snippets and interactive surveys to provide a jumping off point to conversation. Part 1 of this two part program discusses advertising, including using social media and concerns about yelp reviews, the issues about taking cases that require you to counsel clients about cases outside those states in which you are licensed, when an attorney client relationship is formed, and concerns about outsourcing legal work to services.

Key learning points and practical skills in this session:

Part 1 of this two-part ethics session will teach attorneys to identify and address issues regarding nationwide advertising, including the use of TikTok videos and issues involving yelp reviews; issues arising from representing and negotiating for clients across state lines; when an attorney client relationship may be formed, including over casual conversation, and outsourcing legal work to services. Attendees will become familiar with Model Rules of Professional Conduct 1.7, 1.8, 1.9, 1.10, 1.18, 5.1, 5.3, 7.1, and 7.2; and how the First Amendment may provide protection. The attendees will also become familiar with ABA Formal opinions 10-457, 18-480, and 20-495.

Ethics CLE is pending for this session.

Speakers: **John Bedard**, Bedard Law Group; **Lauren M. Burnette**, Messer Strickler Burnette, Ltd.; **Kat O'Brien**, United Holding Group

Plaza F - Concourse Level

4:00-5:00 p.m.

Client-Only Reception

By invitation only.



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L.P.A.](#)
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[Lyons, Doughty, and Veldhuis, P.C.](#)
[Messerli & Kramer P.A.](#)

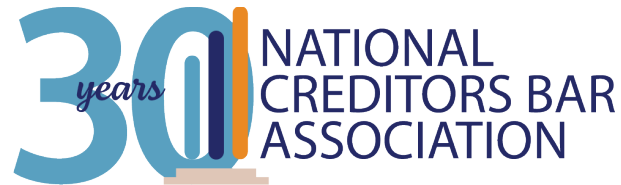
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[Stillman Law Office](#)
[Tromberg, Morris and Poulin, PLLC](#)
[Weber & Olcese, P.L.C.](#)

Plaza D - Concourse Level

5:00-6:30 p.m.

Cheers to 30 Years Anniversary Celebration - Sponsored by Equifax | The Work Number

Join us for this special reception to celebrate 30 years of NCBA.



PARLUR Restaurant - Lobby Level - Tower Building

Friday, May 5

7:45 a.m.-12:00 p.m.

Registration Desk Open - Sponsored by Pro Asset



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Plaza Registration - Concourse Level

7:45 a.m.-11:45 a.m.

Exhibit Hall Open

Plaza Foyer - Concourse Level

7:45-8:30 a.m.

Breakfast in Exhibit Hall

Plaza Foyer - Concourse Level

8:00-11:00 a.m.

Espresso Bar - Sponsored by Barron & Newburger, P.C.

Plaza Foyer - Concourse Level

8:30-9:30 a.m.

Bankruptcy Basics - Student Loans for the Creditors Rights Attorney

This session will feature a detailed discussion of how student loans are treated in bankruptcy. It will start with a review of the nondischargeability provisions in 11 U.S.C. § 523(a)(8), including what constitutes a “qualified education loan” under the Internal Revenue Code, and a discussion of certain types of loans which, although nominally designated as “student loans,” may not be subject to the stringent discharge requirements set forth in the Bankruptcy Code. It will summarize the caselaw interpreting § 523(a)(8), starting with the Second Circuit’s widely-adopted Brunner test



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and including more recent cases where bankruptcy courts have been forced to reconcile the “undue hardship” requirement under the statute with the more flexible repayment options available for certain borrowers under federal student loan programs, namely income driven repayment (IDR) options.

CLE is pending for this session.

Speakers: **John Sperati**, Smith Debnam Narron Drake Saintsing & Myers, LLP; **Landon Van Winkle**, Smith Debnam Narron Drake Saintsing & Myers, LLP

Plaza A-B - Concourse Level

9:40-10:40 a.m.

Let’s Talk About Ethics: From Advertising to Privilege. (Part 2)

Every day, attorneys run into ethical situations from confidentiality issues related to technology and working from home, to who is owed duties of confidentiality when you represent an organization, as well as myths regarding making a non-privileged conversation privileged and what circumstance effect disclosures of attorney client communications and attorney work product. This 2 part session moves to issues after the formation of an attorney client relationship, discussing the ethical rules for common situations in which attorneys find themselves and how attorneys should address those situations, including video snippets and interactive surveys to provide a jumping off point to conversation. Part 2 of this two part program discusses the issues raised when representing an organization as opposed to an individual, confidentiality obligations to the client and issues that arise therefrom, and attorney client communication privilege and attorney work product doctrine.

Key learning points and practical skills in this session:

These two sessions will teach attorneys to identify and address issues regarding how to meet confidentiality duties that arise through the use of technology or working from home, who do you owe duties of confidentiality when you represent an organization, and when attorney client communications and attorney work product are disclosable and how that applies to attorney notes in account notes and myths about how to make information privileged. Attendees will become familiar with ABA Model Rules of Professional Conduct 1.6 and 1.13, and Federal Rule of Evidence 502. The attendees will also become familiar with ABA Formal Opinion 21-498.



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Ethics CLE is pending for this session.

Speakers: **John Bedard**, Bedard Law Group; **Nabil Foster**, Barron & Newburger PC; **Kat O'Brien**, United Holding Group

Plaza A-B - Concourse Level

10:45-11:45 a.m.

Review and Analysis of Recent FDCPA Appeal Rulings

Appellate rulings in FDCPA cases offer critical guidance to consumer debt collection attorneys. This program will survey the most significant of the 50 plus Federal FDCPA appeal court rulings over the past year and will also examine state appeal court rulings in FDCPA cases.

Key learning points and practical skills in this session:

This update will address how courts are applying Article III standing to FDCPA claims in light of *TransUnion v. Ramirez* to FDCPA claims, cases deciding FDCPA claims made in conjunction with other claims under Federal or state law, the 11th Circuit ruling in *Hunstein v. Preferred Collectio*, cases addressing the *Hunstein* ruling outside of the 11th Circuit, cases involving remand to state court and cases discussing violation of the so-called “substantive heart” of the FDCPA (Sections 1692d, 1692e and 1692f). This presentation will assist members in assessing procedures in pre suit and litigation to assure FDCPA compliance.

CLE is pending for this session.

Speakers: **John Bedard**, Bedard Law Group; **Ronald Canter**, The Law Offices of Ronald S. Canter, LLC

Plaza A-B - Concourse Level