

Consumer Finance Class Action Litigation and Settlement Trends and New and Emerging Procedural Considerations

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Certification and Other Procedural Developments in the Wake of Wal-Mart v. Dukes and Its Progeny, Offers of Full Relief, New Cases, Emerging Theories of Liability, and Innovations in Settlement Strategies

American Conference Institute's 19th National Conference on Consumer Finance Class Actions & Litigation
The W Chicago – City Centre
Chicago, IL

Topics covered include:

- Assessing the evolving landscape of class litigation
- Overview of recent noteworthy class action cases and settlements
- What is required in order to obtain or defeat class certification?
 - Who has the burden of proof regarding class certification?
- How have defense counsel used *Wal-Mart* and *Comcast*?
 - How and to what extent are they succeeding? Failing?
 - Lessons learned
- Assessing the evolving implications of *Wal-Mart* for class certifications
 - How are the lower courts applying *Wal-Mart*?
 - Defeating plaintiffs' theories as to why *Wal-Mart* and its progeny should not apply to a particular case
- *Amgen Inc. v. Connecticut Retirement*
 - Impact on class certification

- Evaluating recent developments relating to Rule 23(b) class certifications
- Using expert testimony and data to make a direct challenge to a class certification
- Assessing the latest theories of liability and emerging defense strategies
- Class actions arising from federal and state activities, especially those of the CFPB and state attorneys general
- UDAP/UDAAP litigation and class actions
- Recent developments in class action law and their impact on consumer finance litigation
- New developments relating to jurisdiction and removal under CAFA
 - CAFA's applicability to state attorney general suits
 - Assessing *Standard Fire Insurance Co. v. Knowles*
 - Impact of *Standard Fire Insurance Co.* on the \$5 million amount in controversy requirement for federal jurisdiction over putative class actions
- Assessing other recent U.S. Supreme Court decisions regarding class actions
- The status of class action waivers and arbitration in the wake of *Concepcion*
 - *American Express Co v. Italian Colors Restaurant*
 - How are the lower courts applying *Concepcion*?
 - Defeating plaintiffs' theories as to why *Concepcion* and its progeny should not apply to a particular case
- Settlement trends – what types of cases are likely to be settled now and in the near-term?
- Innovative and effective settlement strategies
- Strategic benefits of settling with a class representative
- Impact that insurance can have on settlement strategies
- Offers of judgment and the ability to moot a class action by extending a class representative an offer of full relief
 - *Genesis HealthCare v. Symczyk*
- Strategies for defending consumer finance class actions in unfavorable jurisdictions
- Defending and managing actions brought by states in the consumer finance space that could potentially impact thousands of investors/consumers

- Comparing and contrasting these actions with traditional class actions
- Considerations for corporate counsel when facing a class action
 - Preparing company executives and employees who are facing depositions
 - Working with outside counsel to ensure a satisfactory settlement
- Managing and defending multiple cases simultaneously (individual claims, class actions, and regulatory and enforcement actions)

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