

Candy Burnette



of counsel

cleveland

cburnette@mcglinchey.com

T (216) 378-4976 F (216) 803-6091

Legal Secretary

Tracy Lineman

tlineman@mcglinchey.com

(216) 378-4962

education

University of Michigan Law School (J.D., 2001)

Mississippi College (B.A., 1993, *summa cum laude*)

admissions

Ohio

U.S. District Court for the Northern District of Ohio

U.S. District Court for the Southern District of Ohio

affiliations

Professional

- American Bar Association (Section of Business Law, Committee on Consumer Financial Services)

Financial services clients need attorneys who can digest the complicated and ever-changing laws and regulations affecting their unique businesses and translate that information into advice and solutions they can actually use. I strive to give clients realistic risk assessments, simple answers to day-to-day questions, and policy advice that works on the ground. I also work closely with other members of our attorney team to provide clients with thoughtful, nuanced advice that draws on the depth and breadth of our collective experience.

Focusing her national practice on federal and state compliance for consumer financial services clients, Maria “Candy” C. Burnette advises companies on debt collection and servicing issues, direct lending, and indirect automobile financing. She handles an array of matters, including licensing; compliance with the Fair Debt Collection Practices Act (FDCPA) and other federal and state laws regulating lending, collection; and servicing and examination issues. Her clients are composed of

banks, national mortgage and non-mortgage lenders and servicers, collection agencies, and automobile finance companies.

Always keeping informed of relevant changes to the laws and regulations that affect her clients, Candy emphasizes the importance of developing procedures that keep them compliant by having input into business practices from their inception. On the servicing and collections side, for example, she finds it gratifying to help draft scripts and build the policies that their employees will use daily to comply with state and federal requirements including those affecting military service members. Candy also regularly reviews documentation and policies for automobile finance companies to make sure they align with all relevant state and federal laws. She knows that crafting sound procedures that keep organizations out of trouble is far more cost-effective than reacting to unforeseen problems and disputes.

Candy spent 12 years in the firm's Commercial Litigation Group and brings that valuable experience to her practice. She draws on this background of defending financial services clients in state and federal courts, bankruptcy matters, and arbitration and puts it to use in her current compliance work. For example, as a former litigator Candy has a better understanding of true litigation risk and the realities of court interpretations of law, and can bring her advocacy skills to interactions with regulators.

Representative Experience

- Analyzing licensing requirements for consumer financial service providers, including lenders, sales finance companies, mortgage loan originators, brokers, leasing companies, collection agencies, and servicers
- Identifying federal and state substantive conduct requirements for debt collectors and servicers
- Reviewing servicing and collection policies and forms for compliance with federal and state law
- Communicating with state regulators regarding licensing and examination issues

- Identifying and drafting forms and policies to comply with federal and state law requirements for buy-here, pay-here automobile dealers and finance companies
- Advising banks on state lending laws
- Conducting due diligence in connection with portfolio acquisitions
- Drafting consumer credit agreements, including note and security agreements, retail installment contracts, and automobile leases
- Reviewing credit agreements and credit applications for compliance with federal and state law

presentations

"Licensing Updates: MLOs, NMLS, Debt Buyers, Lead Generators, and Other Traps," 16th Annual Consumer Finance Legal Conference, New Orleans, LA, October 13, 2017

"Henson v. Santander: Impact on FDCPA Advice and Litigation, Update on State Collection Law," 16th Annual Consumer Finance Legal Conference, New Orleans, LA, October 12, 2017

Update on CFPB Arbitration Rule: Class Waiver Ban on the Horizon," 15th Annual Consumer Finance Legal Conference, New Orleans, LA, September 29, 2016

"The CFPB's Outline of the Proposed FDCPA Rules and Potential Implications for Creditors," 15th Annual Consumer Finance Legal Conference, New Orleans, LA, September 28, 2016

published articles

"What a new Nevada spousal credit law means for lenders," Auto Finance Excellence, August 28, 2019

"CFPB Releases FDCPA Rule Outline; Creditor Collection Rule to Come," *Consumer Finance Law Quarterly Report*, Vol. 70, Nos. 1 & 2, 2016

"How to Avoid Reaping What You Didn't Sow: CAFA's Solution for Removal of Counterclaim Class Actions," *Consumer Financial Services Law Report*, Vol.13, No. 16, February 2010

"A Move in the Right Direction - The Tide is Turning for Removal by Counterclaim Defendants Under CAFA," *BNA Inc. Class Action Litigation Report*, Vol. 10, No. 22, November 27, 2009

"Requested En Banc Rehearing Petition to 4th Circuit in Palisades
Could Breathe New Life into CAFA Removal Petition," *Consumer
Financial Services Law Report*, Vol.12, No. 14, January 2009