

Kelly Lipinski



member

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Legal Secretary

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education

Case Western Reserve University School of Law
(J.D., 2006)

Case Western Reserve University (B.A.,
Economics, 2003)

Case Western Reserve University (B.S.,
Management, 2003)

admissions

Ohio

honors

- *Chambers USA* / Nationwide – Financial Services Regulation: Consumer Finance (Compliance) 2023
- *Crain's Cleveland Business*' Notable Women in Law, 2018

affiliations

Professional

- American Bar Association, Member, Consumer Financial Services Committee; Chair, Personal Property Subcommittee
- American Financial Services Association, Counsel to the Emerging Issues Subcommittee of the Law Committee

When clients call me, they know that I bring not only legal but business judgment to my advice. They want to know what new business practice or innovation presents genuine risk and which ones don't. I enjoy talking to my clients and making what I do meaningful for them. I think that contributes immensely to our ability to collaborate on what needs to get done.

Kelly Lipinski advises clients throughout the United States on regulatory compliance matters involving the consumer financial industry. She counsels a full range of financial institutions including depository institutions and their affiliates, mortgage companies, sales finance companies, and lenders partnering with fintech companies, with a special focus serving entities in the motor vehicle finance and private education lending industries.

Kelly's experience includes providing advice to clients on the development of new credit programs and products, negotiation of service contracts and purchase and sale agreements, as well as drafting consumer credit and lease agreements. In support of her national practice, she prepares multi-state research regarding rates and fees, disclosures, and substantive conduct requirements affecting real property and personal property financing. The clients that Kelly works with

- Ohio State Bar Association, Member, Banking, Commercial & Bankruptcy Law Committee; Chair, Consumer Credit Subcommittee
- Ohio Mortgage Bankers Association, Trustee, Board of Directors
- Conference on Consumer Finance Law, Governing Committee
- Leadership Council on Legal Diversity (LCLD), Fellow, 2015
- LCLD Fellows Alumni Executive Council, Fellows Alumni Leadership Symposium Vice-Chair, 2018–2019; Chair, 2019–2020

Community

- Rainey Institute, Associate Board Member

what my clients say

"Kelly Lipinski has a very good grasp of the issues."

"She's very bright, effective, and knows the industry well."

Client Commentary, Chambers Financial Services Regulation - USA, 2023

are highly regulated, and she represents clients in their examination and settlement negotiations. Kelly also advises clients on internal audits concerning adherence to applicable law, and she assists clients performing similar review of their third-party vendor service providers.

Kelly has deep experience advising clients on compliance with the Truth in Lending Act (TILA), Fair Debt Collection Practices Act (FDCPA), Servicemember Civil Relief Act (SCRA), Fair Credit Reporting Act (FCRA), and the Equal Credit Opportunity Act (ECOA). Kelly also provides counsel regarding state compliance issues and represents clients before state regulatory agencies concerning licensing and examination issues.

Representative Experience

Relevant Experience

- Draft and negotiate third-party collection agreements on behalf of creditors and develop associated service level agreements in collaboration with business teams.
- Prepare multi-state research regarding rates and fees, disclosures, and substantive conduct requirements affecting real property and personal property financing.
- Advise clients on internal audits concerning the enforcement of security interests and third-party vendor service providers.
- Advise clients on the integration of emerging technology, including text messages, push notifications, and emails, when servicing and collecting accounts.

Motor Vehicle Finance

- Draft and negotiate motor vehicle dealer agreements on behalf of banks, captive finance companies, and independent sales finance companies.
- Draft and negotiate motor vehicle contract purchase and sale agreements on behalf of purchasing entities.
- Conduct numerous due diligence reviews of motor vehicle retail accounts and advise purchaser of legal risk in portfolio acquisition.

- Advise numerous auto finance clients on financing ancillary products, including vetting products for compliance with the Military Lending Act (MLA) and state law.
- Advise auto finance clients on implementing new lease programs, including the development of early-termination liability formulas and drafting lease agreements.
- Draft and revise client policies and procedures on in-house servicing, third-party collection, and repossession activities.
- Draft consumer credit agreements, including direct and indirect credit, for use in multiple national auto finance programs.
- Advise auto finance clients on how to implement loan broker programs, including negotiation of broker agreements, perform diligence on consumer-facing consumer documents.
- Draft and negotiate program manuals for private education lending programs.
- Draft private education lending credit applications, disclosures, and promissory notes.
- Advise banks, state guarantee agencies, and others on developing national private education lending programs and partnerships.
- Advise clients named in class action lawsuits alleging violations of credit reporting and repossession laws and partner with litigators on potential exposure to develop strategy.

Education Finance

- Advise multiple non-profit state-sponsored entities in the development of in-school and refinance programs, including drafting their program guidelines, service agreements, and consumer-facing documents.

- Advise non-profit state-sponsored, bank, and non-bank lenders on program integration with origination servicers and life-of-loan servicers.
- Develop private education loan payment relief options, including forbearance and deferrals.
- Advise clients on the applicability of state lending and servicing laws to private education lenders, including interest rate limitations, permitted fees and charges, application of payment requirements, and limitations on capitalized interest.
- Advise FinTech and bank lending partner programs on innovative private education loan programs, including fair lending risk and allocation of responsibilities between program participants.

published articles

Chapter Author, American Bar Association (ABA)'s The Law of Truth in Lending (*Fourth Edition*), August 15, 2023

"Tribal nations open innovative EV dealer licenses, tax options," *Auto Finance Excellence*, July 25, 2023

"CFPB Oversight: Examinations, Areas of Focus, and What Should Keep You Up at Night," 2023 Student Loan Servicing (SLSA) Alliance Annual Meeting, Denver, Colorado, June 14, 2023

"The Role and Priorities of the Consumer Financial Protection Bureau in Higher Education Financing," National Council of Higher Education Resources (NCHER) 2023 Annual Conference, Fort Lauderdale, Florida, June 7, 2023

"Ask the Attorneys," National Council of Higher Education Resources (NCHER) 2023 Annual Conference, Fort Lauderdale, Florida, June 6, 2023

"Opportunities and Challenges of Artificial Intelligence," National Council of Higher Education Resources (NCHER) 2023 Spring Legal Meeting, Philadelphia, Pennsylvania, April 20, 2023

"Kentucky and Virginia Enact Student Education Loan Servicing Laws," *Business Law Today*, Business Regulation and Related Industries, July 6, 2022

"CFPB prioritizes fair lending, machine learning, privacy in digital engagement," *Auto Finance Excellence*, May 9, 2022

"Communication to Vendor Violates FDCPA Third-party Communication Prohibition," *ABA Business Law Today*, April Month-In-Brief: Business Regulation & Regulated Industries, May 4, 2021

"Regulatory considerations and warnings in digital marketing," *Auto Finance Excellence*, March 23, 2021

"Post-COVID Economic Trends in Auto Finance," *Auto Finance Excellence*, December 1, 2020

"FTC report highlights concerns with dealer advertising and add-on products," *Auto Finance Excellence*, August 4, 2020

"Regulatory sandboxes, policy changes spur innovation," *Auto Finance Excellence*, April 22, 2020

"Chapter 30, Short Term Loan Law," *Ohio Consumer Law*, 2019-2020 ed., September 2019

"Minnesota Dept. of Commerce Issues Guidance Regarding Sales Finance Company License," *Auto Finance Excellence*, April 9, 2019

"State Regulators Step Up to Post-Cordray Era Challenge," *Auto Finance Excellence*, March 19, 2019

"Ohio Tightens Small-Dollar Lending Law," McGlinchey Consumer Financial Services Alert, August 28, 2018

"Ohio Publishes Clarifying Guidance on Application of HB 199 and New Residential Mortgage Lending Act," McGlinchey Consumer Financial Services Alert, March 16, 2018

"Ohio Enacts Comprehensive Residential Mortgage Lending Law," McGlinchey Consumer Financial Services Alert, January 26, 2018

"Supreme Court Narrows FDCPA Coverage of Debt Purchasers," McGlinchey Consumer Financial Services Alert, June 20, 2017

"New South Dakota Bills Provide Relief for Lenders," McGlinchey Consumer Financial Services Alert, March 21, 2017

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

"CFPB Releases FDCPA Rule Outline; Creditor Collection Rule to Come," McGlinchey Consumer Financial Services Alert, July 29, 2016

"Compliance Has Moved Into Headlines And Regulators' Crosshairs: Why Your Board Should Care (part 3)," *InsideCounsel*, July 24, 2014

"How compliance has moved into the headlines and regulators' crosshairs, and why your board should care (part 2)," *InsideCounsel*, June 9, 2014

"How Compliance Has Moved Into Regulators' Crosshairs, And Why Your Board Should Care (Part 1)," *InsideCounsel*, May 16, 2014

"State Law Governing Federal Student Loan Servicing Not Preempted by the Higher Education Act," McGlinchey Consumer Financial Services Alert, August 28, 2013

"Important Changes to Ohio Law Impacting the Consumer Credit Industry," *Consumer Finance Law Quarterly Report*, Vol. 66, Nos. 3 & 4, 2012

"Institutions of Higher Education, Payment Plans and Loans," *Westlaw Journal Bank & Lender Liability*, February 27, 2012

"Institutional Loans and Related Considerations," *University Business*, September 2, 2011

presentations

"NCHER: Year in Review and Outlook for 2024," Council of Higher Education Resources (NCHER), January 4, 2024

"Current CFPB Initiatives," National Council of Higher Education Resources (NCHER) 2023 Fall Legal Meeting, New Orleans, Louisiana, November 7, 2023

"Student Loan Hot Topics," 2023 CCFL Conference, Dallas, Texas, November 3, 2023

"What's New In the EV World?," 2023 Consumer Finance Legal Conference, October 12, 2023

"The ABCs of Junk Fees: Navigating Recent Regulatory, Enforcement, and Private Causes of Action Involving Junk Fees," 2023 Consumer Finance Legal Conference, October 12, 2023

"Voluntary Protection Products and Expanded State Regulation: Where Are We Now?," 2023 Consumer Finance Legal Conference, October 11, 2023

"Consumer Financial Services – Auto Finance," Practising Law Institute (PLI) Consumer Financial Services 101 2023, October 4, 2023

"CFPB Oversight: Examinations, Areas of Focus, and What Should Keep You Up at Night," 2023 Student Loan Servicing Alliance (SLSA) Annual Meeting, Denver, Colorado, June 14, 2023

"The Role and Priorities of the Consumer Financial Protection Bureau in Higher Education Financing," National Council of Higher Education Resources (NCHER) 2023 Annual Conference, Fort Lauderdale, Florida, June 7, 2023

"Ask the Attorneys," National Council of Higher Education Resources (NCHER) 2023 Annual Conference, Fort Lauderdale, Florida, June 6, 2023

"Opportunities and Challenges of Artificial Intelligence," National Council of Higher Education Resources (NCHER) 2023 Spring Legal Meeting, Philadelphia, Pennsylvania, April 20, 2023

"Electric Vehicle Programs: Dealers, Financing, and Titling," 2022 Consumer Finance Legal Conference, October 20, 2022

"Some Inconvenient Truth About Convenience (And Other Servicing) Fees," 2022 Consumer Finance Legal Conference, October 19, 2022

"Ask the Attorneys," NCHER Annual Conference, Savannah, GA, June 7, 2022

"More Than Student Loan Discharge: Novel Education Finance Programs and Ongoing Servicing Challenges," Conference on Consumer Finance Law, May 19-20, 2022

"Higher Education Regulatory Roundtable," iiBIG 12th Annual Education Finance & Loan Symposium, Washington, DC, November 16, 2021

"FDCPA & Reg F: Vendor Management Post-Hunstein and New Rulemaking," 2021 Virtual Consumer Finance Legal Conference, October 15, 2021

"Regulatory and NY DFS Expectations for Financial Service Companies to Address Climate Change as Financial Risk," 2021 Virtual Consumer Finance Legal Conference, October 14, 2021

"Digital Sales and Financing in the Auto Market," 2021 Virtual Consumer Finance Legal Conference, October 13, 2021

"Voluntary Protection Products Are Under the Microscope," 2021 Virtual Consumer Finance Legal Conference, October 13, 2021

"'All-In' 36% APR Cap: Legal and Compliance Considerations," ABA Business Law Section Annual Meeting, September 22, 2021

"11th Circuit Ruling on Hunstein: It May Not Just Be for Debt Collectors," 2021 Student Loan Servicing Alliance (SLSA) Virtual Annual Meeting, May 19, 2021

"The Fisher Memorial Program: Developing Changes in Forgiveness of Student Loan Debt," ABA Business Law Section Virtual Spring Meeting, April 21, 2021

"Compliance in a Digital-First Era," 2021 Auto Finance Innovation Summit, March 17, 2021

"Where We Left Off: Revisiting Regulatory Priorities," ABA Consumer Financial Services Committee 2021 Winter Meeting, January 27, 2021

"Review and Outlook: Legal and Compliance Developments," National Council of Higher Education Resources (NCHER), Year-In-Review of 2020 and Outlook for 2021, January 6, 2021

"LIBOR Phase-out: How Did We Get Here and What is Next?" 2020 Emerging Issues in Alabama Banking Law CLE, December 8, 2020

"Regulatory Update: Current Priorities for Financial Services Regulation, Enforcement, and Compliance," ACI Women Leaders in Financial Services Law and Compliance, December 4, 2020

"Examining State Student Loan Servicer Examinations: Navigating the Process and Strategic Considerations," 2020 Student Loan Servicing Alliance (SLSA) Virtual Annual Meeting, November 18, 2020

"Economic Trends: What Have They Done to Your Business and How Will This Continue to Affect You?" 2020 Virtual Consumer Finance Legal Conference, October 9, 2020

"Focus on 2021: What Will Happen in the Future If There is a Change in Administration?" 2020 Virtual Consumer Finance Legal Conference, October 7, 2020

"AI & Tech in Consumer Finance," American Financial Services Association (AFSA) 2020 Annual Meeting & Independents Conference & Expo, October 7, 2020

"Minimizing Legal Exposure Upon Return to the Workplace," American Financial Services Association (AFSA) Webinar, June 2, 2020

"State Examinations and Market Trends: What's Coming?" Student Loan Servicing Alliance (SLSA) Annual Membership Meeting, April 22, 2020

"Regulatory Risks in Providing Coronavirus-based Payment Deferrals," Auto Finance News Compliance Roundtable, April 15, 2020

"Working with Executive Teams to Analyze Risk and Develop Strategy to Resolve Business Issues," Northeast Ohio Chapter of the Association of Corporate Counsel, February 27, 2020

"Voluntary Protection Products," Conference on Consumer Finance Law Annual Consumer Financial Services Conference, Ft. Worth, TX, November 7, 2019

"State Law and Examination Trends in Ancillary Products," 2019 Consumer Finance Legal Conference, New Orleans, LA, October 16, 2019

"Recent Developments with FDCPA Rulemaking, Emerging Technology, and Litigation," 2019 Consumer Finance Legal Conference, New Orleans, LA, October 15, 2019

"Beyond Licensing: Emerging Issues in Student Lending," Student Loan Servicing Alliance Annual Meeting, San Antonio, TX, May 15, 2019

"Servicer and Lender Licensing Update," OMBA 2019 Annual Convention, Columbus, OH, May 14, 2019

"Higher Education Regulatory Roundtable," iiBig 11th Annual Education Finance and Loan Symposium, Arlington, VA, May 8, 2019

"Current Issues in Auto Finance: Driving Through Developments in Litigation and Enforcement," ABA Business Law Section Spring Meeting, Vancouver, BC, March 30, 2019

"Batter Up ... As States Step to the Plate," ABA Consumer Financial Services Committee 2019 Winter Meeting, Miami, FL, January 11, 2019

"The Present and Future of Leasing and Alternative Access to Vehicles: Regulatory Issues and Litigation, Subscription Models, and Other Programs," 2018 Consumer Finance Legal Conference, New Orleans, LA, October 18, 2018

"Consumer Communications: How to Call, Text, Chat, Email, and Push your Way through the Federal and State Legal Landscape," 2018 Consumer Finance Legal Conference, New Orleans, LA, October 18, 2018

"Military Lending Update: SCRA Litigation and Leasing Refund Issues and the State of the MLA," 2018 Consumer Finance Legal Conference, New Orleans, LA, October 18, 2018

"The Legislative Landscape – What's in Store for Higher Education Lending?" Credit Union Student Choice Empower U Conference, Nashville, TN, September 27, 2018

"A New Day at the BCFP, or is it the CFPB?" Student Loan Servicing Alliance, Baltimore, MD, May 17, 2018

"Non-QM Product Trends," Ohio Mortgage Bankers Association Annual Convention, Columbus, OH, May 8, 2018

"Conscious Uncoupling: The Bureau After Cordray," American Financial Services Association (AFSA) Law & Compliance Symposium, San Diego, CA, January 29, 2018

"Leasing Pitfalls for the Sales Finance Company and Industry Trends," 16th Annual Consumer Finance Legal Conference, New Orleans, LA, October 12, 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

"Use of Alternative Data for Credit Reporting and Increasing State Regulation of Credit Use of Alternative Data for Credit Underwriting," Student Loan Servicing Association Private Loan Committee Meeting, June 16, 2017

"Convenience Fees," Student Loan Servicing Association Private Loan Committee Meeting, June 15, 2017

"U.S. Supreme Court Speaks: Henson v. Santander," ABA's Consumer Financial Services Committee Monthly Call-In Program, June 14, 2017

"Regulatory Round-Up Part II: Federal Efforts Impacting Student Loan Servicing and Collections," National Council of Higher Education Resources Spring Convention, Clearwater, FL, June 7, 2017

"What Commercial Finance Lawyers Need to Know about Consumer Finance," Association of Commercial Finance Attorneys' Continuing Legal Education Weekend, Richmond, VA, June 3, 2017

"Legal Developments in Federal Debt Collection, Private Education Loan Developments, and Limited English Proficiency," Client CLE Presentation, May 18, 2017

"Vendor Management Update & Trends," 15th Annual Consumer Finance Legal Conference New Orleans, LA, September 30, 2016

"Lead Generation Issues: General Vendor Management; Licensing Due Diligence Issues with Broker Licenses (Even for Non-Real Estate)," 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

"The CFPB's Potential Proposed Rules for the FDCPA," NCHER Training Call, August 30, 2016

"Ask an Attorney," Coalition of Higher Education Assistance Organizations (COHEAO) Mid-Year Conference, Denver, CO, August 2, 2016

"The CFPB and Higher Education: Politics, Policy, and Law," Coalition of Higher Education Assistance Organizations (COHEAO) Mid-Year Conference, Denver, CO, August 1, 2016

"Developing a Robust Compliance Management System: Assessing Your Risk and Resources," ABA Business Law Section Annual Meeting, August 9, 2015

"Inclusive Communities: Impact on Private Education Loan Market," NCHER Private Education Loan Committee Teleconference, July 15, 2015

"The Consumer Financial Protection Bureau: Key Regulations, Compliance Issues, and the Impact on Insolvency Practice," O'Neill Bankruptcy Institute, May 20, 2015

"What Commercial Finance Lawyers Need to Know About Lending to Consumer Finance Companies," ABA 2015 Business Law Section Spring Meeting, San Francisco, CA, April 18, 2015

"Trends in State Debt Collection Requirements," SLSA/SLSA Private Loan Committee Meeting, Portland, Oregon, June 25, 2013

"Ancillary Products - What's the Problem?" AFSA/NADA Vehicle Finance Executive Forum, Irving, Texas, June 5, 2013

"Compliance Issues Subject to Litigation," NCHER Private Education Loan Committee, Chicago, IL, May 3, 2013

"Not-for-Profit Servicing Program: Challenges Presented in Servicing a National Portfolio," National Council of Higher Education Loan

Resources (NCHER) Winter Legal Meeting, Washington, DC, February 8, 2013

"Student Loan Bankruptcy Update," National Council of Higher Education Loan Resources NCHER Knowledge Symposium Clearwater, FL, November 9, 2012

"Mortgage Lending Today: Litigation and Regulatory Guide," National Business Institute Seminar, October 10, 2012

"Legal Issues Update," National Council of Higher Education Loan Programs (NCHELP) Debt Management Committee Meeting Indianapolis, IN, July 19, 2012

"SAFE Act Final Rule and NMLSR 'Expansion'; Unique New York Issues," 10th Annual Consumer Finance Legal Conference, October 20, 2011

"Update on State Pre-Foreclosure Initiatives," 10th Annual Consumer Finance Legal Conference, October 20, 2011

"FDCPA Update," NCHELP Private Loan Committee Chicago, IL, January 1, 2011

"Debt Collection and Servicer Compliance Issues in an Electronic Age; Servicer and Debt Buyer Licensing; Collection Litigation Issues," 9th Annual Consumer Finance Legal Conference, October 21, 2010

"State Collection Agency Licensing and FDCPA," NCHELP Private Student Loan Committee Des Moines, IA, October 5, 2010

"Servicing Litigation, Debt Collection Compliance and Licensing Issues Under State and Federal Law," 8th Annual Consumer Finance Legal Conference, October 22, 2009