Louisiana Bankers Association · ABA Alabama Bankers Association · Arkansas Bankers Association · Mississippi Bankers Association

Make plans to join us for the annual Bank Counsel Conference! Alabama Bankers Association, Arkansas Bankers Association & Mississippi Bankers Association will join us as co-sponsors of the conference.

Who Should Attend

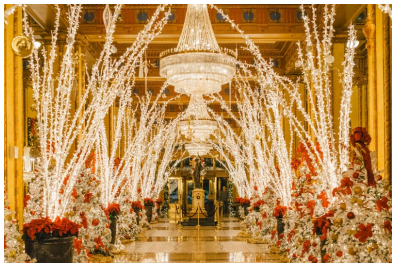
The conference agenda focuses on topics of interest to both bankers and their legal counsel. This program is designed to benefit in-house bank counsel, private practitioners focusing on banking and commercial transaction and litigation, and bank officers. Compliance officers and other senior bank executives regularly attend this conference.

Registration Fees

Please note: This year's conference will include only in-person registration options. No virtual registration options.

- **Conference Registration (Includes Ethics & Professionalism)** - $599 member; $945 non member (includes electronic materials)
- **Ethics & Professionalism Only** - $200 (includes electronic materials)
- **Printed Manual** - $150 (Printed Manuals will be handed out at conference registration desk)

Conference Hotel Information



Experience the beauty of The Roosevelt, a Waldorf Astoria Hotel, during the holiday season! To ensure the LBA group rate of **$289+ tax/night**, please call 1-800-925-3673 and identify that you are booking with the LBA Bank Counsel Conference Room Block. **Click here to book your reservation online.**
Rooms are available in the block for Wednesday 11/30, Thursday 12/1, Friday 12/2 and Saturday 12/

Room Block Information at The Roosevelt Hotel

The LBA has contracted for a set number of sleeping rooms based on the last few years' attendance. Sleeping room reservations must be made by **November 9, 2022** at 5:00pm or until the block of rooms for LBA is filled, whichever is sooner. After **November 9, 2022**, reservations will be made based on availability and the hotel may not be able to honor the discounted rate. ***Updated 11/7/2022: The Roosevelt Hotel room block is sold out for Wednesday 11/30 and Thursday 12/1. There are limited rooms available for Friday 12/2 and Saturday 12/3. We are unable to add additional rooms at this time. If you need a room reservation for the conference, please consider booking at the Renaissance Pere Marquette Hotel (see information below).***

Overflow Room Block at The Renaissance Pere Marquette Hotel

(Across the street from The Roosevelt Hotel)

LBA has set up an additional room block at The Renaissance Pere Marquette Hotel, 817 Common Street, New Orleans, LA. The LBA group rate is **$159+ tax/night**, **Click here to book your reservation online.** Sleeping room reservations must be made by **November 9, 2022** at 4:00pm or until the block of rooms for LBA is filled, whichever is sooner.
Rooms are available in the block for Wednesday 11/30, Thursday 12/1, and limited rooms on Friday 12/2.

2022 Bank Counsel Conference Agenda

Thursday December 1, 2022

- *Sessions to be held in Waldorf Astoria Ballroom and Conti-Lafitte Room. Both rooms are located on the Mezzanine Level of The Roosevelt Hotel*
- *Sessions noted by **(T)** on the below agenda have been approved for title credit with the Louisiana Department of Insurance (General Insurance Principles Credit). Sessions noted by **(T-CFP)** have been approved for Consumer Finance Protection Credit.*

7:30am-8:30am **Continental Breakfast & Registration**
(Waldorf Astoria Ballroom & Foyer)

8:15am **Welcome & Introductory Remarks** *(Waldorf Astoria Ballroom)*
Hank Arnold, Baker Donelson, Chair of LBA Bank Counsel Committee

8:30am-9:30am **Concurrent Sessions - *Please Choose One:***

1. **Louisiana State Legislative Update (T)** *(Waldorf Astoria Ballroom)*
   David Boneno, Louisiana Bankers Association - Baton Rouge, LA
   The Louisiana State Legislative Update presentation will provide review and analysis of important legislation enacted into law by the Louisiana Legislature during the 2022 regular legislative session that could impact banking and commercial activity. The presentation will cover LBA bill initiatives as well as changes in the law that are applicable to banks, savings banks, and savings and loan associations, and other activity regulated by the Louisiana Office of Financial Institutions. In addition, the presentation will discuss recent changes to lending laws and laws relative to mortgages, security interests, liens, privileges, and other collateral. Changes to laws pertaining to insurance, trusts and successions, evictions, court jurisdictional limits, civil procedure, and remote online notaries will also be covered.

2. **Alabama, Arkansas and Mississippi State Legislative Update** *(Conti-Lafitte Room)*
   Eric Bennett, Mississippi Bankers Association - Jackson, MS
   Craig Landrum, Jones Walker - Jackson MS
   Rob Carothers, Jones Walker - Mobile, AL
   Justin Allen, Wright Lindsey Jennings - Little Rock, AR
   The State Legislative and Legal Update will be a joint presentation by legal experts from Alabama, Arkansas, and Mississippi providing review and analysis of recent developments in the law occurring through recent legislation and through recent court decisions that affect the banking industry, lending and collateral, business entities, and other commercial activity. The presentation will also cover changes in the laws in the three states regarding state marijuana programs and how they impact banking.

9:40am-10:40am **FedNow Real Time Payments (T)** *(Waldorf Astoria Ballroom)*
Kirstin Wells, Federal Reserve Board of Governors - Chicago IL
The Federal Reserve Banks have announced the timing of the FedNow Service launch to mid-year 2023, specifically targeting a production rollout of the service in the May to July timeframe. Join us for this session as Kirstin Wells, Principal Economist of the Federal Reserve Board of Governors, discusses FedNow, the instant payments service which will be accessible to financial institutions of any size, helping broaden the reach of instant payments to communities nationwide. The session will include an overview of the service, including how it works and use/service agreements.

10:40am-10:55am **Break**

10:55am-11:55am **Regulatory and Litigation Activity Regarding Overdraft Fees and NSF Fees (T-CFP)**
(Waldorf Astoria Ballroom)
Fred Burnside, Davis Wright Tremaine LLP - Seattle WA
This presentation will address the significant increase in class action litigation and regulatory scrutiny of overdraft and NSF fees, and how to minimize risks and exposure from both.

11:55am-1:30pm **Lunch with Guest Speakers Jeff Albright and Ben Albright - State of Insurance in Louisiana**
(Blue Room, Lobby Level)

Thursday December 1, 2022 (Continued)

1:30pm-2:30pm **Concurrent Sessions - *Please Choose One:***

1. **Bankruptcy Recent Developments** *(Waldorf Astoria Ballroom)*
   Judge Stephen Wheelis, U.S. Bankruptcy Court, W.D. - Alexandria, LA
   Judge Meredith Grabill, U.S. Bankruptcy Court, E.D. - New Orleans, LA
   Judge Wheelis and Judge Grabill will provide an update on bankruptcy cases in Louisiana and the U.S. Fifth Circuit, including procedural and substantive developments as well as case filings and local rules.

2. **Climate Change, ESG, Regulatory Requirements & Risk Management for Banks (T)**
   (Conti-Lafitte Room)
   Julia Gutierrez, Compliance Alliance - Austin, TX
   Climate risk has become a growing concern globally as it has gained a significant level of attention by policymakers, financial regulators, international organizations, and many others. It's become critical that financial institutions understand the implication of climate change and how it can impact financial stability. This session will define climate change challenges as it outlines the relationship between climate and financial risks. It will focus on challenges faced by financial institutions as they attempt to manage the risk and meet regulatory expectations.

2:40pm-3:40pm **UCC 3, 4 and 4A Recent Developments and Managing Check Fraud Risk** *(Waldorf Astoria Ballroom)*
Pat Huttenbach, Crain Caton & James - Houston, TX
With the ever-changing case law and statutory interpretations of the UCC, this presentation is designed to review some of the recent court cases that banks may use in updating their deposit agreement and take other steps to minimize possible future losses. Specific topics include a discussion on wire transfer fraud, check forgeries and check conversion claims, and reporting issues. Finally, future issues for you to consider will be examined.

3:40pm-4:00pm **Break**

4:00pm-5:00pm **Ethics** *(Waldorf Astoria Ballroom)*
Chuck Plattsmier, Louisiana Office of Disciplinary Counsel - Baton Rouge, LA
Frank X. Neuner, Jr., Neuner Pate - Lafayette, LA
The presentation will review and discuss the special rules applicable to lawyer trust accounts, overdraft notification rules, the Louisiana trust account registration requirement, and the Client Assistance Fund. All of these areas are designed to hold lawyers to the highest standards of ethical compliance when dealing with client and third party funds. How those rules and programs interact with banks and other financial institutions requires an important relationship with professional regulators

5:00pm-6:15pm **Cocktail Reception Sponsored by Baker Donelson** *(Orpheum Room, 2nd Level)*

Friday December 2, 2022

7:15am-7:35am **Continental Breakfast**

7:30am **Day 2 Welcome and Remarks** *(Waldorf Astoria Ballroom)*
Brent Vidrine, LBA Chairman, Bank of Sunset & Trust Company

7:35am-8:35am **Update on Garnishments and Tax Levies** *(Waldorf Astoria Ballroom)*
Darryl Hebert, Hancock Whitney Bank - Gulfport, MS
Juanita Kuhner, Hancock Whitney Bank - Gulfport, MS
John Whitehead, Sabine State Bank - Natchitoches, LA
This session includes a discussion of the challenges facing banks in light of the May 4, 2022 CFPB consent order regarding cross-state garnishment proceedings. This includes possible impacts on bank policies and procedures and the language of the bank's Deposit Agreement, in light of the jurisdictional and other issues raised by the CFPB consent order.

8:45am-9:45am **Secured Lending Update (T)** *(Waldorf Astoria Ballroom)*
David Cromwell, Pettiette, Armand, et al. - Shreveport, LA
The Secured Lending Update presentation will discuss recent developments in Louisiana law relating to security devices, title matters and other issues of interest to banks. The presentation will review court cases opinions issued during this year relating to mortgages, including property description issues, reinscription, mortgage cancellations, mortgage authorizations, judicial mortgages, and ranking encumbrances. The presentation will also discuss recent case decisions related to UCC-9 security issues, Private Works Act claims and privileges, suretyship and guaranty disputes, foreclosure – both executory process and ordinary process, and lender liability.

Friday December 2, 2022 (Continued)

9:45am-10:00am **Break**

10:00am-11:30am **Regulatory Panel Discussion** *(Waldorf Astoria Ballroom)*

Moderator: Craig Landrum, Jones Walker - Jackson MS

Panelists:

- ***Rafael Valle, FDIC***
- ***Commissioner Stan Dameron, Louisiana Office of Financial Institutions***
- ***Commissioner Rhoshunda Kelly, Mississippi Department of Banking***
- ***Commissioner Susannah Marshall, Arkansas State Bank Department***

The Regulator Panel Discussion will be a review of regulatory hot-button issues from regulators representing the FDIC, Louisiana Office of Financial Institutions, Arkansas Banking Department, and the Mississippi Banking Department. The panel will review significant changes in consumer and commercial banking regulations that have occurred during the past year as well as discuss significant regulatory violations and practices that have been encountered during recent examinations. The panelists will discuss safety and soundness issues, consumer compliance issues, and property and flood insurance requirements.

11:40am-12:40pm **Professionalism** *(Waldorf Astoria Ballroom)*

Stephen Dwyer, LSBA President, Dwyer, Cambre & Suffern, APLC - Metairie, LA

The presentation will focus on the code of professionalism and practical considerations in both litigation and transactional practices.

12:40pm-1:45pm **Lunch with Guest Speaker Jim Engster, Host of Talk Louisiana - Observations on Fall Congressional Elections and Upcoming State Election**

(Blue Room, Lobby Level)

1:45pm-2:45pm **Corporate Transparency Act and Beneficial Ownership Disclosure Requirements (T)** *(Waldorf Astoria Ballroom)*

Kevin Shepherd, Venable LLP - Baltimore MD

Congress enacted the Corporate Transparency Act on January 1, 2021, a far-reaching effort to create a federal database of beneficial owners of certain corporations, limited liability companies, and other entities. This program will discuss the genesis of the new federal law, highlight the significant ambiguities in the law and proposed regulations issued by U.S. Treasury to date (both final and proposed), and the likely impact of the regulations on transactional lawyers and their clients.

2:45pm-3:00pm **Break**

3:00pm-4:00pm **Update on Title Insurance Policy Endorsements for Lenders (T)** *(Waldorf Astoria Ballroom)*

Charles Greer, First American Title and Rich Halfmann, First American Title

The overall objective of this session is to educate bankers and attorneys about which endorsements are available for use in Louisiana, Mississippi, Alabama and Arkansas, as well as how and when they should be issued in connection with the issuance of title insurance policies.

Thursday total time: 360 minutes (6.0 hours)
Friday total time: 390 minutes (6.5 hours)
Conference time total: 750 minutes (12.5 hours)
Includes 1 hour of Ethics and 1 hour of Professionalism

Continuing Legal Education (CLE)

- **Louisiana** - We have received approval for CLE in Louisiana for 12.5 hours total, including 1 hour of ethics and 1 hour of professionalism.
- **Alabama** - We have received approval for CLE in Alabama for 12.5 hours total, including 2 hours of ethics. (Professionalism counts as ethics credit in Alabama).
- **Arkansas** - We have received approval for CLE in Arkansas for 12.5 hours total, including 2 hours of ethics. (Professionalism counts as ethics credit in Arkansas).
- **Mississippi** - We have received approval for CLE in Mississippi for 12.5 hours, including 2 hours of ethics (Professionalism counts as ethics credit in Mississippi).
- **Texas** - We have received approval for CLE in Texas for 12.5 hours total, including 2 hours of ethics (Professionalism counts as ethics credit in Texas).
- **Tennessee** - We received approval for CLE in Tennessee for 12.5 hours total, including 2 hours of ethics (Professionalism counts as ethics credit in Tennessee).

Louisiana Title Agents Continuing Education

Louisiana Title Agents Continuing Education Credit with the Louisiana Department of Insurance has been approved for the sessions denoted by (T) and (T-CFP) on the conference agenda (7 hours total). The session denoted by (T-CFP) has been approved for Consumer Finance Protection Credit (1 hour). The remaining sessions denoted by (T) have been approved for General Insurance Principles Credit (6 hours).

American Bankers Association (ABA) Professional Certification Continuing Education Credit

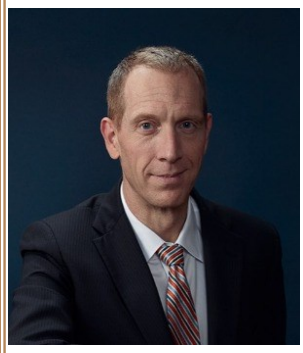
This program has been approved for 14 CRCM (Certified Regulatory Compliance Manager) credits by ABA (American Bankers Association) Professional Certifications. Certified professionals will report their credits after the conference at aba.csod.com.

Submission of CLE and Title Credit Hours

Just a reminder it is the responsibility of the attorney to submit the appropriate forms to the LBA following the conference for LBA to submit hours for CLE in the above mentioned states and/or Louisiana Title Credit. All forms must be completed and signed. Forms will be provided at registration at the conference. Please contact the LBA office at 225-387-3282 with any questions.

Featured Speakers

Kirstin Wells is a Principal Economist at the Federal Reserve Board in Washington, D.C. Kirstin's career has been focused on regulatory and policy analysis of financial market infrastructures including large-value and retail payment systems and derivatives clearing houses, both at the Federal Reserve Board and Federal Reserve Bank of Chicago. Kirstin's publications include papers on the emergence of faster payments worldwide and governance arrangements for retail payment systems. Most recently, Kirstin worked on the policy analysis related to the Board's decision to offer a new interbank settlement service for instant payments. Kirstin also spent time in the private sector, leading payment strategy at Wachovia Corporation and risk management policy at the Options Clearing Corporation. Kirstin received her doctorate in Public Policy from the University of North Carolina Charlotte.



Fred Burnside is partner with Davis Wright Tremaine LLP in Seattle, Washington. He concentrates his complex civil litigation practice on matters related to class-action defense, consumer financial services, and hydroelectric relicensing. His more than two decades as an attorney is distinguished by significant victories secured on behalf of financial service providers, at trial and on appeal in state and federal courts, particularly in class action lawsuits regarding non-sufficient funds (NSF) fees. Fred obtained a motion to dismiss in the pioneer class action lawsuit over NSF fee practices and has since successfully defended other major financial services providers facing similar claims. He also has the rare experience of taking a financial services class action through a jury trial—and winning. With an established track record of securing outright victory or favorable settlement, Fred has become the go-to NSF fee attorney for consumer financial service providers facing class action lawsuits. His leadership at DWT includes serving as the co-chair of the class action defense group, and he previously served as the firm's deputy litigation department practice group chair, Executive Committee member, and on the firm's Share (Compensation) Committee. He is a co-chair of the ABA's Annual National Institute on Class Actions, editor of the ABA Class Action Committee's Annual Survey of State Class Action Litigation, and a member of the American Law Institute.

Pat Huttenbach William ("Pat") Huttenbach is a litigation attorney concentrating on civil matters at Crain, Caton & James, P.C. He has been asked to be an expert witness on issues concerning UCC sections 3, 4, and 4A. He has answered over 210 lawsuits involving UCC sections 3, 4, and/or 4A issues. He has also personally answered over 2,000 garnishment lawsuits. Pat has written numerous articles on banking topics and has given speeches to the banking industry on how to better protect banks in litigation through updated deposit agreements. Pat also routinely handles many other types of lawsuits against banks including lender liability claims, FCRA claims, FDCPA claims, Texas Finance Code claims, tortious interference claims, insurance claim litigation, fidelity and surety insurance coverage, DTPA claims, injunctions, employment law, landlord-tenant disputes, probate matters, property disputes, real estate tax litigation, breach of contract, business torts, construction law disputes, defamation, libel and slander, and other general business matters.

Kevin Shepherd is a partner in the Real Estate Practice Group and Chair of the Finance Committee and Managing Director—Finance at Venable LLP in Baltimore, Maryland. Kevin is Treasurer (2020-2023) of the American Bar Association (ABA). He is a member of the ABA Board of Governors and its eight member Executive Committee and chaired (2018-2020) the Finance Committee of the ABA Board of Governors. Kevin is a former chair of the ABA Section of Real Property, Trust and Estate Law, a past president of the American College of Real Estate Lawyers (ACREL), a governor of the Association for Real Property and Infrastructure (formerly known as the Anglo-American Real Property Institute), and a Fellow of the American College of Mortgage Attorneys and the American Bar Foundation (past Maryland chair). Kevin is one of the country's leading authorities on anti-money laundering and counter-terrorist financing issues as they affect the U.S. legal profession, and he has written extensively on these issues, has testified before the U.S. Senate on proposed beneficial ownership legislation, and speaks on these issues both domestically and internationally. He is a former chair of the ABA Task Force on Gatekeeper Regulation and the Profession, and is the immediate past chair of the ABA Real Property Section's Working Group on Anti-Money Laundering and Counter-Terrorist Financing Issues Affecting Lawyers and the Gatekeeper Task Force of ACREL. Kevin is immediate past chair of the Regulation of Lawyers' Compliance Committee of the International Bar Association. Kevin is currently serving a 3 year term as the ABA's representative to U.S. Treasury and the Paris-based Financial Action Task Force.

Conference Sponsors

Thursday 12/1 Cocktail Reception Sponsor

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STONE PIGMAN

Thursday 12/1 Lunch Sponsor

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2022 Bank Counsel Conference Registration

December 1-2, 2022, The Roosevelt Hotel, New Orleans

Louisiana Bankers Association | ABA Alabama Bankers Association | Arkansas Bankers Association | Mississippi Bankers Association

Registration Information *(please make additional copies for multiple registrations)*

Email Required for Registration

Name **Email Address**

Mr./Mrs./Ms. _____

Bank/Law Firm _____

Street Address _____

City/State/Zip _____

Office Phone _____ Cell Phone _____

Registration Affiliation

Please first select your affiliate state then proceed below to complete your registration and payment options:

☐ **Louisiana Bankers Association (LBA) Affiliate**

☐ **Mississippi Bankers Association Affiliate**

- **Are you an employee of a Mississippi Bankers Association member bank or a Mississippi Bankers Association vendor affiliate?** ☐ Yes ☐ No
  - Please indicate the name of your company: _____

☐ **Alabama Bankers Association Affiliate**

- **Are you a banker or bank in-house counsel (with membership in Alabama Bankers Association) or an associate member of Alabama Bankers Association?** ☐ Yes ☐ No
  - Please indicate the name of your company: _____

☐ **Arkansas Bankers Association Affiliate**

- **Are you a banker or bank in-house counsel (with membership in Arkansas Bankers Association) or an associate member of Arkansas Bankers Association?** ☐ Yes ☐ No
  - Please indicate the name of your company: _____

Registration Options *(please check all that apply)*

Please note: This year's conference will include only in-person registration options. No virtual registration options.

☐ **Conference Registration Including Ethics & Professionalism** *(Includes electronic materials)* _____

❑ **$599.00 Member Fee** ❑ **$945.00 Non-Member Fee**

☐ **Ethics and Professionalism Registration Only - $200.00** *(Includes electronic materials)* _____

☐ **Printed Manual - $150.00** _____

Deadline to order a printed manual is November 23, 2022. This is also the deadline to cancel the order.

☐ **2023 Louisiana Bankers Association Bank Counsel Membership Dues - $250** _____

Total Fees $ _____

Payment Options

☐ Check (Make Payable to Louisiana Bankers Association)

☐ VISA ☐ MasterCard ☐ American Express

Card Number _____

Expiration Date _____

Billing Address _____

Amount to be charged on card $ _____ Name on Card (please print) _____

Signature _____

Cancellation Policy

A full refund of registration fees will only be made if cancellation notice is received by the LBA office by **November 23, 2022**. No refunds are available after **November 23, 2022**. Cancellations and substitutions are accepted by email at pitts@lba.org or phone - Janet H. Pitts at 225/214-4830. Please register online in the Education Section of the LBA website, www.lba.org. Registration can also be emailed, faxed or mailed. **Email:** pitts@lba.org / **Fax:** 225/343-3159 / **Phone:** 225/387-3282