



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 is in-person only. All conference materials are electronic only. No printed materials option. Materials will be delivered electronically to all registrants prior to the conference.

- **Conference Registration (Includes Ethics & Professionalism)** - \$600 member; \$950 non member (includes electronic materials only)
- **Ethics & Professionalism Only** - \$200 (includes electronic materials only)

Conference Hotel Information

The Westin New Orleans
100 Iberville Street
New Orleans, LA 70130

To ensure the LBA group rate of \$210 + tax/night, please call 1-888-627-8180 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 December 11 and Thursday December 12. Limited rooms are available for Friday December 13 and Saturday December 14.



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 18, 2024 at 5:00pm or until the block of rooms for LBA is filled, whichever is sooner. After November 18, 2024, reservations will be made based on availability and the hotel may not be able to honor the discounted rate.

2024 BANK COUNSEL CONFERENCE AGENDA

For information on CLE Hours and other professional continuing education, see page 5.

Title Credit (General Insurance Principles Credit) with the Louisiana Department of Insurance has been approved for sessions noted by **(Title)** below on the below agenda—4 hours. Additionally, 1 session (Federal Banking Update) has been approved for Consumer Finance Protection Credit. It is noted by **(Title-CFP)** on the below agenda.

WEDNESDAY DECEMBER 11, 2024

4:30pm-5:30pm Women in Law Roundtable Discussion
(River Room, 12th Floor)

6:00pm-7:00pm Welcome Reception sponsored by Baker Donelson and Newman, Mathis, Brady & Spedale
(Tower Room, 11th Floor/Lobby Level)

THURSDAY DECEMBER 12, 2024

7:15am-8:15am Continental Breakfast & Registration
(Grand Ballroom Foyer, 12th floor)

8:00am Welcome & Introductory Remarks (Grand Ballroom, 12th Floor)

8:15am-9:45am Loper-Bright and Its Impact on the Banking Industry: How the Demise of Chevron Poses Challenges and Provides Opportunities for Bankers (Grand Ballroom, 12th Floor)

Chris Friedman, Husch Blackwell - Nashville TN and Mike G. Silver, Husch Blackwell - Washington, DC

Join Husch Blackwell partners Chris Friedman from the Nashville, Tennessee office and Mike G. Silver from the Washington, D.C. office for an insightful discussion of the repercussions of the Supreme Court's decision in *Loper Bright Enterprises*, which overturned the long-standing Chevron doctrine. During this session, Friedman and Silver will delve into the details of the case and explore its significant implications for the banking industry. They will also discuss potential responses from regulators in the wake of this landmark decision. This session is essential for bankers seeking to understand the shifting landscape of regulatory compliance and its impact on financial institutions.

9:55am-10:55am Concurrent Sessions - Please Choose One:

1. Louisiana State Legislative Update (Title) (Grand Ballroom, 12th Floor)

David Boneno, Louisiana Bankers Association - Baton Rouge, LA

The Louisiana State Legislative Update presentation will provide review and analysis of important state legislation enacted into law by the Louisiana Legislature during the 2024 regular legislative session that impacts 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, fraud and financial crimes, and civil procedure.

2. Alabama, Mississippi, North Carolina & Virginia State Legislative Update

(Terrace Room, 12th Floor)

Rob Carothers, Jones Walker - Mobile, AL

Eric Bennett, Mississippi Bankers Association - Jackson, MS

Nathan Batts, North Carolina Bankers Association - Raleigh, NC

DeMarion Johnston, Virginia Bankers Association - Richmond, VA

The State Legislative and Legal Update will be a joint presentation by legal experts from Alabama, Mississippi, North Carolina and Virginia, 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.

3. Arkansas, Florida, Tennessee & Kentucky State Legislative Update (Tower Room, 11th Floor)

Justin Allen, Wright Lindsey Jennings - Little Rock, AR

Kenneth Pratt and Anthony DiMarco, Florida Bankers Association - Tallahassee, FL

Amy Heaslet, Tennessee Bankers Association - Nashville, TN

Tim Schenk, Kentucky Bankers Association - Lexington, KY

The State Legislative and Legal Update will be a joint presentation by legal experts from Arkansas, Florida, Tennessee and Kentucky 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.

THURSDAY DECEMBER 12, 2024 (Continued)

- 11:05am-12:05pm** **Ethics (Title)** (*Grand Ballroom, 12th Floor*)
Richard "Rick" C. Stanley, Stanley Reuter Alford Owen Munson & Paul, LLC - New Orleans, LA
This session will cover the following topics: (1) client identification and scope of representation: two essential elements to avoiding ethical issues and lawsuits; (2) a refresher on conflicts of interest, the basic rules of conflicts and imputation; (3) a look at special conflicts under Rule 1.7(a)(2), and the effectiveness of "waivers" — two traps for the unwary; (4) Law as a new Business Model — the emergence of accounting firms providing "legal advice" as consulting services — and the current ethical landscape of this practice.
- 12:05pm-1:30pm** **Lunch Sponsored by Stone Pigman** (*Riverbend Ballroom, 11th Floor/Lobby Level*)
Guest Speaker: Kathy Kraninger, CEO of Florida Bankers Association & Former Director of CFPB, "Views from My Time at CFPB"
- 1:30pm-2:30pm** **Concurrent Sessions - Please Choose One:**
- 1. Louisiana Secured Lending Update (Title)** (*Grand Ballroom, 12th Floor*)
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 case 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.
 - 2. National Survey of Recent Secured Lending Cases** (*Terrace Room, 12th Floor*)
Kevin O'Brien, King & Spalding LLP - Atlanta, GA
This session will include an update of recent developments in multi-state secured lending and lender liability. It will focus on notable and interesting cases decided this year involving a variety of claims against commercial lenders. These include claims by borrowers, co-lenders, subordinate lenders, and other creditors arising from alleged loan agreement breaches, breaches of fiduciary duty, usury, and fraudulent transfers.
- 2:40pm-3:40pm** **Bank Fraud and Payment Fraud - UCC 3, 4, 4A & Reg. E (Title)** (*Grand Ballroom, 12th Floor*)
William "Pat" Huttenbach, Crain Caton & James - Houston, TX
Financial institutions are incurring large losses due to check fraud and other fraud, and they spend an enormous amount of time and money helping customers who have fallen prey to fraudsters. This session will begin with a discussion on statistics on bank fraud and trends on new tricks used by fraudsters, and how banks can reduce losses or recover losses. We will discuss specific actions to do to help reduce bank fraud losses. Finally, we will review the most recent and landmark cases involving bank fraud.
- 3:40pm-3:55pm** **Afternoon Power Break Sponsored by Sher Garner Cahill Richter Klein & Hilbert, L.L.C.**
- 3:55pm-4:55pm** **State Legislative Hot-Button Issues** (*Grand Ballroom, 12th Floor*)
Anthony Pardal, American Bankers Association - Washington, DC
Joe Gendron, Louisiana Bankers Association - Baton Rouge, LA
Kenneth Pratt and Anthony DiMarco, Florida Bankers Association - Tallahassee, FL
Amy Heaslet, Tennessee Bankers Association - Nashville, TN
Over the last few years many legislatures across the country have taken aim at combating Environmental, Social, and Governance (ESG) factors, either by seeking to make unlawful the use of ESG factors by companies when determining whether to do business with a customer, or by seeking to prohibit state and local governments from contracting with companies that have certain ESG policies. These proposals have come in various forms, including broad bills that prohibit the use of all ESG factors by companies in determining whether to do business with a customer, or more targeted bills that are specific to prohibiting company policies deemed discriminatory with respect to fossil fuels, firearms, political affiliation, etc. Panelists will discuss concerns with state legislation that has advanced and/or failed in their state on this topic. The panel will also discuss concerning efforts at the state level to create gold and silver depositories or state banks, among other bills of interest.
- 5:00pm-6:30pm** **Cocktail Reception Sponsored by Kean Miller and McGlinchey Stafford**
(*Riverbend Ballroom, 11th Floor/Lobby Level*)

FRIDAY DECEMBER 13, 2024

- 7:15am** **Continental Breakfast** (*Grand Ballroom Foyer, 12th floor*)
- 7:30am** **Day 2 Welcome and Remarks** (*Grand Ballroom, 12th Floor*)
- 7:35am-8:35am** **Federal Banking Update: Legislative & Regulatory** (*Title-CFPB*) (*Grand Ballroom, 12th Floor*)
Blake Earley, American Bankers Association - Washington, D.C.
This presentation will review and discuss recent developments in federal banking regulations and legislation. This presentation will brief the audience on: the CFPB Small Business Loan Application Data Collection Rule (Sec. 1071); the Access to Credit for our Rural Economy (ACRE) Act; BSA and Beneficial Ownership requirements; the SAFER Banking Act and cannabis banking; the Credit Card Competition Act; payments fraud; and trigger leads – the Homebuyers’ Privacy Protection Act and amendments to the Fair Credit Reporting Act. The presentation will also include a discussion on the recent regulatory initiatives and priorities of the CFPB, FDIC, and OCC.
- 8:45am-9:45am** **Professionalism** (*Grand Ballroom, 12th Floor*)
Harry J. “Skip” Philips, Taylor Porter - Baton Rouge, LA
This presentation will review the Code of Professionalism and how it is distinguished from the Rules of Professional Conduct. The session will also include a discussion of the emergence of technology over the past 40 years and how it has impacted the legal profession and quality of life.
- 9:55am-11:25am** **Commercial Law Developments: UCC 9 and New UCC 12** (*Grand Ballroom, 12th Floor*)
Steven O. Weise, Proskauer Rose, LLP - Los Angeles, CA and Stephen Sepinuck, Vanderbilt Law School - Nashville, TN
This session will include a review of the significant judicial decisions from the last year involving secured transactions and commercial finance. Time permitting, the program will also briefly discuss the most important aspects of and recent developments concerning the 2022 Amendments to the Uniform Commercial Code.
- 11:25am-12:40pm** **Lunch Sponsored by Fenimore Kay Harrison** (*Riverbend Ballroom, 11th Floor/Lobby Level*)
Congressman French Hill, Member of House Financial Services Committee - “Views from Washington D.C. and What to Expect from the House Financial Services Committee”
- 12:40pm-1:40pm** **Developments in Preemption** (*Grand Ballroom, 12th Floor*)
Jonathan Gould, Jones Day - Washington, DC
This session will address developments in National Bank Act preemption and similar federal provisions applicable to state banks. It will provide a brief history of the OCC’s views on National Bank Act preemption, the impact of the Dodd-Frank Act on those views, and the OCC’s existing preemption regulations. The presentation will address the Supreme Court’s decision in *Cantero v. Bank of America* and its impact on national banks and the OCC. The session will also address the current interplay between federal preemption – whether derived from the National Bank Act or the Riegle-Neal Amendments Act of 1997 – and various state laws covering topics such as fair access/ ESG and consumer protection, among others. The session will conclude with practical considerations for banks trying to navigate state and federal tensions.
- 1:40pm-1:55pm** **Afternoon Power Break**
- 1:55pm-2:55pm** **Risky Business: Managing Challenges with Third-Party Providers & Bank Liquidity**
(*Grand Ballroom, 12th Floor*)
Stephanie Kalahurka, Fenimore Kay Harrison LLP - Kansas City, MO and Geoffrey Kay, Fenimore Kay Harrison LLP - Austin, TX
Regulatory pressure is increasing, with a particular focus on third party risk management and liquidity. Following the Synapse collapse and issuance of new Interagency Guidance in 2023, third-party risk management has become a hot topic for both safety and soundness and compliance exams. In this session, we will explore critical strategies for identifying, assessing, and mitigating risks in vendor partnerships to safeguard your bank’s reputation, compliance, and bottom line. In addition, recent banking crises driven by insufficient risk management practices around liquidity and corporate governance have resulted in elevated scrutiny of these areas. We will discuss existing and proposed regulatory standards and guidance regarding liquidity and corporate governance and navigating the current regulatory landscape.
- 3:00pm-4:00pm** **Bankruptcy Update** (*Grand Ballroom, 12th Floor*)
Chip Naus, Wiener, Weiss & Madison, APC - Shreveport, LA; Brad Drell, Gold Weams - Alexandria, LA and Judge John S. Hodge, US Bankruptcy Court, Western District of Louisiana - Shreveport, LA
This session will discuss banks’ involvement in the various types of bankruptcy cases, including potential pitfalls as well as the benefits of bankruptcy to banks. We will address those issues in consumer bankruptcy cases (Chapter 7 and 13), Chapter 12 bankruptcy cases for family farmers as well as Chapter 7 and Chapter 11 cases for businesses and individuals who are not eligible to be debtors under Chapter 12 or 13.

TOTAL CONFERENCE HOURS:

Thursday 12/12 total time: 390 minutes (6.5 hours)
Friday 12/13 total time: 390 minutes (6.5 hours)
Conference time total: 780 minutes (13 hours)
Includes Ethics (1 hour session) and Professionalism (1 hour session)*
**In some states, Professionalism counts as Ethics CLE*

CONTINUING LEGAL EDUCATION (CLE)

Approved CLE:

- **Louisiana** - CLE has been approved in Louisiana for 13 total hours, including 1 hour of ethics and 1 hour of professionalism.
- **Arkansas** - CLE has been approved in Arkansas for 13 total hours: 11 general credit hours and 2 hours of ethics (professionalism counts as ethics)
- **Florida** - CLE has been approved in Florida for 15.5 total hours: 1 hour of ethics and 1 hour of professionalism.
- **Tennessee** - CLE has been approved in Tennessee for 13 hours: 11 general credit hours and 2 dual hours (ethics and professionalism)
- **Texas** - CLE has been approved in Texas for 13 total hours: 11 general credit hours and 2 hours of ethics (professionalism counts as ethics)
- **Kentucky** - CLE has been approved in Kentucky for 13 total hours: 11 general credit hours and 2 hours of ethics (professionalism counts as ethics)
- **North Carolina** - CLE has been approved in North Carolina for 13 total hours: 11 general credit hours and 2 hours of ethics (professionalism counts as ethics).
- **Alabama** - CLE has been approved in Alabama for 13 total hours: 11 general credit hours and 2 hours of ethics (professionalism counts as ethics)
- **Mississippi** - CLE has been approved in Mississippi for 13 total hours: 11 general credit hours and 2 hours of ethics (professionalism counts as ethics)

Pending CLE Approval:

- **Virginia** - LBA has applied for CLE in Virginia for 13 total hours: 11 general credit hours and 2 hours of ethics (professionalism counts as ethics). Because materials for each session are required for the CLE application, CLE will likely be approved after the conference.

LOUISIANA TITLE AGENTS CONTINUING EDUCATION

Title Credit (General Insurance Principles Credit) with the Louisiana Department of Insurance has been approved for sessions noted by **(Title)** on the conference agenda—4 hours. Additionally, 1 session (Federal Banking Update: Legislative & Regulatory) has been approved for Consumer Finance Protection Credit. It is noted by **(Title-CFP)** on the conference agenda.

AMERICAN BANKERS ASSOCIATION (ABA) PROFESSIONAL CERTIFICATION CONTINUING EDUCATION

This program has been approved for 12.75 CRCM credit, 4.5 CERP credit, 1.25 CAFD credit and 1.25 CTFA credit by American Bankers Association (ABA) Professional Certifications. Certified professionals will report these credits after the conference at aba.csod.com.

FEATURED SPEAKERS



Congressman French Hill - A ninth-generation Arkansan, Congressman French Hill has represented Arkansas's Second Congressional District since January 2015. He serves as the Vice Chairman of the House Financial Services Committee and as Chairman of the new subcommittee tasked with overseeing all areas related to digital assets and financial technology. Additionally, he is a member of the House Permanent Select Committee on Intelligence and the House Foreign Affairs Committee. He was also elected to the Republican Steering Committee for the 118th Congress, which determines committee assignments for Republican members of Congress. Prior to his congressional service, Congressman Hill was founder, Chairman, and Chief Executive Officer of Delta Trust & Banking Corporation. From 1989 to 1991, he also served as Deputy Assistant Secretary of the Treasury for Corporate Finance, where one of his key assignments was representing the U.S. as a negotiator in the historic bilateral talks with Japan known as the

Structural Impediments Initiative (SII). After the fall of the Berlin Wall, Rep. Hill led the design of U.S. technical assistance to the emerging economies of eastern and central Europe in the areas of banking and securities. In 1991, at the age of 34, President Bush appointed Rep. Hill to be Executive Secretary to the President's Economic Policy Council (EPC), where he coordinated all White House economic policy. For his leadership and service at the Treasury and the White House, Rep. Hill was awarded the Distinguished Service Award by U.S. Secretary of the Treasury Nicholas Brady in January 1993. Prior to his Executive Branch Service, from 1982 until 1984, Rep. Hill served on the staff of then-U.S. Senator John Tower (R-TX), as well as on the staff of the U.S. Senate Committee on Banking, Housing, & Urban Affairs. Throughout his career, Rep. Hill has been active in civic affairs. He is a past president of the Rotary Club of Little Rock and served as the 2013 chairman of the Little Rock Regional Chamber of Commerce. He has received numerous awards and recognition for his long-time support of the Boy Scouts of America, the arts and humanities, tourism, and historic preservation in Arkansas. He is an avid outdoorsman. Rep. Hill is a magna cum laude graduate in Economics from Vanderbilt University.



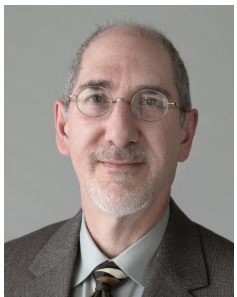
William ("Pat") Huttenbach is a litigation attorney concentrating on civil matters at Crain, Caton & James, P.C. He has been asked to be an expert witness on issues concerning UCC sections 3, 4, and 4A. He has answered over 210 lawsuits involving UCC sections 3, 4, and/or 4A issues. He has also personally answered over 2,000 garnishment lawsuits. Pat has many training sessions for banks to try to protect banks from fraud losses. 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.



Steve Weise is a partner in the corporate department of Proskauer Rose LLP, practicing in its Los Angeles office. He practices in a wide range of commercial law. He spends much of his time on matters arising under the Uniform Commercial Code, especially under Article 9 – Secured Transactions. He is a nationally-recognized expert in these matters. Steve is also authoritative on third-party opinion letters and contract law matters, especially online contracting, plain English drafting, contract drafting, and boilerplate. Steve is a member of the Permanent Editorial Board for the Uniform Commercial Code and of the Council of the American Law Institute. For thirty years, Steve has been on many Uniform Commercial Code drafting committees, including the comprehensive revision of UCC Article 9 in 1999 and the 2022 UCC Amendments addressing digital assets as collateral. Steve is a Lecturer in Law at UCLA Law School,

where he teaches Uniform Commercial Code – Secured Transactions. Steve was instrumental as an Adviser in the preparation of the recently-completed American Law Institute Restatement of the Law, Consumer Contracts and is active in many other Restatement projects. Steve is the former chair of the American Bar Association's Section of Business Law and its Legal Opinions Committee. He has been the Reporter for many TriBar Opinions Committee reports on opinions under the UCC and has long been a member of the board of the Working Group on Legal Opinions.



Stephen L. Sepinuck is the Special UCC Advisor at Paul Hastings LLP and an adjunct faculty member at Vanderbilt Law School, having previously been a full-time law professor for more than 30 years. Professor Sepinuck has taught courses on Secured Transactions, Bankruptcy, Sales, Contracts, and Transactional Skills, he has written more than 20 books, and authored more than 100 articles. Professor Sepinuck has been actively involved in numerous uniform law projects, including serving as the Associate Reporter for the 2022 UCC Amendments on Emerging Technologies and as the reporter for both the Uniform Certificate of Title for Vessels Act and the Amended Model Tribal Secured Transactions Act. He is an elected member of the American Law Institute, a fellow of the American College of Commercial Finance Lawyers, the Executive Director of the Commercial Law Amicus Initiative, a former chair of the ABA's UCC Committee, and has won awards for his teaching, scholarship, and public service.

CONFERENCE SPONSORS

Wednesday 12/11 Opening
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B | S Brady & Spedale
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Thursday 12/12 Cocktail
Reception Sponsors

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Thursday 12/12 Lunch Sponsor

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Friday 12/13 Lunch Sponsor

**FENIMORE
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Thursday 12/12 Afternoon Break
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2024 BANK COUNSEL CONFERENCE REGISTRATION

December 11-13, 2024 - The Westin New Orleans

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

Email Required for Registration

Mr./Mrs./Ms. _____
Bank/Law Firm _____
Email Address _____
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
- Alabama Bankers Association Affiliate
- Arkansas Bankers Association Affiliate
- Florida Bankers Association Affiliate
- Kentucky Bankers Association Affiliate
- Mississippi Bankers Association Affiliate
- North Carolina Bankers Association Affiliate
- Tennessee Bankers Association Affiliate
- Virginia Bankers Association Affiliate

Registration Options *(please check all that apply)*

This year's conference is in-person only. Conference materials will be provided in electronic format only.

Please note: You are considered a member if: you are an in-house attorney who is employed with a bank that is a member of a participating state association OR a member of a participating state association's attorney or affiliate membership group.

- Conference Registration Including Ethics & Professionalism *(Includes electronic materials)* _____
 - \$600.00 Member Fee
 - \$950.00 Non-Member Fee
- Ethics and Professionalism Registration Only - \$200.00 *(Includes electronic materials)* _____
- 2025 Louisiana Bankers Association Bank Counsel Membership Dues - \$250 _____
- Are you planning to attend the Women in Law Roundtable Discussion on Wednesday 12/11 from 4:30pm-5:30pm? _____ Yes _____ No

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 **December 5, 2024**. No refunds are available after **December 5, 2024**. 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 / **Mail:** 5555 Bankers Avenue, Baton Rouge, LA 70808