

**Suggested Topics for 2018 Fall Conference**

11.ADR: The Good, The Bad, The Ugly

Panelists: Robert Poklar and Matthew Miller, Weston Hurd LLP
 **George A. Kurisky, Jr., Johnson DeLuca Kurisky & Gould, P.C.**

Length of Time: 60 minutes

Why Choose ADR (mediation / arbitration):

Court Mandated
 State specific requirements
 Required in legal document
 Voluntary

Venue:

* + Court appointed
	+ AAA
	+ JAMS
	+ Private Mediator / Arbitrator
	+ Single Arbitrator vs. Panel
	+ Venue Challenges

Role of the Mediator:

 The is a vast difference in the involvement and skill of the mediator depending on the circumstances for example a simple consumer issue vs. a franchisor dispute.

Role of the Arbitrator:
Should ADR agreements be incorporated into consumer transactions? What is the value?

Opt out provisions (consumer vs. commercial)

Approvals and types of ADR provisions and agreements (model agreements)

What happens when the parties can’t come to an agreement?

* + Give up and litigate?
	+ Provide the Mediator with more time and opportunity.

Use of a Mediators blind Memorandum of Agreement.

* + What is it?
	+ Does it work?

Enforceability of arbitration awards

 Court of competent jurisdiction

Counterclaims:

* + - Judgments
		- Calculations

16.Compliance Considerations in Post Default Collections and Repossessions

Panelists: Nicole Munro- Partner at Hudson Cook

Corinne Kirkendall- VP Compliance and Regulatory Affairs at PassTime

Length of Time: 90 minutes

Scope of the review

Use of GPS and SID

* + State Legislation and Status
	+ UCC and State Installment Sales Acts
	+ Data Security
	+ Disclosures

General Collection and Repossession Issues

* + UCC and State Installment Sales Acts
	+ Choice of Law Issues
	+ Courts/UDAAP/Miscellaneous Issues

13.Suggestions from Clay Sheitzach, General Counsel, Drive Time

Erin, I’m still new to NADC, so not sure how this works, but to the extent you are really looking for topic ideas, here are items my team would love to see:

1. TCPA tips, trends, and tactics- likely panel of in-house/outside firm;
2. Title and lien issues- What to do when it goes wrong- likely panel of in-house/outside firm;
3. Remarketing- When to get the car and what to do with it when you get it- likely panel of in-house/outside firm;
4. Compliance- The Regulators are (always) coming- Staying ahead of the constantly changing regulatory world.- likely panel of in-house/outside firm;
5. Views from the inside- What your clients deal with every day (in-house perspective on daily legal struggles and challenges)- good for panel of in-house folks with maybe an outside moderator; and
6. Views from the government- Get some pertinent regulators on a panel with outside or in-house lawyers to discuss interactions, trends, what works, what doesn’t.

These are all topics my team deals with daily, so of great interest. Not sure how that applies across your membership. Would be happy to help y’all put these or any other presentations together, and even participate where appropriate.