



BASSFORD REMELE

Patrick D. Newman

SHAREHOLDER
RECRUITING CO-CHAIR



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PRACTICE GROUPS

Bankruptcy/Creditors' Remedies
Class Action/Multidistrict Litigation
Commercial Litigation
Consumer Law Defense

INDUSTRY GROUPS

Credit and Collection
Financial Services

OVERVIEW

Mr. Newman is a commercial litigator who defends members of the financial services industry. He regularly represents credit and collection professionals, repossession agents, background screeners, lenders, and fintech companies against consumer-protection lawsuits, including class actions. Mr. Newman serves on the Board of Directors of the Great Lakes Credit and Collection Association and is the Co-Chair of Bassford Remele's Consumer Law Defense Practice Group.

Mr. Newman uses practical, creative experience to help clients from across the United States prevent and navigate disputes in federal and state trial court, as well as bankruptcy courts and appellate tribunals. He has extensive experience working closely with in-house counsel and financial services providers defending against Fair Debt Collection Practices Act, Fair Credit Reporting Act, Telephone Consumer Protection Act, and other consumer-protection claims. He also counsels clients on developing compliance protocols and how to navigate regulatory enforcement actions. Mr. Newman represents commercial creditors in bankruptcy cases and secured transaction disputes as well.

Mr. Newman has successfully tried a civil case to jury verdict. He has also secured published federal appellate decisions in favor of the credit and collection industry on issues arising under the FDCPA and FCRA.

Mr. Newman serves as Co-Chair of Bassford Remele's Recruiting Committee.

EDUCATION & ADMISSIONS

Education

William Mitchell College of Law, J.D., *magna cum laude*, 2013
- CALI Award Recipient
- Burton Award Nominee, Best Brief
University of Wisconsin-Madison, B.A., 2010

Bar Admissions

- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Eighth Circuit
- U.S. District Court, District of Minnesota
- U.S. District Court, District of Colorado
- U.S. District Court, District of North Dakota
- U.S. District Court, Central District of Illinois
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Southern District of Illinois
- U.S. District Court, Northern District of Indiana
- U.S. District Court, Southern District of Indiana
- U.S. District Court, Eastern District of Michigan
- U.S. District Court, Eastern District of Missouri
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Northern District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Western District of Texas
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Western District of Wisconsin
- Minnesota
- Wisconsin

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EXPERIENCE

Representative Cases

Appellate

- Obtained affirmance of trial court's dismissal of consumer's claim that collection attorney improperly accessed credit report and improperly communicated after receipt of cease request; *Scheffler*, 791 F.3d 847 (8th Cir. 2015).
- Represented collection agency in appeal to the Seventh Circuit in certified FDCPA class action, successfully overturned trial court judgment that collection letter failed to state the amount of the debt for lack of an explicit interest disclosure on grounds that consumers lacked Article III standing because they failed to present any evidence of claimed harm.

Credit and Collection

- Obtained dismissal of state law invasion of privacy claims in FCRA action against data furnisher on grounds that federal statute preempted state law claims.
- Secured dismissal of putative FDCPA class action where challenged letters listed an account with a zero balance because even the unsophisticated consumer is capable of performing simple math.
- Court granted dismissal to collection agency in FDCPA action premised on alleged misidentification of creditor.
- Obtained voluntary dismissal of attorney meaningful involvement claim and summary judgment in favor of collection law firm on consumer FDCPA claim that law firm failed to verify the debt before executing on judgment.
- Motion to dismiss granted on consumer's claim that FDCPA prohibited a collection agency from informing consumer that collection agency may submit a negative credit reporting tradeline to the Credit Reporting Agencies, even though prior collection agency had previously reported a tradeline for the same debt. Court ruled that data furnisher has the right to submit a negative tradeline of its own, regardless of whether another party has previously reported a tradeline for the same obligation.
- Judgment on the pleadings granted in favor of law firm in FDCPA suit on grounds that statute does not apply to attorneys representing landlords in eviction actions.
- FDCPA case premised on proofs of claim filed by debt purchaser in chapter 13 bankruptcy dismissed because Bankruptcy Code, not FDCPA, governs proof-of-claim process.
- Obtained decision dismissing consumer's claim that collection agent and attorney improperly attempted to enforce judgment through state-court garnishment proceedings.

Bankruptcy

- Appointed as counsel for the Official Committee of Unsecured Creditors. *In re: Millerbernd Systems, Inc.*, Bky. No. 18-41286 (Bankr. D. Minn.).
- Represented multiple consignment creditors in a jointly-administered retail distribution Chapter 11 bankruptcy case involving seven separate distribution entities across the U.S. and Canada. *In re: WYNIT Distribution, LLC*, Bky. No. 17-42726 (Bankr. D. Minn.).
- Represented an owner/landlord of commercial real property leased to a debtor in a big-box retail bankruptcy proceeding. *In re: Gander Mountain Co.*, No. 17-30673 (Bankr. D. Minn.).

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Publications

- *Proceed with Caution: Data Collection and Connected Cars*, author, American Recovery Association, June 2021
- *Covering Your Contractual Bases: Potentially Problematic “Boilerplate” Provisions*, author, American Recovery Association, 2021
- *New Sheriff in Town? CFPB Areas of Focus with Change of Administration*, author, American Recovery Association, Apr. 2021
- *The Cobb Notice: Beware “Reasonable Reliance” Issues in Secured Financing Agreements*, author, American Recovery Association, Apr. 2021
- *Seventh Circuit Court of Appeals Takes a Stand on Standing Under the FDCPA*, author, ACA Collector, Dec. 22, 2020
- *Bankruptcy Bulletin*, editorial board, Minnesota State Bar Association, 2018-2019
- *Managing Risk: How to Sidestep These 11 Common Collection Letter Claims and Protect Your Business*, author, ACA Collector, Apr. 2019
- *Supreme Court Limits the Financial Settlement Safe Harbor of Section 546(e)*, author, Minnesota State Bar Association, *Bankruptcy Bulletin*, Summer 2018
- *Where Do We Stand? Pleadings, Proof, and Strict Liability Following “Spokeo,”* author, Hennepin County Bar Association, 2016
- *The FDCPA & CFPB: What Debt Collectors Must Know Now!*, author, National Business Institute, 2015
- *Discovery of Assets*, author, Chapter 7, *Debtor-Creditor Handbook*, Minnesota State Bar Association, 2014
- *Debt Collection Law and the CFPB*, author, National Business Institute, 2014

Seminars

- Mr. Newman was a guest speaker on the podcast Repo America:
 - *CFPB to Repossessors: “We Are Watching,”* March 10, 2022
 - *Throwing Ourselves Under the Bus?*, December 7, 2021
 - *Can Body Cameras Save Your Bacon?*, June 4, 2021
 - *The Poison Pen: Repo Agents Signing Bad Contracts*, April 20, 2021
- Mr. Newman and one of his colleagues host the “In the Alphabet Soup with Bassford Remele” webinar series on the ACA International platform. Mr. Newman and his colleague synthesize their insights on risk management issues facing the credit and collection industry, which is critical to industry-wide efforts to remain compliant in the face of ever-changing regulatory and compliance requirements and litigation trends:
 - *What Does the CFPB Consider “Fair” When it Comes to the Fair Credit Reporting Act?*, September 29, 2022
 - *The End of the Beginning: Implementing Reg F Beyond the Model Validation Notice*, May 24, 2022
 - *The State of the Alphabet Soup Laws Post-Enactment of Regulation F*, February 23, 2022

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Mr. Newman and one of his colleagues have synthesized their daily experiences with “alphabet soup” claims (FDCPA, FCRA, TCPA, etc.) into a webinar series entitled “In the Alphabet Soup with Bassford Remele” in which they discuss and analyze the latest consumer law developments:

- *Five Things You Should Have on Your Regulation F Radar Now That Your Validation Notice Is Ready*, November 3, 2021
- *Is Your Validation Notice Ready for Reg F?*, September 8, 2021
- *Data Privacy and Cybersecurity: Past Breaches, Current Law, and Issues on the Horizon*, August 18, 2021
- *You Can Finally Send Emails!! Now What?*, April 14, 2021
- *Avoiding the Pitfalls of Payment Portals*, October 8, 2020
- *Fair Credit Reporting Act Spotlight: Trends and Tips Before and After COVID-19*, May 20, 2020
- *Piqued Interest: Recent Decisions Regarding Collection Letter Disclosures*, February 12, 2020
- *The Privacy Police Are Watching*, presenter, American Recovery Association, November 9, 2022
- *Ask The Credit Reporting Expert*, presenter, AccountsRecovery.net Webinar, October 26, 2022
- *State Court v. Federal Court: Where Do You Want To Be?*, presenter, AccountsRecovery.net Webinar, August 3, 2022
- *Ask The Credit Reporting Expert*, presenter, AccountsRecovery.net Webinar, July 25, 2022
- *Compliance Thoughts for the Current Regulatory Climate*, presenter, American Recovery Association, June 22, 2022
- *Ask The Credit Reporting Expert*, presenter, AccountsRecovery.net Webinar, May 23, 2022
- *Wrongful Repossession Litigation in the Great Lakes States: Compliance and Defenses*, presenter, Harding Brooks Insurance Agency, May 19, 2022
- *Reg F: Best Practices Around Compliance and Compliance Litigation*, presenter, Great Lakes Credit and Collection Association 6th Annual Conference, Chicago, Ill., May 12, 2022
- *Medical Debt and Credit Reporting*, presenter, ACA International Hot Topics Webinar, April 20, 2022 (Part 1); April 28, 2022 (Part 2)
- *Ask The Credit Reporting Expert*, presenter, AccountsRecovery.net Webinar, March 28, 2022
- *CFPB Renews Its Focus on the Auto Lending Industry*, presenter, American Recovery Association, March 17, 2022
- *Why Companies Should Stop Arguing Lack of Standing and Fight Cases on the Merits*, presenter, AccountsRecovery.net Webinar, March 2, 2022
- *The Debate Over How to Report Paid-In-Full Accounts*, presenter, AccountsRecovery.net Webinar, February 3, 2022
- *Creating a Culture of Compliance*, presenter, AccountsRecovery.net Webinar, January 25, 2022
- *Conversations to Have During the Validation Period*, presenter, AccountsRecovery.net Webinar, December 16, 2021

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- *Has Hunstein Gone Away?*, presenter, AccountsRecovery.net Webinar, November 1, 2021
- *How Regulation F and the FDCPA Will Work Together*, presenter, AccountsRecovery.net Webinar, September 14, 2021
- *Understanding the Sovereign Citizen Movement*, presenter, AccountsRecovery.net Webinar, July 9, 2021
- *How Hunstein Impacts Regulation F*, presenter, AccountsRecovery.net Webinar, July 1, 2021
- *Data Privacy Issues & Your Business*, presenter, American Recovery Association, June 9, 2021
- *What Constitutes an FCRA Investigation?*, presenter, AccountsRecovery.net Webinar, May 21, 2021
- *Reg F's Impact on Collecting Multiple Medical Debts*, presenter, AccountsRecovery.net Webinar, May 6, 2021
- *Time and Place Restrictions on Debt Collector Communications with Consumer (1006.6(b)(1))*, presenter, ACA International, ACA How, Regulation F Implementation Series, April 2021
- *Litigation Perspectives*, presenter, American Recovery Association, April 7, 2021
- *A Primer on the Bona Fide Error Defense and How it's Applied to Regulation F*, presenter, AccountsRecovery.net Webinar, March 23, 2021
- *The Areas of The Debt Collection Rule That Plaintiff's Attorneys Will Focus On*, presenter, AccountsRecovery.net Webinar, February 10, 2021
- *How to Stay off the Radar of Plaintiffs' Attorneys*, presenter, AccountsRecovery.net Webinar, October 29, 2020
- *The Most Common Overshadowing Pitfalls and How to Avoid Them*, presenter, AccountsRecovery.net Webinar, September 22, 2020
- *Actionable Strategies for Reducing Delinquent Payers While Strengthening Patient Relationships Throughout the Revenue Cycle*, presenter, MMGMA Winter Conference, Minneapolis, Minn., March 11, 2020
- *BCFP: New Name, New Direction?*, presenter, Hennepin County Bar Association Debtor/Creditor Remedies Section, Minneapolis, Minn., January 16, 2019
- *Staying Out of the Soup: Select Ethics Issues in "Alphabet Soup" Consumer Law Litigation*, presenter, Fall Conference, National Creditors Bar Association, Nashville, Tenn., October 6, 2018
- *Lessons Learned in the Trenches – How to Avoid Risks and Win Battles*, presenter, Minnesota Lawyers Mutual Insurance Company, Minneapolis, Minn., September 5, 2018
- *More Like Inconvenience Fees: Recent Trends in Add-on Fee Litigation*, presenter, ACA International Annual Convention & Expo, Nashville, Tenn., July 25, 2018
- *Regulation of Unfair, Deceptive and Abusive Practices in Financial Services*, co-presenter with C.R. Morris, Representing Community Banks in Minnesota webcast, Minnesota CLE, December 13, 2017
- *Fair Debt: Ethics in Consumer Collection Litigation*, presenter, The National Creditors Bar Association Fall Conference, Washington, D.C., October 14, 2017
- *Fair Debt Collection Practices Act Panel Discussion*, panel member, Hennepin County Bar Association Continuing Legal Education, May 17, 2017

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- *Where Do We Stand? Pleadings, Proof, and Strict Liability Following "Spokeo,"* presenter, Hennepin County Bar Association Continuing Legal Education, Minneapolis, Minn., September 21, 2016
- *The FDCPA & CFPB: What Debt Collectors Must Know Now!*, presenter, National Business Institute, Eau Claire, Wis., June 2, 2015 and December 3, 2014
- *Locating Assets*, presenter, Minnesota State Bar Association Continuing Legal Education, Minneapolis, Minn., January 2, 2015
- *Updates on the Consumer Financial Protection Bureau*, presenter, Hennepin County Bar Association Continuing Legal Education, Minneapolis, Minn., September 1, 2014
- *Debt Collection Law and the CFPB*, presenter, National Business Institute, Eau Claire, Wis., August 5, 2014

PROFESSIONAL & CIVIC

Bar Associations

- Federal Bar Association
- Minnesota State Bar Association
 - Consumer Law Section, Former Council Member
 - Bankruptcy Section
- State Bar of Wisconsin
- Hennepin County Bar Association
 - Debtor/Creditor Section

Professional Associations

- ACA International, Inc.
 - Members' Attorney Program
 - Collection Notice Review (CNR) Panel
 - MAP State Compliance Chair, Wisconsin, 2021-present
- Great Lakes Credit and Collection Association.
 - Board of Directors, 2022-present
- American Recovery Association
- The National Creditors Bar Association
- International Association of Privacy Professionals
- Minnesota Defense Lawyers Association

Civic Involvement

- *Pro Se* Project, Minnesota Chapter, Federal Bar Association
- Volunteer Lawyers Network, 2017-2019, 2022

ACCOLADES

Honors & Awards

- Up-and-Coming Attorney, *Minnesota Lawyer*, 2020
- Best Lawyers: Ones to Watch, Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, and Commercial Litigation, 2021-present
- Minnesota Rising Stars list, *Super Lawyers*, 2017-present