



BASSFORD REMELE

Patrick D. Newman

SHAREHOLDER



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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 against consumer-protection lawsuits, including class actions.

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 recently secured a published federal appellate decision in favor of a collection law firm. He also successfully represented several creditors in a fast-paced Chapter 11 filed by a high-profile sporting retailer.

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 Wisconsin
- U.S. District Court, Western District of Wisconsin
- Minnesota
- Wisconsin

EXPERIENCE

Representative Cases

- 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.

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- Appointed as counsel for the Official Committee of Unsecured Creditors. *In re: Millerbernd Systems, Inc.*, Bky. No. 18-41286 (Bankr. D. Minn.).
- 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.
- 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.).
- 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).
- Decision dismissing consumer's claim that collection agent and attorney improperly attempted to enforce judgment through state-court garnishment proceedings.

Publications

- *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

- 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

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- *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
- *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, Council Member
 - Bankruptcy Section
- State Bar of Wisconsin
- Hennepin County Bar Association
 - Debtor/Creditor Section

Professional Associations

- ACA International, Inc.
 - Members’ Attorney Program
- Minnesota Defense Lawyers Association
- The National Creditors Bar Association
- The Risk Management Association

Civic Involvement

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

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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
- Minnesota Rising Stars list, *Super Lawyers*, 2017-present