



BASSFORD REMELE

Jessica L. Klander

SHAREHOLDER
CHIEF OPERATING OFFICER



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PRACTICE GROUPS

Class Action/Multidistrict Litigation
Consumer Finance
Data Privacy and Cybersecurity
General Liability
Professional Liability/
Claim Prevention

INDUSTRY GROUPS

Credit and Collection
Financial Services
Health Care
Law Firms and Lawyers
Non-Profit Industry

OVERVIEW

Jessica Klander is a shareholder at Bassford Remele and the co-chair of the Consumer Finance Practice Group. Her practice focuses on defending lawyers, financial entities, healthcare providers, and other organizations against consumer financial protection claims, malpractice, and professional liability claims. In particular, she counsels organizations on privacy, data security, and governmental and regulatory affairs. She assists with advising and representing health care organizations, collection agencies, and law firms against state and federal regulatory inquiries, civil investigative demands, and consumer lawsuits.

Jessica also consults with law firms, collection agencies, creditors, and health care organizations on the myriad of state and federal laws and regulations that apply to an organization's compliance management system. She has significant experience working as a compliance consultant with hospital systems, collection agencies, and law firms, and is regularly retained as outside general counsel to perform compliance audits, build and refine policies and procedures, and provide risk management advice for compliance under the many laws that converge in these arenas, including:

- No Surprises Act,
- Minnesota Attorney General Hospital Agreement,
- Minn Stat. § 62Q.75 (third-party billing/patient responsibility),
- Health Insurance Portability and Accountability Act (HIPAA) (privacy in patient billing),
- Gramm-Leach-Bliley Act (GLBA) Safeguards Rule,
- California Consumer Protection Act (CCPA),
- General Data Protection Regulation (GDPR),
- Equal Opportunity Act,
- Federal Bankruptcy Code,
- Truth in Lending Act (TILA)/Regulation Z (medical credit cards),
- Electronic Fund Transfers Act (EFTA)/(Regulation E),
- Fair Debt Collection Practices Act (FDCPA)/Regulation F,
- Fair Credit Reporting Act (FCRA),
- Telephone Consumer Protection Act (TCPA).

Jessica serves as Treasurer of the Hennepin County Bar Association and on the insideArm Legal Advisory Board. She regularly presents at national conferences on federal consumer regulations, including at ACA International, Inc. Jessica also serves as Bassford Remele's Chief Operating Officer and as co-chair of its Recruiting Committee.

EDUCATION & ADMISSIONS

Education

William Mitchell College of Law, J.D., *summa cum laude*, 2011

- Dean's List, 2008-2011
 - Trustee Merit Scholarship, 2008-2011
 - CALI Award Recipient
 - *William Mitchell Law Review*; Executive Editor, Vol. 38, 2010-2011; staff member, 2009-2010
- Macalester College, B.A., 2004

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Bar Admissions

- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, District of Minnesota
- U.S. District Court, District of Nebraska
- U.S. District Court, Eastern District of Arkansas
- U.S. District Court, Western District of Arkansas
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Southern District of Iowa
- U.S. District Court, Eastern District of Michigan
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Western District of Wisconsin
- Minnesota
- Iowa
- Missouri
- North Dakota

Judicial Clerkships

- U.S. District Court, District of Minnesota, Magistrate Judge Franklin Noel, Law Clerk Extern, 2010
- Seventh Judicial District, The Honorable Thomas Knapp, Law Clerk Intern, 2009

EXPERIENCE

Representative Cases

- Represented agency in appeal on two consolidated claims based on the allegation that language in letters was false or misleading and successfully affirmed dismissal at the Seventh Circuit on grounds that consumers lacked Article III standing because they failed to present any evidence of claimed harm.
- Obtained opinion from the Eighth Circuit Court of Appeals affirming the district court's order dismissing the plaintiff's FDCPA claims on the grounds that the challenged letter was not unfair or deceptive and the interest sought was permitted.
- Obtained opinion affirming the district court's order dismissing the plaintiff's FDCPA claims and holding as a matter of first impression that a materiality standard applies to claims of deception under the FDCPA; *Hill*, 888 F.3d 343 (8th Cir. 2018).
- Successfully defended agency against FDCPA claims and obtained order dismissing the plaintiff's claims on the grounds that the challenged letter was not deceptive, the claims were immaterial, and interest sought was permitted.
- Obtained decision affirming summary judgment in favor of attorney defendants because the plaintiff could not produce evidence to prove that but for the attorneys' alleged malpractice, the plaintiff would have obtained a more favorable result in the underlying real estate transaction.
- Obtained order dismissing a plaintiff's medical malpractice claims because the complaint failed to allege compensable damages.
- Obtained order dismissing a plaintiff's complaint for failure to meet basic pleading requirements under Minn. R. Civ. P. 8.01.
- The Minnesota Supreme Court granted immunity to the provider under the Minnesota Commitment Treatment Act holding that the Act applied to a provider's good-faith actions not to admit a patient seeking voluntary admission; *Binkley*, 877 N.W.2d 547 (Minn. 2016).

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- Successfully defended agency against FDCPA claims and obtained order dismissing the plaintiff's claims on the grounds that the FDCPA does not apply to tort subrogation claims and imposing sanctions against the plaintiff for frivolous motion filing.
- Successfully defended client against legal malpractice claims and obtained order dismissing actions and imposing sanctions on plaintiff including filing injunction.
- Successfully obtained order staying litigation in the case until resolution of the FCC's determination on TCPA rulings.
- Successfully obtained reversal of federal district court order granting class certification on claims under the FDCPA because the claims lacked commonality and predominance and a class action was not a superior method of resolving the claims.
- Obtained opinion affirming the district court's order dismissing the plaintiff's claims under the Racketeer Influenced and Corrupt Organizations Acts and for interference with contractual relations and order enjoining the plaintiff from pursuing future similar litigation absent an attorney or court approval; *Blodgett*, 555 F. App'x 639 (8th Cir. 2014)
- Obtained opinion holding that the FDCPA requires that a validation notice be "sent," not "received," that opinions regarding a debtor's creditworthiness do not amount to a FDCPA violation, and that a misrepresentation must be "material" to be a violation.
- Obtained opinion holding that mortgage foreclosure activities, including a pre-foreclosure notice with FDCPA language, are not taken "in connection with the collection of any debt" and therefore not subject to the FDCPA.

Publications

- *Bassford Remele Consumer Law Defense and Risk Management E-Bulletin*, author, 2013-present
- *The Basics: Why Data Security Matters*, co-author, Upsize Magazine, November/December 2023
- *Help! My Client Isn't Paying Me!*, author, Attorney at Law Magazine, Vol. 12, No. 6, June 2023
- *Managing Risk: How to Sidestep These 11 Common Collection Letter Claims and Protect Your Business*, author, ACA Collector, Apr. 2019
- *You've Been Served With a Subpoena. Now What?*, co-author with C.E. Hinrichs, Minnesota Medicine, May/June 2016
- *TCPA 'Clarifications' Likely Lead to Flood of Lawsuits*, co-author with M.A. Klutho, Minnesota Lawyer, Nov. 24, 2015
- *The FCC's Recent Express Consent Amendment to the Telephone Consumer Protection Act*, author, Hearsay, Winter 2014, Vol. XVI, No. 2 (Minnesota State Bar Association New Lawyers Section)
- *Facebook Friend or Foe?: The Impact of Modern Communication on Historical Standards for Service of Process – Shamrock Development v. Smith*, author, 36 Wm. Mitchell L. Rev. 241 (2009)

Seminars

- Jessica and one of her colleagues host the "In the Alphabet Soup with Bassford Remele" webinar series on the ACA International platform. Jessica and her 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:
 - *Fee Focus: Applying the Appropriate Lens to Your Case Based on the Law, Facts, and Plaintiffs Counsel's Fees*, April 27, 2023

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- *The Safeguards Rule*, January 12, 2023
- *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
- *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
- *How to Know When a Case is a “Bet the Company” Case*, presenter, AccountsRecovery.net, February 14, 2024
- *Trends and Hot Topics in Legal Ethics and Legal Malpractice*, presenter, Minnesota Defense Lawyers Association Mid-Winter Conference, January 28, 2024
- *Ask the Credit Reporting Expert*, presenter, AccountsRecovery.net, November 20, 2023
- *“Moneyball” Lessons – Focus on Baserunners, Instead of Home Runs – And Magic Happens*, presenter, Minnesota Collection Conference, October 24, 2023
- *Law and Ethics, Ethics Update*, presenter, Torts Litigation and Ethics XIV, September 29, 2023
- *Ask the Credit Reporting Expert*, presenter, AccountsRecovery.net, September 27, 2023
- *Wellness Discussion*, panelist, Minnesota Defense Lawyers Association New Lawyers Series, September 7, 2023
- *The Compliance Circuit*, presenter, ACA International Annual Convention & Expo, Chicago, Ill., July 28, 2023
- *Building on Bankruptcy Basics: Bonding Over the Bankruptcy Code*, presenter, ACA International Annual Convention & Expo, Chicago, Ill., July 27, 2023
- *Should I Settle This Case or Fight It?*, presenter, AccountsRecovery.net, June 16, 2023
- *Considerations in Responding to a Subpoena*, presenter, Minnesota Conference of Association of Corporate Counsel, June 15, 2023
- *ARM Industry Legal Trends to Know Now*, presenter, insideARM, May 24, 2023
- *A Burned Out and Isolated Attorney Is An Unproductive Employee (if they stick around at all)*, presenter, Third Annual Honorable Steven E. Rau Memorial Lecture, Mitchell Hamline School of Law, May 23, 2023
- *The Diverging Definitions of the Least Sophisticated Consumer*, presenter, AccountsRecovery.net, April 4, 2023

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- *Ask the Credit Reporting Expert*, presenter, AccountsRecovery.net Webinar, March 24, 2023
- *Medical Debt Credit Reporting – What You Need to Know*, presenter, AccountsRecovery.net, February 15, 2023
- *The Hunstein Ruling Explained, A Guide for Non-Lawyers*, presenter, insideArm, September 19, 2022
- *All of Reg F's Still Unanswered Questions*, presenter, AccountsRecovery.net, September 15, 2022
- *What's Risky and Not Risky in Today's Legal Landscape*, presenter, AccountsRecovery.net, July 14, 2022
- *Best Practices – A Private Panel*, panelist, Renewing the Call to Action on Well-Being – The World Has Changed Seminar, United States District Court for the District of Minnesota and Minnesota Supreme Court, June 29, 2022
- *Don't Get Stranded On The [Courthouse] Roadside Due to a "Letter Breakdown,"* presenter, ACA International Hot Topics, June 9, 2022
- *How Has the MVN Changed Collection Rates?* presenter, AccountsRecovery.net, May 20, 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
- *The Most Common Questions Consumers Ask About Reg F and How to Answer Them*, presenter, AccountsRecovery.net, April 29, 2022
- *Medical Debt and Credit Reporting*, presenter, ACA International Hot Topics, April 20, 2022 (Part 1); April 28, 2022 (Part 2)
- *Ask the Credit Reporting Expert*, presenter, AccountsRecovery.net, February 28, 2022
- *The Most Common FCRA Mistakes to Avoid*, presenter, AccountsRecovery.net, February 4, 2022
- *Should You Credit Report Under Reg F?*, presenter, AccountsRecovery.net, January 13, 2022
- *What 2022 Holds for Collection Litigation*, presenter, AccountsRecovery.net, December 20, 2021
- *Reg F . . . Let's Discuss.*, presenter, Great Lakes Credit and Collection Annual Conference, October 29, 2021
- *Updating Your Website to Get Ready for Reg F*, presenter, AccountsRecovery.net, October 25, 2021
- *Hunstein and Reg F Walk Into a Bar . . . Unfortunately, It's Not a Joke*, presenter, Hennepin County Bar Association Debtor/Creditor Section, October 20, 2021
- *Answers to your Reg F Questions*, presenter ACA International Huddle, October 6, 2021
- *Law and Ethics Update*, presenter, Torts, Litigation, and Ethics XI, September 17, 2021
- *Making Sense of the Itemization Date Requirements*, presenter, AccountsRecovery.net, August 26, 2021
- *The Must-Haves and Should-Haves of Regulation F*, presenter, AccountsRecovery.net, August 20, 2021
- *Lessons Learned: Utilizing the Pandemic Experience to Avoid Legal Pitfalls and Cyber Security Risks as we Move to a Hybrid Workforce*, panelist, Bassford Remele Ethics Seminar, June 23, 2021

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- *Data Privacy Issues & Your Business*, presenter, American Recovery Association, June 9, 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 Landscape Update*, presenter, ACA International Huddle, April 28, 2021
- *Legal Ethics Updates and Hot Topics*, presenter, Hennepin County Bar Association Ethics and Professionalism Section, February 12, 2021
- *Avoiding Potential Payment Portal Pitfalls*, presenter, ACA International Hot Topics, January 14, 2021
- *Delivery Requirements (Vendor Side) Electronic Communication Requirements*, presenter, ACA International Huddle, January 12, 2021
- *Law and Ethics Update*, presenter, Torts, Litigation, and Ethics XI, August 28, 2020
- *Release of Information*, presenter, Minnesota Mental Health & the Law 2020 Seminar, PESI, Inc., February 21, 2020
- *BCFP: New Name, New Direction?*, presenter, Hennepin County Bar Association Debtor/Creditor Remedies Section, January 16, 2019
- *The Unique Risks of Healthcare Collections and How to Address Them*, presenter, ACA International Hot Topics, December 5, 2019
- *Real World Strategies to Manage & Lessen Legal Risks in Collections*, presenter, ACA International Annual Convention & Expo, San Diego, Cal., July 15, 2019
- *Ethics, Technology, and You: Lawyer Ethical Obligations Relating to Technology and Cyber Security*, panelist, Bassford Remele Ethics Seminar, June 18, 2019
- *Law & Ethics: Legal Ethics Update 2019*, presenter, Torts, Litigation and Ethics X Seminar, April 12, 2019
- *Lessons Learned in the Trenches – How to Avoid Risks & Win Battles*, presenter, National Healthcare Collector's Association 49th Annual Spring Conference, Myrtle Beach, South Carolina, April 9, 2019
- *Release of Information*, presenter, Minnesota Mental Health & the Law 2019 Seminar, PESI, Inc., February 8, 2019
- *BCFP: New Name, New Direction?*, Hennepin County Bar Association Debtor/Creditor Remedies Section, January 16, 2019
- *Staying Out of the Soup: Select Ethics Issues in "Alphabet Soup" Consumer Law Litigation*, presenter, National Creditors Bar Association Fall Conference, Nashville, Tenn., October 6, 2018
- *Lessons Learned in the Trenches – How to Avoid Risks and Win Battles*, presenter, Minnesota Lawyers Mutual Insurance Company, 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
- *Malpractice Insurance and Common Ethical Pitfalls*, presenter, 2018 Path to Partnership Institute, Minnesota State Bar Association, April 12, 2018

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- *Hot Topics in Legal Ethics and Professional Responsibility - Torts, Litigation and Ethics VII*, presenter, Eighth Annual Litigation and Ethics Seminar, April 6, 2018
- *Fighting Back: Collection Agency Sues Plaintiff's Law Firm*, presenter, ACA International Annual Convention & Expo, Seattle, Wash., July 18, 2017
- *Confidentiality & the Release of Health Information*, presenter, 2017 Health Law Institute, June 15, 2017
- *Hot Topics in Legal Ethics and Professional Responsibility*, presenter, Seventh Annual Litigation and Ethics Seminar, April 7, 2017
- *Litigious Attorneys & Bad Claims*, presenter, ACA International, March 15, 2017
- *Release of Information*, presenter, Minnesota Mental Health & the Law 2017 Seminar, PESI, Inc., February 20, 2017
- *Bad Claims – When Attorneys Attack a Collection Agency*, presenter, ACA International, December 8, 2016
- *The Aftermath of Spokeo - Where Do We Stand Now?*, co-presenter with M.A. Klutho, ACA International Fall Forum & Expo, Chicago, Ill., November 10, 2016
- *How to Walk the CFPB Line: New Spins on Old Collection Techniques*, co-presenter with C.R. Morris, National Business Institute Webinar, June 14, 2016
- *Confidentiality & the Release of Health Records*, presenter, Minnesota Health Information Management Association, Rochester, Minn., April 28, 2016
- *Flying Under the Radar: Complying with UDAAP Under a Time of Heightened Scrutiny*, co-presenter with M.A. Klutho, ACA International Spring Forum & Expo, Las Vegas, Nev., March 10, 2016
- *Release of Information*, co-presenter, Minnesota Mental Health & the Law 2016 Seminar, PESI, Inc., February 26, 2016
- *Shifting Sands: Court Interpretations of "Actual Damages,"* co-presenter with C.R. Morris, ACA International Annual Convention, Boston, Mass., July 19, 2015
- *Confidentiality & Mental Health Records Law*, presenter, St. Paul, Minn., November 21, 2014
- *Ethical Debt Collection*, co-presenter with M.A. Klutho, ACA International Fall Forum & Expo, San Francisco, Cal., November 6, 2014
- *Attorney Debt Collection: Hazards and Pitfalls*, co-presenter with M.A. Klutho, Minnesota CLE, October 30, 2014
- *Common Ethical Pitfalls Facing New Lawyers*, panel moderator, Minnesota Defense Lawyers Association, April 3, 2014
- *The Release of Mental Health Records*, presenter, Minnesota Mental Health & The Law, Health Education Network, LLC, Bloomington, Minn., March 14, 2014
- *Overview of HIPAA*, presenter, Medical Records Law Seminar, Lorman Education Services, Minnesota, March 26, 2013 (Minneapolis); January 29, 2013 (St. Cloud)
- *Compliance with the FDCPA and Consequences of Non-Compliance*, written materials, Debtor and Creditor Conference, Minnesota Continuing Legal Education, October 15, 2012
- *Cases, Claims & Groundbreaking Lawsuits*, written materials, ACA International, April 25, 2012

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PROFESSIONAL & CIVIC

Professional Achievements

- ACA International, Inc., Scholar

Bar Associations

- Federal Bar Association
- Minnesota State Bar Association
 - Consumer Law Section
- Iowa State Bar Association
- Hennepin County Bar Association
 - Treasurer, 2023-present
 - Secretary, 2022-2023
 - Board of Directors, 2018-present
 - Finance and Planning Committee; Vice-Chair, 2018-2021; member, 2015-2021
- Hennepin County Bar Foundation
 - Board of Directors, 2022-present

Professional Associations

- ACA International, Inc.
 - Members' Attorney Program
 - Collection Notice Review (CNR) Committee, 2024-present
 - CNR Panel, 2022-present
 - MAP State Compliance Chair, Minnesota, 2021-present
- insideArm Legal Advisory Board, 2021-present
- Professional Liability Defense Federation
 - *PLD Quarterly*, Executive Editor, 2022-2024
- Minnesota Defense Lawyers Association
 - New Lawyers Committee, Co-Chair, 2012-2014
- Minnesota Creditors' Rights Association
- The National Creditors Bar Association
- Minnesota Hospital Association
- Minnesota Women Lawyers

Civic Involvement

- Prodeo Academy, tutor
- Volunteer Lawyers Network, 2011-2019
- Aeon Foundation, 2013-present
- Tubman, 2011-present
- Cancer Benefit Fund, Board Member, 2008-2015
- William Mitchell College of Law, Mentorship Program, Mentor, 2012-2015

ACCOLADES

Honors & Awards

- Best Lawyers: Ones to Watch, Commercial Litigation and Professional Malpractice Law, 2021-present; Medical Malpractice Law, 2023-present, Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law and Legal Malpractice Law, 2024 ed.
- Top Lawyer, *Minnesota Monthly*, Professional Malpractice Law, 2022
- Up & Coming Attorney, *Minnesota Lawyer*, 2015
- Minnesota Super Lawyers list, *Super Lawyers*, 2023-present
- Minnesota Rising Stars list, *Super Lawyers*, 2014-2023