



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 Finance

INDUSTRY GROUPS

Credit and Collection
Financial Services

OVERVIEW

Patrick 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. Patrick recently served as Secretary/Treasurer of the Great Lakes Credit and Collection Association and is the Co-Chair of Bassford Remele's Consumer Finance Practice Group.

Patrick 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. Patrick represents commercial creditors in bankruptcy cases and secured transaction disputes as well.

Patrick has tried cases to verdict in state and federal court. He has also secured published federal appellate decisions in favor of the credit and collection industry on issues arising under the FDCPA and FCRA.

Patrick 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

Trial

- Achieved complete defense verdict at jury trial in case brought against creditors' remedies law firm based on UCC Article 9 issues.

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

- *Ameliorating Legal Malpractice Malaise: A Minnesota Guide for Minnesota Lawyers*, author, Vol. 12, No. 9, September 2023
- *Pick the Game You Can Win*, author, ACA Collector, May/June 2023
- *Dabbling in Debt Collection: Is Your Law Firm Unwittingly Acting as a “Debt Collector” Under the Fair Debt Collection Practices Act?*, author, Professional Liability Defense Quarterly, Vol. 15, No. 1, 2023
- *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

Patrick is a frequent presenter and author on topics concerning a number of regulated financial industries.

Co-Host of *In the Alphabet Soup with Bassford Remele* Webinar

Patrick and one of his colleagues hosted the “In the Alphabet Soup with Bassford Remele” webinar series on the ACA International platform. Patrick 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:

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- *Fee Focus: Applying the Appropriate Lens to Your Case Based on the Law, Facts and Plaintiff's Counsel's Fees*, April 27, 2023
- *The Safeguard 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

ACA International | Great Lakes Presentations

- *Learn about GLCCA's Slack*, Great Lakes Credit and Collection Association Education Webinar, presenter, December 6, 2023
- *"Let's Do The Numbers" An Ode to NPR's Marketplace (But for Debt Collection)*, Great Lakes Credit and Collection Association Education Webinar, presenter, October 17, 2023
- *Building on Bankruptcy Basics: Bonding Over the Bankruptcy Code*, presenter, ACA International Convention & Expo, Chicago, Ill., July 27, 2023
- *Cracking the Code – How to Use e-OSCAR to Solve Credit Disputes*, presenter, ACA International Huddle Series, March 1, 2023
- *Medical Debt and Credit Reporting*, presenter, ACA International Hot Topics Webinar, April 20, 2022 (Part 1); April 28, 2022 (Part 2)
- *Reg F One Year Later - Trends*, presenter, ACA International Huddle Series, November 30, 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
- *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
- *More Like Inconvenience Fees: Recent Trends in Add-on Fee Litigation*, presenter, ACA International Annual Convention & Expo, Nashville, Tenn., July 25, 2018

Repo America Podcast Guest Appearances

- *Talk To My Lawyer!*, guest speaker, Repo America, March 8, 2023
- *CFPB to Repossessors: "We Are Watching"*, guest speaker, Repo America, March 10, 2022
- *Throwing Ourselves Under the Bus?*, guest speaker, Repo America, December 7, 2021

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- *Can Body Cameras Save Your Bacon?*, guest speaker, Repo America, June 4, 2021
- *The Poison Pen: Repo Agents Signing Bad Contracts*, guest speaker, Repo America, April 20, 2021
- **AccountsRecovery.Net Webinar Presenter**
- *Important Legal Terms and Concepts You Should Know*, presenter, AccountsRecovery.net, January 29, 2024
- *What are the signs to look for when a consumer may be trying to bait a collector?*, featured speaker, Training Bytes, Episode 23, November 13, 2023
- *The Pros and Cons Altering the MVN*, presenter, AccountsRecovery.net, June 2, 2023
- *The Biggest Bankruptcy Pitfalls and How They Impact You*, presenter, AccountsRecovery.net, April 24, 2023
- *How Defending FDCPA Lawsuits Has Changed in the No-Standing Era*, presenter, AccountsRecovery.net, March 20, 2023
- *Ask The Credit Reporting Expert*, presenter, AccountsRecovery.net, February 23, 2023
- *What aspects of Regulation F do you Have to Comply With and Are the Safe Harbors Worth it?*, presenter, AccountsRecovery.net, December 2, 2022
- *Are We Any Closer to a Definition of “Substantially Similar” for the Model Validation Notice?*, presenter, AccountsRecovery.net, November 29, 2022
- *Ask The Credit Reporting Expert*, presenter, AccountsRecovery.net, October 26, 2022
- *State Court v. Federal Court: Where Do You Want To Be?*, presenter, AccountsRecovery.net, August 3, 2022
- *Ask The Credit Reporting Expert*, presenter, AccountsRecovery.net, July 25, 2022
- *Ask The Credit Reporting Expert*, presenter, AccountsRecovery.net, May 23, 2022
- *Ask The Credit Reporting Expert*, presenter, AccountsRecovery.net, March 28, 2022
- *Why Companies Should Stop Arguing Lack of Standing and Fight Cases on the Merits*, presenter, AccountsRecovery.net, March 2, 2022
- *The Debate Over How to Report Paid-In-Full Accounts*, presenter, AccountsRecovery.net, February 3, 2022
- *Creating a Culture of Compliance*, presenter, AccountsRecovery.net, January 25, 2022
- *Conversations to Have During the Validation Period*, presenter, AccountsRecovery.net, December 16, 2021
- *Has Hunstein Gone Away?*, presenter, AccountsRecovery.net, November 1, 2021
- *How Regulation F and the FDCPA Will Work Together*, presenter, AccountsRecovery.net, September 14, 2021
- *Understanding the Sovereign Citizen Movement*, presenter, AccountsRecovery.net, July 9, 2021
- *How Hunstein Impacts Regulation F*, presenter, AccountsRecovery.net, July 1, 2021
- *What Constitutes an FCRA Investigation?*, presenter, AccountsRecovery.net, May 21, 2021

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- *Reg F's Impact on Collecting Multiple Medical Debts*, presenter, AccountsRecovery.net, May 6, 2021
- *A Primer on the Bona Fide Error Defense and How it's Applied to Regulation F*, presenter, AccountsRecovery.net, March 23, 2021
- *The Areas of The Debt Collection Rule That Plaintiffs Attorneys Will Focus On*, presenter, AccountsRecovery.net, February 10, 2021
- *How to Stay off the Radar of Plaintiffs' Attorneys*, presenter, AccountsRecovery.net, October 29, 2020
- *The Most Common Overshadowing Pitfalls and How to Avoid Them*, presenter, AccountsRecovery.net, September 22, 2020

American Recovery Association | Repossession Industry Presentations

- *The Privacy Police Are Watching*, presenter, American Recovery Association, November 9, 2022
- *Compliance Thoughts for the Current Regulatory Climate*, presenter, American Recovery Association, June 2022
- *Wrongful Repossession Litigation in the Great Lakes States: Compliance and Defenses*, presenter, Harding Brooks Insurance Agency, May 19, 2022
- *CFPB Renews Its Focus on the Auto Lending Industry*, presenter, American Recovery Association, March 17, 2022
- *Data Privacy Issues & Your Business*, presenter, American Recovery Association, June 9, 2021
- *Litigation Perspectives*, presenter, American Recovery Association, April 7, 2021

Other Engagements

- *Differentiating Between Validation, Verification, and Disputes*, presenter, Collector.Live!, Nashville, Tenn., January 17-19, 2024
- *"Moneyball" Lessons – Focus on Baserunners, Instead of Home Runs – And Magic Happens*, presenter, Minnesota Collection Conference, October 24, 2023
- *The 8th Annual Nortridge User Meeting*, presenter, September 11, 2023
- *Am I Being Baited into Saying Something I Shouldn't*, presenter, Collector.Live!, Nashville, Tenn., January 26-27, 2023
- *Actionable Strategies for Reducing Delinquent Payers While Strengthening Patient Relationships Throughout the Revenue Cycle*, presenter, MMGMA Winter Conference, March 11, 2020
- *BCFP: New Name, New Direction?*, presenter, 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, 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, September 5, 2018
- *Regulation of Unfair, Deceptive and Abusive Practices in Financial Services*, presenter, Representing Community Banks in Minnesota, 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

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- *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, 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, January 2, 2015
- *Updates on the Consumer Financial Protection Bureau*, presenter, Hennepin County Bar Association Continuing Legal Education, 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
 - Secretary/Treasurer, 2023-2024
 - Board of Directors, 2022-2024
- American Recovery Association
- The National Creditors Bar Association
- Receivables Management Association International
- International Association of Privacy Professionals

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