

## BIOGRAPHIES

### First Panel



#### **Howard Beales**

*Professor of Strategic Management & Public Policy, George Washington University*

Professor Beales has published numerous articles addressing a wide variety of consumer protection regulatory issues, including privacy, law and economics, and the regulation of advertising. From 2001 through 2004, he served as the Director of the Bureau of Consumer Protection at the Federal Trade Commission (FTC), where he was instrumental in redirecting the FTC's privacy agenda to focus on the consequences of the use and misuse of consumer information. During his tenure, the Commission proposed, promulgated, and implemented the national Do Not Call Registry. He also worked with Congress and the Administration to develop and implement the Fair and Accurate Credit Transactions Act of 2003. His aggressive law enforcement program produced the largest redress orders in FTC history and attacked high volume frauds promoted through heavy television advertising. Dr. Beales previously served at the FTC as a staff economist, Assistant to the Director of the Bureau of Consumer Protection, Associate Director for Policy and Evaluation, and Acting Deputy Director. Immediately prior to joining the faculty at GW, he was the Chief of the Human Resources and Housing Branch of the Office of Information and Regulatory Affairs in the Office of Management and Budget. Howard Beales received his Ph.D. from the University of Chicago and a B.A. from Georgetown University.

Professor Beales' publications include:

- "Health Related Claims, the Market for Information, and the First Amendment," *Health Matrix: Journal of Law-Medicine*, Vol. 21, No. 1, pp. 7-31 (2011).
- "Consumer Protection and Behavioral Economics: To BE or Not to BE," *Global Competition Policy*, 2008.
- "Choice or Consequences: Protecting Privacy in Commercial Information," with Timothy J. Muris, *University of Chicago Law Review*, 2008.
- "Brightening the Lines: The Use of Policy Statements at the Federal Trade Commission," *Antitrust Law Journal*, 2005.



**Adam Levitin**

*Professor of Law, Georgetown Law School*

Professor Levitin specializes in bankruptcy, commercial law, and financial regulation. His scholarship has won numerous awards, including the American Law Institute's Young Scholar's Medal, in recognition of his work's potential to influence improvements in law.

Before joining Georgetown faculty, Professor Levitin practiced in the Business Finance & Restructuring Department of Weil, Gotshal, & Manges, LLP and served as law clerk to the Honorable Jane R. Roth on the United States Court of Appeals for the Third Circuit. Professor Levitin has also previously served as the Bruce W. Nichols Visiting Professor of Law at Harvard Law School, as the Robert Zinman Scholar in Residence at the American Bankruptcy Institute, as Special Counsel to the Congressional Oversight Panel for the Troubled Asset Relief Program, and on the Consumer Financial Protection Bureau's Consumer Advisory Board.

Professor Levitin's publications include:

- Adam Levitin & William W. Bratton, *A Transactional Genealogy of Scandal: From Michael Milken to Enron to Goldman Sachs*, 86 S. Cal. L. Rev. 783-868 (2013).
- Adam Levitin & Susan M. Wachter, *Why Housing?*, 23 Hous. Pol'y Debate 5-27 (2013).
- Adam Levitin & Susan M. Wachter, *The Public Option in Housing Finance*, 46 U.C. Davis L. Rev. 1111-1173 (2013).
- Adam Levitin, *Bankrupt Politics and the Politics of Bankruptcy*, 97 Cornell L. Rev. 1399-1459 (2012).



**Patricia McCoy**

*Professor of Law, Boston College Law School*

Professor McCoy, a nationally prominent scholar in financial services regulation, is the inaugural Liberty Mutual Insurance Professor of Law. In 2010 and 2011, she joined the U.S. Department of the Treasury, where she helped form the new Consumer Financial Protection Bureau (CFPB), and, as the CFPB's first assistant director for mortgage markets, oversaw the Bureau's mortgage policy initiatives. She teaches insurance law as well as banking regulation and a full array of other financial services regulatory courses. After receiving her law degree from U.C. Berkeley, Professor McCoy clerked for the late Hon. Robert S. Vance on the U. S. Court of Appeals for the Eleventh Circuit and was a partner at Mayer Brown in Washington, D.C., specializing in complex securities, banking and constitutional litigation. More recently, she was the Director of the Insurance Law Center at the University of Connecticut School of Law before joining the Boston College faculty.

Professor McCoy's research interests focus on the nexus between financial products, consumer welfare, and systemic risk, analyzed through the lens of law, economics, and empirical methods. In *A Tale of Three Markets: The Law and Economics of Predatory Lending* in the *Texas Law Review* in 2002, Professor McCoy was among the first to raise alarms about the dangers of subprime loans. She has three books to her credit, the most recent being *The Subprime Virus* with Kathleen Engel, published by Oxford University Press in 2011. The author of numerous book chapters and articles, she has testified before Congress and been quoted in the *New York Times*, *Wall Street Journal*, and *The Washington Post* and on National Public Radio. Previously, Professor McCoy was a Visiting Scholar at the MIT Economics Department and served on the Federal Reserve's Consumer Advisory Council and on the board of the Insurance Marketplace Standards Association. In 2012, the American Law Institute named her as an Adviser to the Third Restatement on Consumer Contracts. She currently sits on the Advisory Committee on Economic Inclusion of the Federal Deposit Insurance Corporation, and on the Advisory Board for the Rappaport Center for Law & Public Policy at BC Law.



**Todd J. Zywicki**

*Professor of Law, George Mason Law School*

Professor Zywicki is the George Mason University Foundation Professor of Law at the Antonin Scalia Law School, Senior Scholar of the Mercatus Center at George Mason University, and Senior Fellow at the F.A. Hayek Program for Advanced Study in Philosophy, Politics and Economics. In 2009, Professor Zywicki was honored as the recipient of the Institute for Humane Studies 2009 Charles G. Koch Outstanding IHS Alum Award.

Since 2006 he has served as Co-Editor of the Supreme Court Economic Review. From 2003–04, Professor Zywicki served as the Director of the Office of Policy Planning at the Federal Trade Commission. He teaches in the area of Bankruptcy, Contracts, Commercial Law, Business Associations, Law & Economics, and Public Choice and the Law. He has also taught at Vanderbilt University Law School, Georgetown University Law Center, Boston College Law School, and Mississippi College School of Law.

Professor Zywicki clerked for Judge Jerry E. Smith of the U.S. Court of Appeals for the Fifth Circuit and worked as an associate at Alston & Bird in Atlanta, Georgia, where he practiced bankruptcy and commercial law. He received his JD from the University of Virginia, where he was executive editor of the *Virginia Tax Review* and John M. Olin Scholar in Law and Economics. Professor Zywicki also received an MA in Economics from Clemson University and an AB *cum laude* with high honors in his major from Dartmouth College.

Professor Zywicki is a Senior Scholar of the Mercatus Center at George Mason University, Senior Fellow of the James Buchanan Center for Political Economy Program on Philosophy, Politics, and Economics, at George Mason University, a Senior Fellow of the Goldwater Institute, and a Fellow of the International Centre for Economic Research in Turin, Italy. During the Fall 2008 Semester Professor Zywicki was the Searle Fellow of the Antonin Scalia Law School, George Mason University and was a 2008–09 W. Glenn Campbell and Rita Ricardo-Campbell National Fellow and the Arch W. Shaw National Fellow at the Hoover Institution on War, Revolution and Peace at Stanford University. He has lectured and consulted with government officials around the world, including Iceland, Italy, Japan, Canada, and Guatemala. In 2006 Professor Zywicki served as a Member of the United States Department of Justice Study Group on "Identifying Fraud, Abuse and Errors in the United States Bankruptcy System." In 2011 Professor Zywicki delivered the Dean Lindsey Cowen Lecture in Business Law and Regulation at Case Western Reserve School of Law on the mortgage crisis and regulation.

## **Second Panel**



### **William MacLeod**

*Partner, Kelley Drye*

*Former Director, FTC Bureau of Consumer Protection and Bureau of Competition*

Bill MacLeod chairs the firm's Antitrust and Competition practice group. The Immediate Past Chair of the Antitrust Section of the American Bar Association, Mr. MacLeod is a former bureau director at the FTC. He offers his clients decades of experience in competition law, trade regulation, advertising, privacy and security issues, from both an agency and business perspective. Mr. MacLeod represents some of the most prominent drivers of innovation and industry today, from new ventures to multi-national corporations.

Mr. MacLeod guides companies through investigations, approvals and the sophisticated challenges associated with mergers and acquisitions. He has obtained FTC and United States Department of Justice Antitrust Division clearance of numerous acquisitions and joint ventures in a range of industries, including medical devices, grocery products, defense contracting and steel manufacturing. Mr. MacLeod also has helped clients protect themselves from threat of consolidation.

Over the last years, Mr. MacLeod was named the Washington, D.C. Advertising "Lawyer of the Year" by Best Lawyers®, and has been included in The Best Lawyers in America© (Woodward/White, Inc.), The Legal 500 U.S., and among Washington, D.C.'s Super Lawyers. Mr. MacLeod's clients appreciate his demonstrated skill in translating legal esoterica into functional and useful business advice. Mr. MacLeod is highly valued for his perseverance and ability to produce tangible results and first-rate work product. Mr. MacLeod consistently delivers the requisite experience and intellect needed to assist his clients in achieving their goals. Clients and colleagues alike appreciate Mr. MacLeod's encyclopedic knowledge of antitrust and consumer protection law.

Mr. MacLeod previously served as director of the FTC's Bureau of Consumer Protection, which is the chief federal bureau prosecuting unfair and deceptive advertising. In this position, he served as the U.S. delegate to the Organization for Economic Cooperation and Development, where agency heads of Europe, Australia and Japan develop policies for financial regulations, product safety and international advertising. Mr. MacLeod also held such positions as advisor to the assistant attorney general of the U.S. Department of Justice's Antitrust Division; director of the FTC's Chicago regional office; and attorney advisor to the FTC chairman.



## **Eric Mogilnicki**

*Partner, Covington & Burling*

Combining his four years' experience at the center of some of the nation's most critical public policy debates as Chief of Staff to the late Senator Edward M. Kennedy, and his more than 20 years of experience advising and representing financial institutions, Eric Mogilnicki focuses his practice on assisting financial services clients with investigations, examinations and enforcement actions by government regulators, including the CFPB, FTC, OCC, and FDIC. Over the past six years, Mr. Mogilnicki has been a national leader within the private bar on CFPB enforcement and policy issues. His regulatory experience spans the lifecycle of interactions with agencies, including:

- counseling clients facing informal requests for information;
- providing financial institutions and other interested parties with product reviews, mock examinations and other guidance prior to the commencement of examinations;
- representing entities in responding to civil investigative demands, including Petitions to Withdraw the CID;
- negotiating Consent Orders; and
- assisting financial institutions in complying with Consent Orders.

Mr. Mogilnicki's clients include major banks and credit card issuers, federal credit unions, and national financial trade associations. Mr. Mogilnicki also represents major corporations with financing subsidiaries that received CFPB scrutiny.

Mr. Mogilnicki is a past chair of the Federal and State Trade Practices and the Litigation and Arbitration Subcommittees of the American Bar Association Committee on Consumer Financial Services, a Member of the American College of Consumer Financial Service Lawyers. He frequently writes and speaks on regulatory issues.



**Lucy Morris**

*Partner, Hudson Cook*

*Former CFPB Deputy Enforcement Director*

Ms. Morris is a partner in the firm's Washington, DC office. Ms. Morris counsels financial institutions and others in complying with federal consumer financial laws and prohibitions against unfair, deceptive, or abusive trade practices. She is an experienced advocate and litigator, representing clients in government investigations, examinations, and enforcement actions before federal and state agencies, including the Consumer Financial Protection Bureau, Federal Trade Commission, U.S. Department of Justice, and state AG offices. Ms. Morris chairs Hudson Cook's Government Investigations, Examinations, and Enforcement Practice Group.

From 2011 to 2014, Ms. Morris served as a Deputy Enforcement Director at the CFPB, where she was responsible for overseeing investigations and litigation relating to consumer financial products and services, including credit cards, mortgage origination, mortgage servicing, payday lending, debt collection, credit reporting, and debt settlement.

From 2010 to 2011, Ms. Morris served as a founding member of the CFPB Implementation Team that organized the CFPB after passage of the Dodd-Frank Act.

Before the CFPB, Ms. Morris worked at the FTC in a variety of leadership positions, including as Assistant Director for Financial Practices and as Assistant to the Director of the FTC's Bureau of Consumer Protection. At the FTC, Ms. Morris had extensive experience in law enforcement investigations, consent negotiations, and litigation, in the areas of financial services, marketing, and advertising. Ms. Morris is the Recipient of 2008 Chairman's Award, the FTC's highest award. Prior to the FTC, Ms. Morris was a litigation associate with Betts, Patterson & Mines in Seattle, Washington.

Ms. Morris is honored to be a Fellow of the American College of Consumer Financial Services Lawyers, "a professional association of lawyers particularly skilled and experienced in handling consumer financial services matters and dedicated to the improvement and enhancement of the skill and practice of consumer financial services law and the ethics of the profession."

Ms. Morris is a frequent speaker and author on a variety of consumer financial services law topics. Speaking engagements include the American Financial Services Association (AFSA), the Mortgage Bankers Association (MBA), the Consumer Bankers Association (CBA), the American Bar Association (ABA), the Consumer Data Industry Association (CDIA), and numerous other national programs.

Ms. Morris is licensed to practice in the state of Washington and the District of Columbia.



## **Nicholas Smyth**

*Assistant Director of the Pennsylvania Office of Attorney General's Bureau of Consumer Protection, Senior Deputy Attorney General*

Nicholas Smyth is a Senior Deputy Attorney General and the Assistant Director of the Pennsylvania Attorney General's Bureau of Consumer Protection. Attorney General Josh Shapiro appointed Mr. Smyth in July 2017 to lead Pennsylvania's first-ever Consumer Financial Protection Unit. Based in Pittsburgh, Mr. Smyth manages the AG's work involving consumer finance, such as student lending, mortgages, auto finance, payday lending, debt collection, credit reporting, debt settlement, and financial scams. Prior to joining the AG's office, Mr. Smyth spent four years as an Enforcement Attorney at the CFPB. There, he worked on the CFPB's first lawsuit in the student lending space, against ITT Tech, which included two charges of violating the prohibition on "abusive" acts and practices. After that he was at Reed Smith LLP and then Xchange Leasing, an auto finance company. Before joining the CFPB, Mr. Smyth was part of a small team at the U.S. Department of the Treasury that drafted and revised the CFPB's enabling act, the Consumer Financial Protection Act of 2010. He earned his JD and BA from Harvard.