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presents

Public Law 101 Conference

Consumer Protections

Wednesday, November 15, 2023
1:00 p.m. – 2:00 p.m.

Speakers:

Dan O' Donnell
The Department Of Financial Protection and Innovation

Boryana Arsova
The Department Of Financial Protection and Innovation

Conference Reference Materials

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CONSUMER PROTECTION LITIGATION

November 15, 2023

BORYANA ARSOVA – ASSISTANT CHIEF COUNSEL, ENFORCEMENT, CA DEPT OF FINANCIAL PROTECTION AND INNOVATION (DFPI)



Boryana was born and raised in Bulgaria. She finished law school in Bulgaria in 2004 and started her legal career as a corporate and real estate lawyer in Sofia (Bulgaria). She moved to the United States in 2006 and continued her legal education at McGeorge School of Law where she obtained an LL.M. in International Business Transactions in 2007 and a J.D. in 2010. While in law school, Boryana focused on corporate and business classes as she planned to continue her career in corporate law. Her career goals changed in 2009 when she started a summer internship at the Enforcement Division (ENF) of the Department of Corporations. During her internship, Boryana fell in love with securities law and the consumer protection work of Enforcement. After finishing law school, she spent a few years in private practice working as a litigation associate for a Sacramento law firm. In 2019, she came back to Enforcement as a full-time attorney. Boryana now supervises the internship program in the Sacramento office, hoping to inspire law students to take on a career in public service.

DANIEL P. O'DONNELL— ASSISTANT CHIEF COUNSEL, ENFORCEMENT, CA DEPT OF FINANCIAL PROTECTION AND INNOVATION

Daniel Patrick O'Donnell began his state career at the Dept of Corporations in 1997. As Corporations Counsel in the ENF Section, he handled multiple complex litigation cases, issued dozens of DROs, developed criminal cases, and was the lead on the ICE Team, which tracked Internet fraud. After 7 years at Corporations, he followed his former supervisor to the AG's office to work in a new section with concurrent securities law jurisdiction – now called the Corporate Fraud Section. In that capacity he has worked on a variety of complex civil litigation matters; and was part of the litigation team that sued a placement agent for bribing the CEO of CalPERS. He also sued Wells Fargo for its involvement in the auction-rate securities scandal, resulting in a settlement to victims of more than \$1 billion. He also spearheaded an investigation of so-called “Helper Fraud” outfits that prey on victims who have lost money to boiler-room securities fraud and charge them fees for pseudo-legal recovery services that rarely lead to recovery. Dan returned to the ENF Section of what is now DFPI as Assistant Chief Counsel in 2018, where he supervises a team of Enforcement Attorneys and Support Staff.



Consumer Protection Litigation Overview

- A. Defining Consumer Protection Litigation, Statutes & regulations in CA
- B. The Role of Enforcement Agencies in Consumer Protection
- C. Recent Trends and Emerging Issues in Consumer Protection Litigation



LITIGATION PROCESS

- Initiation of Cases
 - 1. Triggers for Investigation and Enforcement Actions
 - 2. Decision-Making Process
- B. Investigation Phase
 - 1. Gathering Evidence
 - 2. Working with Regulatory Agencies
- C. Preparing and Filing Complaints
 - 1. Crafting a Compelling Legal Argument
 - 2. Pleadings, Legal Theories, and Remedies
- D. Discovery
 - 1. Document Requests, Depositions, and Interrogatories
 - 2. Managing E-Discovery and Data
- E. Trial and Litigation Strategies
 - G. Settlement Negotiations and Alternative Dispute Resolution
- H. Post-Trial Actions and Appeals



Tips for New Attorneys Interested in Consumer Protection Litigation

- A. Skill Development
 - 1. Legal Research and Writing
 - 2. Advocacy and Oral Communication
 - 3. Negotiation and Mediation Skills
- B. Building a Strong Foundation
 - 1. Mentoring and Networking
 - 2. Continuous Learning and Professional Development
 - C. Balancing Workload and Managing Stress





**FINAL THOUGHTS
OR QUESTIONS??**

CLOSING REMARKS

- Panelist Final Thoughts and Advice
- Suggestion of Resources and References for Aspiring Consumer Protection Litigators

