



Pennsylvania Creditors Bar Association

THE LATEST NEWS AND UPDATES REGARDING CREDIT AND COLLECTION
AND THE FINANCIAL SERVICES INDUSTRIES



WELCOME / A MESSAGE FROM THE PRESIDENT

Hello fellow and new PACBA members!

I hope everyone was able to enjoy the holidays and all the snow we've been getting. This year should bring significant changes to the industry as the CFPB's debt collection rule is slated into effect on November 30, 2021. This is a great time to be a PACBA member as we can band together to discuss the operational and compliance hurdles that implementation of the new rule will present. For a brief overview, check out Ken Shapiro's article on the CFPB's Small Entity Guide.

In this newsletter, you will also see a good write-up by Rob Morris regarding the new mediation procedures put into place in Montgomery County. If you would like to contribute by writing about any new procedures in your local county, please let us know!

Finally, it is with a heavy heart that we report on the death of dear member, Jason Wehrle. Jason was a mainstay at our annual conferences, always providing members with the most up-to-date industry case law in an engaging and entertaining manner. He will be greatly missed. We have included his obituary, which includes organizations where you can make donations in his memory.

If you would like to get more involved in PACBA, I urge you to consider running for a position on the Board of Directors. This is an election year, and we will be accepting nominations in the coming months.

Stay tuned for more information!



*Brit J. Suttell, Barron & Newburger, P.C.
PACBA President*

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PACBA MOURNS THE PASSING OF JASON G. WEHRLE, ESQ

BY: KEN SHAPIRO.
SHAPIRO LAW OFFICE, PC

With profound sadness, the membership of PACBA mourns the heartfelt loss of our colleague and member Jason G. Wehrle, who passed away on Saturday, December 19, 2020 at UPMC Presbyterian Hospital in Pittsburgh at age 49 following a short illness.

Jason was a frequent speaker at PACBA's annual educational conference for many years, as well as an active participant and member. He was the Managing Partner of the Western PA Office of Mintzer Sarowitz Zeris Ledva and Meyers, LLP. Jason's experience in Consumer Financial Services Litigation is substantial, and he has defended against every type of consumer claim, including claims under the various federal and state consumer protection laws, both against individual claims and class actions. Jason was a frequent speaker also in several other leading consumer financial services industry organizations, such as ACA International and the National Creditors Bar Association. He was a deeply engaged mentor and caring friend whose advice and counsel was frequently sought by his firm's young lawyers.

He was also a past director of the Seneca Valley School Board and a Trustee of the Seneca Valley Foundation. He also volunteered his time with the Miracle League of Southwestern Pennsylvania and Animal Friends, enjoyed spending time with his family, travelling, the family cabin, and was a huge Pittsburgh sports fan. Above all, Jason loved spending time with his two children, was a loving husband, father, son and brother who will be dearly missed and fondly remembered by his friends, family, colleagues and associates.

Services were held privately by his family. In lieu of other donations, the family suggests memorial contributions be made in Jason's honor and memory to the Seneca Valley Foundation, 124 Seneca School Road, Harmony, PA 16037 or at www.mightycause/organization/Seneca-Valley-Foundation or to Animal Friends, 562 Camp Horne Road, Pittsburgh, PA 15237 or at www.thinkingoutsidethecage.org.

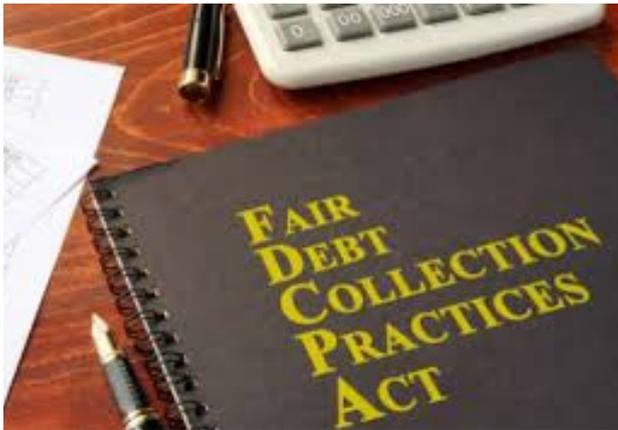
His untimely passing is an incalculable loss. Jason will be forever missed and remembered always.



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CFPB RELEASES SMALL ENTITY COMPLIANCE GUIDE FOR DEBT COLLECTORS

BY: KENNETH S. SHAPIRO, ESQ.
SHAPIRO LAW OFFICE, PC



On January 15, 2021, the Consumer Financial Protection Bureau (“CFPB”) issued a Small Entity Compliance Guide (the “Guide”) summarizing the Bureau’s recently enacted debt collection rule. A copy of the eighty-six page guide can be accessed by clicking the following link:

<https://www.consumerfinance.gov/compliance/compliance-resources/other-applicable-requirements/debt-collection/>

The Guide summarizes in detail the October 2020 final rule amending Regulation F to implement most of the FDCPA’s most substantive provisions. The debt collection rule takes effect November 30, 2021. It applies to attempts to communicate, communications, and other conduct by debt collectors occurring on or after that date, regardless of when the underlying debt was incurred.

The Guide is a must-read for every active participant associated with third-party debt collection efforts. Its written in plain English and includes numerous examples of best practices to follow after the implementation date of Regulation F this coming November. The CFPB notes on page 8 of the Guide that “nothing in the Debt Collection Rule prevents a debt collector from complying with the Rule’s requirements and prohibitions before the effective date. However, to the extent the Rule establishes a bona fide error defense, safe harbor, or a presumption that certain conduct complies with or violates the Rule, those defenses, safe harbors, and presumptions are not effective until November 30, 2021.”

The Bureau noted, however, that this Guide does not discuss (unless specifically noted otherwise) the CFPB’s final rule issued in December which clarified consumer disclosure requirements, provided a model validation notice, and addressed required actions prior to furnishing and prohibitions concerning the collection of time-barred debt. The CFPB does note that updates will be made to the guide at a later date to include provisions related to the December final rule. Users of this Guide should review both the October 2020 final rule and the December 2020 final rule as well.





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MONTGOMERY COUNTY INFORMATION

Montgomery County has roughly 500 backlogged jury cases and countless arbitration cases. The court has decided not to handle the arbitrations with remote electronic hearings. Instead, they have retained judges pro tempore who are conducting full blown zoom mediations prior to re-listing them when the court reopens. The court will not reopen until vaccinations are widespread and the infection rate is de minimis.

These settlement conferences are valuable opportunities to settle your arbitration cases. Expect to be placed in a breakout room and to get the same sort of attention from the JPT that you would expect from a mediator that might cost your client thousands of dollars.

LEHIGH & NORTH HAMPTON COUNTIES ARE DOING ARBITRATION VIA ZOOM

Lehigh County Admin Orders: <https://www.lccpa.org/Covid19>

Northampton County Admin Orders: <https://www.nccpa.org/COVID-19>

COURT & LEGAL UPDATES

If you have pertinent updates, such as court information, standing orders, please send details to the Pennsylvania Creditors Bar Association office. Email Tricia at PACBA@Corpevent.com

You may also share your updates with other members via the PACBA ListServe: pacba_members@googlegroups.com.

The PACBA ListServ is one of the great benefits of membership allowing PACBA members to network, collaborate, and to share best practices in the field.





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PACBA MEMBER COMMITTEES

ADMINISTRATION COMMITTEE

CONTACT [KEN SHAPIRO](#)

The Administration Committee, under the direction of the Secretary of the Association, is the custodian of record of all minutes, records, documents, and property of the Association. The Committee maintains the active roll of members, and is responsible for filing any required reports with regulatory authorities on behalf of the membership.

LEGISLATIVE COMMITTEE CONTACT [ROB POLAS](#)

The legislative committee monitors legislative changes and proposals. It suggests and drafts legislation or rules for the advancement of creditors' rights. The committee also assists other organizations /legislators that sponsor or promote creditors' rights or rule changes.

COURTS COMMITTEE CONTACT [PACBA OFFICE](#)

The courts committee acts as the liaison with courts and court clerks throughout the state and monitors court rules changes.

EDUCATION COMMITTEE CONTACT [MATT URBAN](#)

The education committee works to educate attorneys and judges of recent changes in the creditors' rights laws.

MEMBERSHIP COMMITTEE CONTACT [KIM SCIAN](#)

The membership committee generates new membership and oversees current membership issues. It publicizes Pennsylvania Creditors Bar Association activities, announcements, and seminars, both to members and non-members.

INTERESTED IN JOINING A PACBA COMMITTEE?

Join a committee to share your experiences and expertise, connect with fellow members and collaborate with your peers on programs and initiatives to advance our profession - all while developing skills that will benefit you both personally and professionally. If you are interested, please contact the listed committee chair.

You must be a PACBA member to join a committee.





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JOIN THE BOARD!

BOARD ELECTIONS – NOMINATION PROCESS TIMING

- FEBRUARY** – Nominating Committee formed
- APRIL** – Nominations for the Board accepted, those interested complete application
- JUNE** – Interviews with interested nominees conducted
- AUGUST** – Slate announced to the membership
- OCTOBER** – Members vote on Board slate at Annual Meeting

BOARD ROLE DESCRIPTIONS

The Board Director and Officer Terms are **1 Year** starting Immediately after election at the Annual meeting in October.

A Director of the Board must be a regular member of the Association in order to be eligible to serve on the board. Board members meet monthly via teleconference to review and act upon association business on behalf of the membership.



BOARD ROLE DESCRIPTIONS

continued ...

The **PRESIDENT** is the principal executive officer of the Association and is subject to the Bylaws. The President supervises the management of the Association affairs and presides at all meetings of the Association and the Board of Directors. The President performs all other duties ordinarily incident to such office.

The **EXECUTIVE VICE PRESIDENT** performs the duties of the President during the absence or disability of the President. The VP assists the President in the performance of the President's duties and performs other duties as may be assigned by the President or Board of Directors.

The **SECRETARY** keeps minutes of all the meetings of the Association and Board of Directors. The Secretary is the custodian of all such minutes, all minutes of committee meetings, and other records, documents and property of the Association and maintains a complete roll of members. The Secretary is responsible for the production/ dissemination of the PACBA Newsletter and has the option of appointing a sub-committee to assist in this duty. The Secretary is responsible for sending notices of all Association and Board of Directors meetings and shall perform such other duties ordinarily incident to the Secretary's office or as may be assigned by the President.

The **TREASURER** has custody of all monies of the Association and collects and, subject to the direction of the Board of Directors, disburse all funds of the Association. The Treasurer shall:

- (a) Maintain accurate accounts of all financial transactions;
- (b) Maintain the Association's checking account records, including reconciling all monthly account statements;
- (c) Prepare for each Board of Directors meeting a monthly summary of all payments and receipts to the Association;
- (d) Prepare, at a minimum quarterly cumulative statements that summarize the amount and nature of the Association's payments and receipts.

The Treasurer submits at each annual meeting of the Association a suitably classified, written annual report of the Association's financial position including (1) all receipts and disbursements occurring during such period and (2) all obligations outstanding at the end of the period, with any comments as to current and prospective future financial position that the Treasurer may deem informative. The Treasurer shall make such additional Interim financial reports as the President or Board of Directors shall direct.

Bylaws can be found at: <https://pacbar.org/resources/Documents/By-laws.pdf>



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PACBA BOARD

OFFICERS

| | |
|--------------------------|--|
| <i>President</i> | Brit Suttell, Barron & Newburger, P.C., britjsuttell@bn-lawyers.com |
| <i>Secretary</i> | Kenneth Shapiro, Shapiro Law Office, P.C., kshapiro@shapirolawpc.com |
| <i>Treasurer</i> | Robert Morris, Morris & Adelman, P.C., rmmorris@morrisadelman.com |
| <i>VP of Membership</i> | Kim Scian, Apothaker Scian P.C, kscian@apothaker.com |
| <i>VP of Education</i> | Matthew Urban, Weltman, Weinberg & Reis Co., LPA, murban@weltman.com |
| <i>VP of Legislation</i> | Robert Polas, Portfolio Recovery Associates, LLC, rnpolas@portfoliorecovery.com |

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INTERESTED IN GETTING MORE INVOLVED?

If you are looking to grow your professional network, we invite you to get involved in PACBA. Opportunities include running for the board, participating in committee work, contributing to the newsletter or presenting at the Annual Meeting.

Please contact Association Manager, Tricia Fusilero, to learn more.
PACBA@CorpEvent.com or call 312-540-9300