EMERGING PAYMENT SYSTEMS

March 21-22, 2013 | Omni San Francisco Hotel | San Francisco, CA

FEATURED SPEAKERS INCLUDE

Dena Milligan
Federal Reserve Board

Natalie Diana
U.S. Dept. of Treasury

Daniel Wood
Texas Dept. of Banking

Thomas James
Office of the Illinois Attorney General

Michael Benardo
FDIC

Susan Lea Smith (Invited)
U.S. Dept. of Justice

Eric Gott
OCC

Roxanne Nava
Illinois Dept. of Commerce & Economic Opportunity

Adam Nunziato
U.S. Dept. of Treasury

Susan M. Pandy, Ph.D.
NACHA

Sharda Caro
Square

Martine Niejadlik
BOKU

Youssef Sneifer
Microsoft

Thomas Bell
American Express

Jon Zieger
Stripe

Veronica Foster
Walmart

Krista Griffith
Western Union

Brian Crist
Citigroup

Richard Harvey
Skirl

Pervees Faisal Islam
Payza

Ted Teruo Kitada
Wells Fargo

Prakash Hariramani
Payfone

Les Korsh
MoneyGram

Michael Peck
TSYS

Harold Montgomery
Calpian

Brett Kaplicer
American Express

OUR DISTINGUISHED FACULTY WILL PROVIDE YOU WITH EXPERT ADVICE AND KEY INSIGHTS FOR:

- The evolving payments and financing landscape: Mobile payments, mobile wallets, virtual currencies, crowdfunding, and other new and emerging technologies, services, products, and trends and their impact on the payments industry
- Ensuring compliance with the evolving state regulatory and enforcement framework governing emerging payment systems: Money transmission, payment processing, licensing, and other considerations
- UDAP/UDAAP, disclosures, and marketing: Regulatory and compliance considerations for new payment models
- Managing privacy and data security risks in the emerging payments market, both in the U.S. and abroad
- Dodd-Frank, the CFPB, FinCEN, OFAC, Reg E, the Durbin Amendment, cross-border remittances and more: Preparing for the evolving federal regulatory paradigm and its impact on emerging payment systems
- Developing, implementing, and maintaining AML and fraud deterrence strategies and programs for emerging payment systems
- The international emerging payments landscape: Assessing the evolving legal and business environments in key foreign markets, facilitating e-commerce abroad, best practices for ensuring compliance with emerging regulatory schemes in the EU, Asia, and Latin America, and lessons learned for the U.S. market
- Facilitating cooperation and communication amongst payment system stakeholders and determining the scope of each party’s participation
- Location data: Ensuring proper disclosure and determining how to make use of such data
- Evaluating the revenue potential of new payment products and systems
- Ensuring that new and emerging products have sufficient consumer protections in place

PLUS, don’t miss the Pre- and Post-Conference Master Classes:

A
Understanding the Technology Underlying Emerging Payment Systems: Practical, Legal, and Regulatory Considerations for Attorneys and Compliance Professionals

B
Credit, Debit, and Prepaid Cards: New Regulations and Reforms and Their Impact on ‘Traditional’ Payment Methods

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The payments industry is facing unprecedented growth, rapid technological advancements, and a flood of new entrants into the market. Questions abound as to how all of the stakeholders will work together, which products will be welcomed by consumers and retailers, best practices for managing privacy and data security risks, and how federal and state regulatory frameworks will be applied to emerging payment systems. While many of these new payment products have the potential to become attractive revenue streams, they are also fraught with uncertainties relating to regulatory, compliance, security, and business issues.

Building on the incredible success of our Emerging Payment Systems series of conferences, and in response to demand from the market, American Conference Institute has developed the 5th National Forum on Balancing Innovation with Consumer Protection in Emerging Payment Systems. This conference will bring together an unparalleled faculty of in-house counsel and compliance professionals, senior executives from industry-leading companies, high-level regulatory and enforcement officials, and top outside counsel specializing in emerging payment systems who will provide you with the insights and tools necessary to navigate the legal, compliance, technical, and business hurdles arising from new payment products and technologies.

PLUS, ADD VALUE TO YOUR ATTENDANCE BY ALSO REGISTERING FOR THE PRE- AND POST-CONFERENCE MASTER CLASSES:

A PRE-CONFERENCE MASTER CLASS – Understanding the Technology Underlying Emerging Payment Systems: Practical, Legal, and Regulatory Considerations for Attorneys and Compliance Professionals
March 21, 2013 | 8:00 a.m. – 10:00 a.m.

B POST-CONFERENCE MASTER CLASS – Credit, Debit, and Prepaid Cards: New Regulations and Reforms and Their Impact on ‘Traditional’ Payment Methods
March 22, 2013 | 1:30 p.m. – 3:30 p.m.

Register now by calling 1-888-224-2480 or by faxing your registration form to 1-877-927-1563.
You can also register online at www.AmericanConference.com/EmergingPayments

WHO YOU WILL MEET:
• Regulatory and Enforcement Officials
• Financial Products, Payments, and Retail Professionals, including:
  - General Counsel
  - Compliance Officers/Managers
  - Product Managers
  - Risk Officers/Managers
  - AML Managers
  - Privacy Officers
  - Data Security Officers
  - Analysts
• Private Practice Attorneys Specializing in:
  - Financial Services Regulatory Compliance
  - Banking Law
  - Payment Systems
  - Prepaid Cards
  - AML
  - Privacy/Data Security
  - Advertising & Marketing Law

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MEDIA PARTNERS:
Day One | Thursday, March 21, 2013

8:00  Pre-Conference Master Class: Understanding the Technology Underlying Emerging Payment Systems (see page 7 for details)

9:30  Main Conference Registration and Continental Breakfast

10:05  Co-Chairs’ Opening Remarks

Chris Daniel
Paul Hastings LLP

Terrence P. Maher
Baird Holm LLP

10:10  The Evolving Payments and Financing Landscape: Mobile Payments, Mobile Wallets, Virtual Currencies, Crowdfunding, and Other New and Emerging Technologies, Services, Products, and Trends and Their Impact on the Payments Industry

Sharda Caro
Payments Counsel
Square, Inc.

Prakash Hariramani
Head of Product
Payfone Inc.

Brett I. Kaplicher
Vice President and Senior Counsel
American Express Company

Martine Niejadlik
Compliance Officer
BOKU

Andrew J. Lorentz
Davis Wright Tremaine LLP

Mark A. Moore
Aldrich Bonnefin & Moore, PLC

Thomas A. Fox
Schwartz & Ballen LLP

- The convergence of gaming and mobile/web payments
- Digital/virtual currencies
  - Bitcoin
- Social coupons and social buying websites
  - Retail and banking issues; money transmitter laws; gift certificate laws; abandoned property considerations; class action lawsuits arising from social coupons
- Processing credit card transactions on mobile devices
  - Individuals as merchants
    - Legal and compliance issues
  - How are disputes resolved?
- Overview of new start-up companies in the payments space
- Near field communication (NFC) implementation issues
- Assessing the emergence of new lending vehicles and their relationship to payments
  - Impact of crowdfunding on traditional financing models
    - Kickstarter; GoFundMe; others
  - How these companies are overcoming barriers to market entry and other hurdles
  - Peer-to-peer lending
  - Electronic payday lending
    - BillFloat
  - How do these new lending vehicles accept payments?
  - Regulatory issues
- Assessing the convergence of deposits, checking accounts, stored value, and mobile payments
  - Where is this headed?
- Mobile phone image check deposits to prepaid accounts
  - Remote deposit capture and bank image processing
- Key legal and compliance considerations for prepaid account providers
- Customer contractual issues; vendor/bank partner contractual issues – role of FFIEC supervisory guidance; payment rules and compliance; risks for image deposits; impact of the Prepaid Access Rule and general AML concerns; possible future developments; customer-to-customer exchange of check images and fully electronic checks (EPOs)?
- Emerging payment products that feature rewards, loyalty, or promotional programs
  - Contracting issues and provisions necessary to protect each party
- Determining what qualifies as money in the new payments landscape
  - Alternative currencies
- Investment and venture capital trends in emerging payments
- Litigation that has arisen from new payment systems

11:45  Networking and Refreshment Break

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11:55  Dodd-Frank, the CFPB, FinCEN, OFAC, Reg E, the Durbin Amendment, Cross-Border Remittances and More: In-House and Outside Counsel Weigh In on How to Prepare for the Evolving Federal Regulatory Paradigm and Its Impact on Emerging Payment Systems

Ted Teruo Kitada
Senior Company Counsel
Wells Fargo Bank, National Association

Thomas P. Brown
Paul Hastings LLP

David E. Teitelbaum
Sidley Austin LLP

Judith Rinearson
Bryan Cave LLP

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Networking Luncheon for Speakers and Attendees

1:10

Federal Regulatory and Enforcement Roundtable: Perspectives on New and Emerging Payment Systems and the Evolving Regulatory Paradigm

1:30

2:10

Networking and Refreshment Break

2:40

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Carol R. Van Cleef
Patton Boggs LLP

- Dodd-Frank
  - Section 1073 and remittance transfers
- Assessing the implementation and application of the CFPB’s remittance rules in relation to emerging payments products
  - Analysis of guidance provided to date
  - When and to whom are the new rules applicable?
- Specific areas of concern relating to cross-border remittances
- Ensuring compliance with new and emerging cross-border remittance regulations
  - Overcoming the hurdles that arise from implementing new cross-border remittance compliance processes and procedures
- The CFPB’s role with respect to new payment systems and, specifically, money remitters
- Assessing other new and emerging CFPB rulemaking and its potential impact on innovative payment products and systems
- FinCEN’s prepaid access rule: one year on
  - How have companies complied with the new rule?
  - Lessons learned
- Evaluating new and emerging guidance relating to FinCEN’s prepaid access rules
- Impact of the prepaid access rule on innovative payment products and systems
  - Virtual currencies; gaming companies; start-ups
- OFAC and emerging payment systems
  - Jurisdiction and sanctions authority
  - How OFAC sanctions relate to new payment products and systems
  - Ensuring compliance with OFAC mandates
  - When OFAC screening is required and what it entails
  - When and how to disclose in compliance with OFAC
  - Case studies
    - Lessons learned from recent cases
    - Assessing the impact of recent significant OFAC fines
- Impact of the Durbin routing requirements on mobile and other emerging payment products and systems
- Extent to which Durban applies to new and emerging payment products
  - Payment networks
  - Mobile payments
  - Identifying and capitalizing on the growth opportunities that Durbin presents for excluded products
  - Developing new products that qualify for the exclusion
- Technical hurdles arising from Durbin
  - Lack of infrastructure to handle merchant merchant routing under the EMV (i.e. chip-and-PIN) framework
- Reg E and the EFTA
  - Impact on mobile payments
- Assessing the short- and long-term regulatory outlook for mobile payments
  - Potential for FCC involvement
- Regulatory and compliance considerations relating to emerging payment products that feature rewards, loyalty, or promotional programs
  - State and federal issues; escheat laws

3:40

Networking and Refreshment Break

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Managing Privacy and Data Security Risks in the Emerging Payments Market, Both in the U.S. and Abroad

Brian Crist
Head of Legal, Citi Enterprise Payments
Citigroup Inc.

Susan M. Pandy, Ph.D.
Senior Director, Internet & eCommerce
NACHA - The Electronic Payments Association

Randy Gainer
Davis Wright Tremaine LLP

Robert J. Pile
Sutherland Asbill & Brennan LLP

- Data security and privacy concerns relating to transactions conducted on mobile devices
  - Factoring in European data protection initiatives and international privacy efforts
- New and emerging privacy and data security risks associated with evolving technologies
- Assessing the available and emerging security options
  - Mag stripe
  - EMV standard; Chip-and-PIN
- Determining whether to migrate to a more secure, and more expensive, technology
  - Costs of implementation versus savings from fraud prevention enhancements and other security improvements
- Implementing enhanced data protection initiatives
- Assessing whether to add a CPO position to your company and delineating a CPO’s responsibilities
- Maintaining communication between the legal and marketing teams
- Establishing an effective system of internal reporting and checks and balances in order to detect and solve problems early
- Monitoring third-party vendors, partners, and affiliates
- Assessing what data you collect, or may collect, from consumers, and how that data may be used
- Data breaches
  - How to respond
- Location data and privacy considerations
- PCI compliance

5:00 UDAP/UDAAP, Disclosures, and Marketing: Regulatory and Compliance Considerations for New Payment Models

C. Adam Nunziato
Senior Policy Advisor
Office of Consumer Policy
U.S. Department of Treasury

Richard Harvey
Chief Compliance Officer & General Counsel
Skrill USA, Inc.

Joel D. Feinberg
Sidley Austin LLP

Barrie VanBrackle
Manatt, Phelps & Phillips, LLP

- What is the real meaning of “Abusive” in UDAAP and how will this impact marketing practices?
- Key legal and regulatory considerations arising from marketing related to new payment systems and products
- Emerging trends and unique challenges in mobile marketing and advertising
- Mobile marketing best practices
  - Using third-party marketers without running afoul of UDAP/UDAAP laws

- Social media/social networking
- Marketing considerations relating to location data
- Disclosure requirements relating to location data
- Ensuring that consumer disclosures are in compliance with UDAP/UDAAP
- Analysis of UDAP/UDAAP provisions as they relate to emerging payment methods
- Dodd-Frank and remittance disclosures
- Required disclosures for remittance transfer providers
- Strategic guidance for managing third-party risks
- Conducting ongoing third-party monitoring and due diligence

6:10 Conference Adjourns

Day Two | Friday, March 22, 2013

7:30 Continental Breakfast

8:00 Developing, Implementing, and Maintaining AML and Fraud Deterrence Strategies and Programs for Emerging Payment Systems

Susan Lea Smith (Invited)
Senior Trial Attorney
Asset Forfeiture & Money Laundering Section
U.S. Department of Justice

Pervees Faisal Islam
Compliance & AML Officer
Payza

Krista A. Griffith
Deputy Chief Compliance Officer and Senior Counsel
The Western Union Company

Terrence P. Maher
Baird Holm LLP

- How AML regulations impact new payment products and systems
- Best practices for ensuring BSA compliance in the absence of clear guidance
- Beyond BSA: what other statutes come into play when addressing AML requirements?
- AML issues arising at the state level
- Tor anonymity network
  - What is it, how and why are people using it, and what impact does it have on AML and fraud deterrence initiatives?
  - How can you tell if someone is using the Tor network?
- Identifying and assessing the money laundering and fraud risks that may arise in conjunction with the development of new payment products, delivery mechanisms, and technologies
- Best practices for identifying suspicious activity and filing SARs
- Evaluating your current AML program and identifying gaps or weaknesses
- Beneficial interests and their impact on AML efforts
- Determining which parties are responsible for which aspects of AML compliance
- Working with retailers and other parties to acquire information necessary for AML compliance
- Drafting contracts and agreements to enhance AML compliance
- Heightened AML/BSA scrutiny around the world
- New FATF recommendations; controlling for PEPs
- Asset forfeiture/seizure and its implications for emerging payment systems
  - Issues that arise in these cases
  - How they are investigated

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• Understanding the fraud risks of emerging payment systems
  - How these new payment methods are being misused
• Identifying and combating fraud relating to tax refunds and government benefits
• Leveraging your AML program to detect fraud
• Evaluating your current fraud deterrence program and identifying gaps or weaknesses
• Assessing the effectiveness of product safeguards and techniques used to reduce occurrences of fraud and improve risk management
• Striking the right balance between fraud prevention and customer concerns
  - Legal implications
  - Maintaining customer satisfaction and funds availability while also protecting against fraud
• Putting holds on accounts that might be compromised
• Lawsuits arising from fraud and other criminal abuses of the system
• Lessons learned from the e-gold case

9:20 Networking and Refreshment Break

9:30 Ensuring Compliance with the Evolving State Regulatory and Enforcement Framework Governing Emerging Payment Systems: An In-Depth Examination of Issues Relating to Money Transmission, Payment Processing, Licensing, and Other Considerations

Roxanne Nava
Director
Division of Financial Institutions
Illinois Department of Commerce & Economic Opportunity

Daniel Wood
Assistant General Counsel
Texas Dept. of Banking

Thomas P. James
Consumer Counsel, Consumer Fraud Bureau
Office of the Illinois Attorney General

Thomas Bell
Director, Money Transmitter Licensing
American Express Company

Veronika Foster
Director Regulatory Controls
Financial Services Compliance
Walmart Stores, Inc.

Les Korsh
Senior Legal Counsel
MoneyGram International, Inc.

Chris Daniel
Paul Hastings LLP

Donald J. Mosher
Schulte Roth & Zabel LLP

• Money transmission as payment processing
  - Issues that arise when treating money transmission as payment processing
  - Which states have taken this view and why?
  - Legal basis
  - Distinctions between money transmission and payment processing
  - How do you draw the line?
• Determining whether your company is a money transmitter
• Fallout from California’s money transmission law
  - Impact on the emerging payments market
• Key case studies involving money transmission
  - Takeaways
  - Pitfalls to avoid
• How various payment models relate to money transmission
  - What works and what doesn’t
• Abandoned property
  - Analyzing existing state unclaimed property laws as they relate to emerging payment systems
  - Complying with unclaimed property laws
• Preparing for and responding to increased state enforcement efforts
  - Lessons learned from recent enforcement actions
• Can state regulations and government resources keep up with the evolving technology of new payment products?
  - Recent developments in state money transmitter statutes designed to stay current with the evolving nature of electronic payments
  - Impact of applying existing regulatory paradigms to emerging payment systems
• Overcoming the challenge of complying with the increasing body of state consumer protection laws, especially those that are ambiguous in their application to emerging payment systems
• Which, if any, state regulations are unduly burdening innovation without providing significant consumer protections?
• Complying with varied state consumer information collection requirements


Harold H. Montgomery
Chairman and Chief Executive Officer
Calpian, Inc.

Youssef Sneifer
Assistant General Counsel
Microsoft Corporation

Jon M. Zieger
General Counsel
Stripe, Inc.

• The emerging global payments landscape: how international payment developments are affecting cross-border remittances, payment processing, and adoption and growth rates in key markets
• Expanding beyond North America: key considerations and proven strategies for entering into or accepting payments from new markets, including the EU, Asia, and Latin America
• Mobile payments and mobile wallets: how this disruptive and evolving technology is changing the face of the global payments market
• Specific areas of concern relating to cross-border remittances
• Ensuring compliance with new and emerging cross-border remittance regulations
• Overview of new and emerging payment systems being used around the world
- China, Japan, the EU, the Middle East, India, and Africa
- Evaluating the EU's new E-Money Directive
  - Key terms and definitions; impact on emerging payment systems; implementing policies and procedures to ensure compliance
- The EU’s Payment Services Directive
  - Key terms and definitions; ensuring compliance
- Assessing China’s regulatory framework
  - New and emerging regulations from the People’s Bank of China
- Best practices for dealing with multinational jurisdiction
- Establishing enterprise-wide, multinational compliance programs
  - Overcoming the hurdles associated with developing and implementing compliance programs that are in accordance with varying county- or region-specific regulatory and enforcement paradigms
  - Developing, implementing, and maintaining AML programs and fraud deterrence strategies on an international basis

• Lessons learned from the introduction of new payment systems into other countries
  - Application of existing regulatory paradigms to these new payment systems
  - How the new regulations that have been enacted to address emerging payment systems are working
• International e-commerce facilitation
• International data security and privacy efforts
  - EMV standard
    - Chip and PIN
  - Foreign exchanges and B2B

12:30 Conference Ends – Lunch for Master Class B Participants

PRE-CONFERENCE MASTER CLASS

Thursday, March 21, 2013
8:00 a.m. – 10:00 a.m.

A

Understanding the Technology Underlying Emerging Payment Systems: Practical, Legal, and Regulatory Considerations for Attorneys and Compliance Professionals

Perveres Faisal Islam
Compliance & AML Officer
Payza

Carol R. Van Cleef
Patton Boggs LLP

In order to provide accurate and effective advice to your company or clients, it is essential that you have an in-depth understanding of the technologies underlying new and emerging payment systems. This interactive Master Class will provide attendees with a firm grasp on the technologies that are used in a wide range of innovative payment systems, and how the underlying technology impacts legal and compliance considerations.

Topics to be addressed include:
• Analyzing the technology used in each step of the various emerging payment processes
  - Mobile payments and mobile wallets
  - Virtual/digital currencies
  - Internet-based payments
• How funds are transferred
• Radio frequency identification (RFID)
• Near field communication (NFC) – what it is and how it works
• Structuring new products and product enhancements in ways that are intuitive and easy for customers to use but that also ensure regulatory compliance and data security
• The range of information captured by emerging payment systems and devices
  - Where the information is stored
• Understanding the new and emerging data security technologies
  - Chip-and-PIN versus mag stripe
  - Dynamic data
• New technologies applied to traditional payment systems
  - Remote deposits of checks
    - How these transactions are processed
    - Who is liable for what when problems arise

POST-CONFERENCE MASTER CLASS

Friday, March 22, 2013
1:30 p.m. – 3:30 p.m.

B

Credit, Debit, and Prepaid Cards: New Regulations and Reforms and Their Impact on ‘Traditional’ Payment Methods

Ted Teruo Kitada
Senior Company Counsel
Wells Fargo Bank, National Association

Terrence P. Maher
Baird Holm LLP

With new and emerging reforms changing the face of the industry, credit, debit, and prepaid card companies are trying to stay afloat and remain in compliance. Participants in this Master Class will obtain a deeper understanding of the challenges and changes affecting the industry, and they will come away with best practices and effective solutions for the new regulatory paradigm.

Topics to be addressed include:
• How recent changes are impacting compliance initiatives
• The Durbin Amendment and its impact on the debit and prepaid markets
• Understanding new disclosure requirements
  - Best practices for disclosures
  - Modifying terms to ensure compliance
• Providing proper notice for opting into overdraft
• Navigating through increased transparency requirements, including additional disclosure on the Fed website
• ’Plain English’ disclosures
• TILA/UDAP violations in the context of card issuance

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EMERGING PAYMENT SYSTEMS

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