

2010

MASTERING THE ART OF COLLECTING DEBTS AND JUDGMENTS

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September 2–3, 2010

Hyatt Regency Austin ▪ Austin, Texas

Earn up to 14.50 Hours of Credit including 2.25 Hours of Ethics Credit

Specialization Credit Approved for Bankruptcy Law, Civil Trial Law, and Consumer and Commercial Law

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THURSDAY MORNING, SEPT. 2, 2010

Presiding Officer:

Donna Brown, Donna Brown, P.C.,
Austin, TX

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:00 a.m. .50 hr

Abstracts of Judgment, Writs of Execution and Turnover Proceedings

The post-judgment remedies every litigator must know about and be prepared to use.

Donna Brown, Donna Brown, P.C., Austin, TX

9:30 a.m. .75 hr

Pre-Suit Investigation and Discovery Issues

This session examines both the pre-litigation steps the attorney should conduct to increase the likelihood of collection and the methods of gathering evidence once suit is filed, including subpoenaing records from financial institutions and other third parties.

Stuart R. Schwartz, ScottHulse, P.C., El Paso, TX

10:15 a.m. .50 hr including .25 hr ethics

Multiplying Defendants: Whom to Invite to the Party

Evaluating whether and whom to sue, as well as thinking outside the box with an eye to collectability.

Steven B. Treu, Langley & Banack, Inc.,
San Antonio, TX

10:45 a.m. Break

11:00 a.m. .50 hr

Creditor Causes of Action

Sworn accounts, suits on notes, accounts stated and other not-so-usual suspects.

Mark P. Blenden, The Blenden Law Firm, Dallas, TX

11:30 a.m. .50 hr

Evaluating Financial Data

Evaluating credit reports, tax returns, financial statements and accounting records to assist in determining collectability and to detect actionable conduct.

Lynn Hamilton Butler, Brown McCarroll, L.L.P.,
Austin, TX

THURSDAY AFTERNOON

Presiding Officer:

Stuart R. Schwartz, ScottHulse, P.C.,
El Paso, TX

LUNCHEON PRESENTATION

12:00 p.m. Pick up Box Lunch

Included in conference registration fee.

12:15 p.m. .50 hr ethics

Ten Commandments of Ethical Collections

Ethical issues particular to collecting debts and judgments.

Daniel Jacob Goldberg, Ross, Banks, May,
Crone, and Cavin, P.C., Houston, TX

12:45 p.m. Break

1:00 p.m. .50 hr

Attachment and Sequestration

An in-depth analysis of attachment and sequestration with a special emphasis on how to file, what defenses to expect and how to respond to common concerns of the court.

Joseph Wayne Wagner Jr., Haynes and Boone, LLP,
Dallas, TX

1:30 p.m. .50 hr

Injunction

Uses of the injunction remedy to stop the bad guy, preserve assets and increase collectability.

Dulcie Green Wink, The Wink Law Firm, Houston, TX

2:00 p.m. .50 hr

Garnishment

When and how to pursue the garnishment remedy both pre- and post-judgment. Also covered, special rules relating to financial institutions as garnishees.

Kathleen A. Hurren, San Antonio, TX

2:30 p.m. Break

2:45 p.m. .50 hr

Summary Judgment Proof

This session covers drafting the perfect affidavit, responding to custodian of records and ownership issues, and other useful summary judgment proof, as well as dealing with counter-affidavits.

Bruce A. Atkins, Houston, TX

3:15 p.m. .75 hr including .25 hr ethics

Trial Issues and Useful Trial Tactics for the Creditor's Lawyer

This session covers trial issues, including custodian of records issues, out-of-town or out-of-state client representatives when the dollar amount is nominal or collection is uncertain, and challenges of purchased debt. Trial tactics covered include depositions on written questions for a "witnessless" trial, defending business records affidavits, and affidavits as to cost and necessity, plus offering into evidence discovery responses and other authenticated records.

Sean Michael Reagan, Leyh & Payne, L.L.P.,
Houston, TX

4:00 p.m. .50 hr

Formation of the Judgment and Calculation of Interest

Considerations when drafting a judgment including parties, issues, remedies, pre- and post-judgment interest and other necessary bells and whistles. Session materials include a must-have checklist.

Anne M. Johnson, Haynes and Boone, LLP, Dallas, TX

4:30 p.m. .50 hr

Defending Default Judgments

Defending your default judgments against motions for new trial, restricted appeals and bills of review.

Patrick J. Dyer, Law Office of Patrick J. Dyer,
Missouri City, TX

5:00 p.m. .50 hr

Turnover Receiverships

When to use receiverships, the application for appointment, proving that appointment of a receiver is warranted, what powers the order should include and how it all works.

Mike Bernstein, Michael S. Bernstein, P.C., Garland, TX

5:30 p.m. Adjourn

FRIDAY MORNING, SEPT. 3, 2010

Presiding Officer:

**Matias E. Garcia, Barnett & Garcia PLLC,
Lakeway, TX**

8:00 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. 1.50 hrs including .50 hr ethics

Representing Creditors in Bankruptcy

The nuts-and-bolts of representing creditors in bankruptcy, including the first meeting of creditors and how to read the schedules, reclamation rights, claims and administrative claims, objections to exemptions, objections to discharge and complaints to determine dischargeability, involvement with the trustee, evaluating a plan, and how involuntary bankruptcy works.

James V. Hoeffner, Graves Dougherty Hearon & Moody, Austin, TX

Stephen W. Lemmon, Brown McCarroll, L.L.P., Austin, TX

10:00 a.m. Break

10:15 a.m. .75 hr

Bankruptcy Exemptions and Exceptions to Discharge

An overview of exemption limits under the bankruptcy code and provisions to limiting the discharge of certain debts.

Michael V. Baumer, Attorney at Law, Austin, TX

11:00 a.m. .50 hr ethics

The Careful Fee Agreement, and Proving Your Attorney Fees in Litigation: Controlling Case Law and Ethics Rules

Carefully manage your fee agreements with clients, and know the precedents for keeping attorney's fees awards in litigation.

James Holmes, The Schmidt Firm, Dallas, TX

11:30 a.m. .50 hr

Fraudulent Transfers

Recognizing, pleading and proving fraudulent transfers.

Richard Allen Simmons, Waldron & Schneider, L.L.P., Houston, TX

FRIDAY AFTERNOON

Presiding Officer:

**Donna Brown, Donna Brown, P.C.,
Austin, TX**

LUNCHEON PRESENTATION

12:00 p.m. Pick up Box Lunch

Included in conference registration fee.

12:15 p.m. .75 hr including .25 hr ethics

FDCPA, FACTA and Other Issues Affecting Retail Collections

Practical compliance tips for matters governed by FDCPA, and entities charged with complying with FACTA, plus unique challenges and trends in retail collections.

Allen Lee Adkins, Allen L Adkins & Associates PC, Lubbock, TX

1:00 p.m. Break

1:15 p.m. .75 hr

Commercial Landlord/Tenant

Events of default, judicial and non-judicial remedies, enforcement of statutory and contractual liens, and distress warrants.

R. David Fritsche, Law Offices of R. David Fritsche, San Antonio, TX

2:00 p.m. .75 hr

Exemptions under State Law

Evaluating personal property and homestead exemption claims in state court proceedings.

Matias E. Garcia, Barnett & Garcia PLLC, Lakeway, TX

2:45 p.m. Break

3:00 p.m. .50 hr

Service Members Civil Relief Act (SMCRA)

The SMCRA, its latest revisions and how it affects default judgments and foreclosures, plus how to prove the debtor is not an active duty member of the armed forces and what to do if the defendant is on active duty.

Donald L. Turbyfill, Devlin, Naylor & Turbyfill, P.L.L.C., Houston, TX

3:30 p.m. .50 hr

Article 2 Cases and Excuses

Proving up an Article 2 case when the sworn account is denied; elements, evidence and overcoming defenses with Article 2's unique ammunition.

John Mayer, Ross, Banks, May, Crone, and Cavin, P.C., Houston, TX

4:00 p.m. .50 hr

Drafting and Enforcing Mediated Settlement Agreements

You've just spent an entire day mediating your case. You've got a deal and now it's time to put it in writing. This session covers practical aspects of drafting mediated settlement agreements, including a comprehensive form settlement agreement to take with you to mediation.

Patrick Keel, Mediator-Arbitrator, Austin, TX

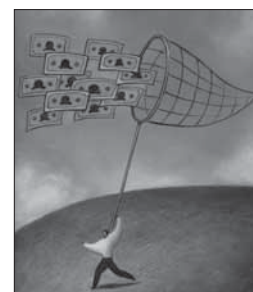
4:30 p.m. Adjourn

REASONS TO ATTEND MASTERING THE ART OF COLLECTING DEBTS AND JUDGMENTS

Don't miss this program if you are interested in learning how to:

- evaluate cases for collectability before you take the suit
- increase the effectiveness of your lawsuit by joinder of parties and creative causes of action
- utilize pre- and post-judgment remedies to take advantage of their full effect
- present evidence at trial without witnesses
- improve your affidavits and summary judgment techniques
- represent your client's interests when bankruptcy becomes an issue
- read and evaluate financial data to determine collectability and detect additional liable parties and actionable conduct
- defend your default judgments
- master post-judgment collection remedies
- keep abreast of federal laws affecting a debt collection practice and actions against individuals

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The University of Texas
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Attn. CLE—CD10
P.O. Box 7759
Austin, TX 78713-7759

Or fax to:

512-475-6876

Or register online:

www.utcle.org

Questions? Call us at 512-475-6700

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Add the electronic version of the conference materials to your course registration or purchase of the Course Binder or Audio CD Set or Audio MP3 Speeches on CD for only \$50. eBinders are distributed 3–5 weeks after the conference and include searchable versions of printed materials in PDF format.

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Mail this registration form to:

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REGISTRATION

Includes Course Binder and Thursday and Friday Luncheon Presentations

- ☐ Early Registration Fee due by Wednesday, August 25, 2010 \$435
- ☐ Registration Fee after Wednesday, August 25, 2010 \$485

CONFERENCE PUBLICATIONS AND MEDIA

Allow 3–5 weeks from the conference date for delivery.

- ☐ Course Binder WITHOUT Conference Registration \$225
Note: Conference registration includes Course Binder.
- ☐ Audio CD Set \$200
- ☐ Audio MP3 Speeches on CD \$130
- ☐ eBinder on CD (PDF format) \$225/\$50
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Allow 3–5 weeks from the conference date for delivery.

- ☐ In-House CLE for 1—Includes Audio CD Set and Course Binder \$375
- _____ Add participants (includes Course Binder) for \$225 each \$ _____

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AUSTIN

September 2–3, 2010

CONFERENCE LOCATION



Hyatt Regency Austin
208 Barton Springs Road
Austin, TX 78704
512-477-1234

Special Room Rate: \$159
good through August 2, 2010
(subject to availability)

Parking:
Self-parking \$5 per day;
Valet parking \$18 per day
(subject to change)

KEY DATES

August 25, 2010, 5 p.m.
last day for early registration
add \$50 for registrations
received after this time

August 27, 2010, 5 p.m.
last day for full refund

August 30, 2010, 5 p.m.
last day for partial refund
\$50 processing fee applied

September 2, 2010, 9 a.m.
conference begins

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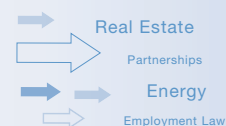


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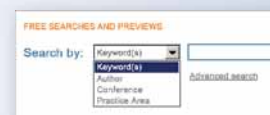
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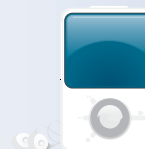
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