

2010 Collecting Debts and Judgments

September 2-3, 2010 • Hyatt Regency Austin • Austin, TX

Thursday Morning, Sep. 2, 2010

Presiding Officer:

Donna Brown, Donna Brown, P.C. - West Lake Hills, TX

8:00 am	Registration Opens Includes continental breakfast.
8:50 am	Welcoming Remarks
9:00 am 0.50 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. - West Lake Hills, TX
9:30 am 0.75 hr	Pre-Suit Investigation and Discovery Issues This session discusses 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 am 0.50 hr 0.25 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 am	Break
11:00 am 0.50 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 am 0.50 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, Sep. 2, 2010

Presiding Officer:

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

12:00 pm	Pick up Box Lunch Included in conference registration fee.
	LUNCHEON PRESENTATION
12:15 pm 0.50 hr ethics	Ten Commandments of Ethical Collections Ethical issues particular to collecting debts and judgments. Daniel Jacob Goldberg, Ross, Banks, May, Cron, and Cavin, P.C. - Houston, TX
12:45 pm	Break
1:00 pm 0.50 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 by the court. Joseph Wayne Wagner Jr., Haynes and Boone, LLP - Dallas, TX
1:30 pm 0.50 hr	Injunction Uses of the injunction remedy to stop the bad guy, preserve assets and increase collectability. Dulcie Green Wink, The Wink Law Firm, PLLC - Katy, TX
2:00 pm 0.50 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 pm	Break
2:45 pm 0.50 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 pm 0.75 hr 0.25 hr ethics	<p>Trial Issues and Useful Trial Tactics for the Creditor's Lawyer</p> <p>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.</p> <p>Sean Michael Reagan, Leyh & Payne, L.L.P. - Houston, TX</p>
4:00 pm 0.50 hr	<p>Formation of the Judgment and Calculation of Interest</p> <p>Considerations when drafting a judgment include parties, issues, remedies, pre- and post-judgment interest and other necessary bells and whistles. Session materials include a must-have checklist.</p> <p>Co-Author: Anne M. Johnson, Haynes and Boone, LLP - Dallas, TX Heather Bailey New, Haynes and Boone, LLP - Dallas, TX</p>
4:30 pm 0.50 hr	<p>Defending Default Judgments</p> <p>Defending your default judgments against motions for new trial, restricted appeals and bills of review.</p> <p>Patrick J. Dyer, Law Office of Patrick J. Dyer - Missouri City, TX</p>
5:00 pm 0.50 hr	<p>Turnover Receiverships</p> <p>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.</p> <p>Mike Bernstein, Michael S. Bernstein, P.C. - Garland, TX</p>
5:30 pm	<p>Adjourn</p>

Friday Morning, Sep. 3, 2010

Presiding Officer:

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

8:00 am	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p>
8:30 am 1.50 hrs 0.50 hr ethics	<p>Representing Creditors in Bankruptcy</p> <p>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.</p> <p>James V. Hoeffner, Graves Dougherty Hearon & Moody - Austin, TX Stephen W. Lemmon, Brown & McCarroll, L.L.P. - Austin, TX</p>
10:00 am	<p>Break</p>

10:15 am 0.75 hr	New 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 am 0.50 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 am 0.50 hr	Fraudulent Transfers Recognizing, pleading and proving fraudulent transfers. Richard Allen Simmons, Waldron & Schneider, L.L.P. - Houston, TX

Friday Afternoon, Sep. 3, 2010

Presiding Officer:

Donna Brown, Donna Brown, P.C. - West Lake Hills, TX

12:00 pm	Pick up Box Lunch Included in conference registration fee.
	LUNCHEON PRESENTATION
12:15 pm 0.75 hr 0.25 hr ethics	The FDCPA and Data Security Practical compliance with the FDCPA and avoiding security breaches. Manuel H. Newburger, Barron, Newburger & Sinsley, PLLC - Austin, TX
1:00 pm	Break
1:15 pm 0.75 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 pm 0.75 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 pm	Break
3:00 pm 0.50 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 pm 0.50 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, Cron, and Cavin, P.C. - Houston, TX
4:00 pm 0.50 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 pm	Adjourn