

2011 Collecting Debts and Judgments

September 1-2, 2011 • AT&T Conference Center • Austin, TX

Thursday Morning, Sep. 1, 2011

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 0.75 hr	Pre-Suit Investigations An examination of the pre-litigation steps the attorney should take to increase the likelihood of collection, including gathering the file, multiplying defendants, jurisdiction and venue, assessing damages and evaluating defenses. Stuart R. Schwartz, ScottHulse, P.C. - El Paso, TX
9:45 am 0.75 hr 0.25 hr ethics	Evaluating the Collectability of Your Claim This session uses case studies to discuss research, identification and analysis of the debtor's assets. Matias E. Garcia, Barnett & Garcia PLLC - Austin, TX
10:30 am	Break
10:45 am 0.75 hr ethics	The Ethics of Pretexting This presentation examines the ethical rules and legal standards governing lawyers who participate directly or indirectly in conduct constituting dissemblance or pretexting. John S. Dzienkowski, The University of Texas School of Law - Austin, TX
11:30 am 0.67 hr	Creditor Causes of Action: Pleadings and Proof Sworn accounts, suits on notes, accounts stated and other not-so-usual suspects, plus pre-trial discovery to provide the proof, are discussed. Mark P. Blenden, The Blenden Law Firm - Dallas, TX
12:10 pm	Break to Pick Up Lunch Included in conference registration fee.

Thursday Afternoon, Sep. 1, 2011

Presiding Officer:

	Luncheon Presentation
12:30 pm 0.75 hr 0.25 hr ethics	Judges Panel: The Good, The Bad and The Ugly What creditors' lawyers do right and wrong in court. Moderator: R. David Fritsche, Law Offices of R. David Fritsche - San Antonio, TX Panelists: Hon. Cactus Jack Cagle, Harris County Civil Court-at-Law No. 1 - Houston, TX Panelists: Sally L. Montgomery, County Court-At-Law 3 - Dallas, TX Panelists: Hon. Irene Rios, County Court at Law No. 10 - San Antonio, TX
1:15 pm	Break
1:30 pm 0.50 hr	The Nuts and Bolts of Equipment Leases Coverage of common collection issues under leases in and out of bankruptcy, and provisions to aid in the enforcement of leases. Richard Kelley, Kelly Hart & Hallman LLP - Austin, TX
2:00 pm 0.50 hr	Fair Debt Collection Practices Act and the Texas Debt Collection Practices Act Practical application and tips for compliance with the Acts. Michael J. Scott, Law Office of Michael Scott - Carrollton, TX
2:30 pm 0.50 hr	Fair Credit Reporting Act and Credit Reports: Common Collections Questions This session focuses on what collection attorneys need to know about the Fair Credit Reporting Act (as amended by the Fair and Accurate Credit Transactions Act). Topics addressed include requirements and permissions to run credit reports, steps for reporting bad credit, and other various rights and responsibilities under the law that can be triggered by collection activities. Erin F. Fonté, Cox Smith Matthews Incorporated - Austin, TX
3:00 pm	Break
3:15 pm 0.50 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. Heather Bailey New, Haynes and Boone, LLP - Dallas, TX
3:45 pm 0.75 hr	Practice Tips and Strategies for Defending Default Judgments How to avoid the most common mistakes that doom default judgments, and how to address the most common attacks on default judgments: motions for new trial, restricted appeals and bills of review. Patrick J. Dyer, Law Office of Patrick J. Dyer - Missouri City, TX

4:30 pm 0.83 hr	<p>Evidentiary Issues for the Creditor's Lawyer</p> <p>A discussion of common evidentiary issues, how to make objections and how to meet objections.</p> <p>Panelists: Bruce A. Atkins, Attorney at Law - Houston, TX</p> <p>Panelists: Sean M. Reagan, Leyh & Payne, L.L.P. - Houston, TX</p> <p>Panelists: Hon. Eric Montgomery Shepperd, Travis County Court at Law No. 2 - Austin, TX</p>
5:20 pm	Adjourn

Friday Morning, Sep. 2, 2011

Presiding Officer:

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

8:00 am	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p>
8:30 am 0.50 hr	<p>Challenges of Proving Assigned and Purchased Debts</p> <p>Discussion of sufficiency of evidence, dealing with common objections and affirmative defenses.</p> <p>Stephen Niermann, Niermann & Olivo - Carrollton, TX</p>
9:00 am 1.25 hrs	<p>Judgment Collection Strategies</p> <p>Effective use of post-judgment discovery, remedies and turnover receiverships to turn judgments into cash.</p> <p>Moderator: Daniel J. Goldberg, Ross, Banks, May, Cron, and Cavin, P.C. - Houston, TX</p> <p>Panelists: Mike Bernstein, Michael S. Bernstein, P.C. - Garland, TX</p> <p>Panelists: Donna Brown, Donna Brown, P.C. - West Lake Hills, TX</p> <p>Panelists: Kathleen A. Hurren, Attorney At Law - San Antonio, TX</p>
10:15 am	Break
10:30 am 1.25 hrs	<p>When It's Not Really Over: Bankruptcy Opportunities for Collection Attorneys</p> <p>Are you a half-full or half-empty type of person? The latter can skip this presentation if they dare.</p> <p>Michael V. Baumer, Attorney at Law - Austin, TX James V. Hoeffner, Graves Dougherty Hearon & Moody - Austin, TX Stephen W. Lemmon, Brown McCarroll, L.L.P. - Austin, TX</p>

11:45 am	Break to Pick Up Lunch Included in conference registration fee.
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Friday Afternoon, Sep. 2, 2011

Presiding Officer:

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

	Luncheon Presentation
12:10 pm 0.50 hr	Legislative Update Shannon Phillips, Independent Bankers Association of Texas - Austin, TX
12:40 pm	Break
12:55 pm 0.75 hr ethics	The Ethics of Negotiation: Are There Any? What are the boundaries, borders and gray areas for lawyers involved in negotiations? A fast-paced presentation with points to ponder, hypotheticals to consider and something to smile about. Jason Boulette, Boulette & Golden L.L.P. - Austin, TX
1:40 pm 0.50 hr	Dead Debtors: Creditor's Claims in Probate How to collect a debt against a decedent's estate in probate and options to collect when there isn't a probate. Alan S. Leibel, Palmer & Manuel, L.L.P. - Dallas, TX
2:10 pm 0.58 hr	Judgments: Domesticating, Renewing and Reviving A discussion of how to domesticate, renew and revive judgments. Hon. Michael C. Engelhart, 151st Civil District Court - Houston, TX
2:45 pm 0.50 hr	A Practical Guide to Collecting Debts in Mexico This session examines the nuts and bolts of enforcing a U.S. judgment in Mexico, including the requirements under Mexican law for a judgment to be enforceable, practical considerations and key pitfalls to be avoided. David Lopez, Pulman, Cappuccio, Pullen & Benson, LLP - San Antonio, TX
3:15 pm	Adjourn