

57th Annual William W. Gibson, Jr. Mortgage Lending Institute

October 11-12, 2023 • AT&T Conference Center • Austin, TX

October 11-12, 2023 • Live Webcast

Wednesday Morning, October 11, 2023

Presiding Officer:

Christopher W. Christensen, PeirsonPatterson, LLP - Dallas, TX

8:00 am In Austin Only	Registration Opens Includes continental breakfast.
8:30 am	Welcoming Remarks
8:40 am 0.75 hr	Case Law Update - Part I Discuss recent and significant Texas cases for the last year, with particular attention paid to cases involving new legal concepts or which materially alter or extend current jurisprudence. Amanda R. Grainger, Winstead PC - Dallas, TX J. Richard White, Winstead PC - Dallas, TX
9:25 am 0.50 hr	Hot Topics in Mortgage Lending and Servicing Hear about recent developments and hot topics in mortgage lending and related real estate matters. Robert F. DuBois III, DuBois, Bryant & Campbell, L.L.P. / Adjunct Professor Texas Law - Austin, TX Jill G. Murphy, Ruffner Schoenbaum Murphy, PLLC / Adjunct Professor Texas Law - Austin, TX
9:55 am 0.50 hr	Contesting Property Tax Appraisals The Property Tax Protest and Appeal process can be confusing. With fifteen-minutes as the average length for an Appraisal Review Board hearing, review strategies for what to do and not do before your values are set in the Summer, and tax statements arrive in the Fall. J. Stephen Brusniak, Brusniak Turner Fine LLP - Dallas, TX
10:25 am	15-Minute Break
10:40 am 0.75 hr	Legislative Update Legislative Update 2023: No Pandemic. No Freeze. Still crazy. John H. "Jack" Miller III, Jack Miller Law, PLLC - Houston, TX

11:25 am 1.00 hr ethics	ChatGPT Ethics Topic description generated by ChatGPT: Using ChatGPT for legal purposes promises efficient information processing, yet raises ethical concerns including client confidentiality and the risk of providing inaccurate advice. It is paramount that attorneys ensure adequate supervision, maintain professional discretion, and stay vigilant about the tool's limitations to uphold their ethical obligations. Henson Adams, Haynes Boone, LLP - San Antonio, TX Adam Sencenbaugh, Haynes Boone, LLP - Austin, TX
12:25 pm In Austin Only	Pick Up Lunch (in Austin) Included in registration.

Wednesday Afternoon, October 11, 2023

Presiding Officer:

Dawn M. Lewallen, First American Title Insurance Company - Houston, TX

LUNCHEON PRESENTATION

12:45 pm 0.75 hr	Follow the Money - How to Avoid Mortgage Fraud The real estate and mortgage industry has seen an increase in fraud in the wake of the Pandemic. Learn to spot the red flags for avoiding mortgage fraud by getting to know your customers and going beyond the paperwork. Walt M. Junker, United States' Attorney's Office - Dallas, TX
1:30 pm	15-Minute Break
1:45 pm 0.50 hr	Escrow Agreements A review of the various uses, types of Escrow Agreements, Escrow Agent options, regulatory and drafting concerns and forms availability. John P. Bruce, Heritage Title Company of Austin, Inc. - Austin, TX
2:15 pm 0.50 hr	Give a Little, Get a Little A push and pull open discussion of the interactions of lender counsel with the borrower, guarantor and equity counsels. Niles W. Holmes, Niles Holmes, P.C. - Dallas, TX Kent Newsome, Greenberg Traurig, LLP - Houston, TX
2:45 pm 0.50 hr	Failing Lenders and FDIC Receiverships What kinds of bad things happen to a good landlord or tenant when the other party's lender fails and the failed lender stops funding the tenant's TI allowance, the tenant's security deposit is uninsured; the issuer of the letter of credit is in receivership; the SNDA is unenforceable; or the lease is ejected by the FDIC as receiver; and other such not so good, very bad things happen. Thomas M. Whelan, McGuire, Craddock & Strother, P.C. - Dallas, TX

3:15 pm	10-Minute Break
	SPECIAL NOTICE <p>The live webcast includes the Advanced Commercial Lending track but not the Residential Lending track. Materials for both tracks are available in the course materials. Approximately 4-6 weeks after the conference, the Advanced Commercial Lending video and Residential Lending audio will both be available in "Your Briefcase."</p>

Track A: Advanced Commercial Lending Track

Presiding Officer:

Amanda R. Grainger, Winstead PC - Dallas, TX

3:25 pm 0.75 hr	CFIUS and Foreign Ownership <p>CFIUS national security review of foreign investment in the U.S. now includes jurisdiction over certain real estate acquisitions. Learn about CFIUS jurisdiction, how to assess risk, and how it could impact your next transaction.</p> <p>Russell Menyhart, Taft Stettinius & Hollister LLP - Indianapolis, IN</p>
4:10 pm 0.50 hr	The Tide Goes Out for an EPA Regulation <p>The latest on the "Waters of the US" controversy and what it means for real estate development and finance.</p> <p>Brian C. Rider, The University of Texas School of Law - Austin, TX</p>
4:40 pm 0.50 hr	Regulatory Issues Impacting Real Estate Lending <p>A former regulator provides her top 10 list of current regulatory issues attorneys representing banks and lenders should know.</p> <p>Caroline C. Jones, Special Counsel - Polunsky Beitel Green LLP - Austin, TX</p>

Track B: Residential Track

Presiding Officer:

Christopher W. Christensen, PeirsonPatterson, LLP - Dallas, TX

3:25 pm In Austin Only 0.75 hr	CFPB Enforcement Actions <p>Focus on Fair Lending and Hot Button Issues Under RESPA, LO Compensation, UDAAP, and Continued Expansion of Turf.</p> <p>Troy Garris, Garris Horn LLP - Dallas, TX</p>
4:10 pm In Austin Only 0.50 hr	Title Insurance Strategies for Distressed Property and Bankruptcy <p>The chance for distressed properties and businesses selling property out of bankruptcy can arise with ever-changing market conditions and increased inflation rates. These types of properties can affect title insurance strategies recommended for the next course of action. Gain insight on how title insurance can help in distressed sales and reduce deal risk.</p> <p>Dawn M. Lewallen, First American Title Insurance Company - Houston, TX</p>

4:40 pm In Austin Only 0.50 hr	Current Litigation Trends for In-House Bank Counsel The failures of SVB et al., increasing interest rates, and enhanced regulatory scrutiny has put banks into the spotlight, again. Discuss headaches on the horizon for in-house bank counsel. Jared Slade, Alston & Bird LLP - Dallas, TX
5:10 pm	Adjourn

Thursday Morning, October 12, 2023

Presiding Officer:

Amanda R. Grainger, Winstead PC - Dallas, TX

8:00 am In Austin Only	Conference Room Opens Includes continental breakfast.
8:30 am 0.75 hr	Case Law Update - Part II Discuss recent and significant Texas cases for the last year, with particular attention paid to cases involving new legal concepts or which materially alter or extend current jurisprudence. Amanda R. Grainger, Winstead PC - Dallas, TX J. Richard White, Winstead PC - Dallas, TX
9:15 am 0.75 hr	Dealing with Loans in the Context of Divorces, Death, and other Family Disruptions Who gets the house is typically a big issue in divorce. There is often a lot of emotion tied to the house, especially if there are kids involved, and generally, one person wants to sell it more than the other. Realtors often have to deal with one uncooperative spouse when a sale is involved, and lenders often have to consider whether the one who wants to keep it can qualify on their own for a refi, home equity loan, or HELOC to buy out the other. Learn more about refinance concurrent to the divorce process, how to deal with a lender following a death, and when to advise a client to ask about assumptions, forbearance, and other mortgage-related scenarios. Brooke Benson, MiMutual Mortgage - San Antonio, TX Daryl Gail Weinman, Weinman & Associates - Austin, TX
10:00 am 0.50 hr	Foreclosures and Deeds in Lieu A step-by-step review of the non-judicial foreclosure process and an overview of alternatives to foreclosure, including deeds in lieu. The presentation includes a step-by-step review of the basics plus practice tips and key forms. Brian Thompson Morris, Winstead PC - Dallas, TX
10:30 am	15-Minute Break

10:45 am 0.50 hr	<p>Loan Workouts and Modifications - Renew, Pretend, Extend</p> <p>Explore the challenges of commercial real estate lending and servicing in the current environment of high interest rates, tight credit and lower property values driven, in part, by the post-COVID “work-from-home” phenomenon that has impacted office occupancy and demand, as well as demand for other property types that are dependent on office workers such as CBD hotels and retail. The presentation includes, specifically, a discussion of how CMBS special servicers are addressing maturing balloon loans that cannot be refinanced.</p> <p>Jenna Unell, Greystone - Irving, TX</p>
11:15 am 0.50 hr	<p>What is Bankruptcy in Real Estate? Basic Bankruptcy as it Relates to Real Estate</p> <p>A discussion about issues in real estate bankruptcies, including issues for real estate lenders and developers, including single asset real estate designation, the automatic stay, financing in bankruptcy, sales free and clear of liens, and plan confirmation.</p> <p>Trip Nix, Holland & Knight LLP - Austin, TX Eric J. Taube, Holland & Knight LLP - Austin, TX</p>
11:45 am 1.00 hr ethics	<p>Navigating the Ethical Minefield for Mortgage Lending Lawyers</p> <p>Mortgage lending lawyers face numerous ethical challenges in their practice, including conflicts of interest, issuing opinion letters and responding to requests for proposal. Examine those issues and cover ways to avoid ethical violations.</p> <p>Robert L. Tobey, Johnston Tobey Baruch, P.C. - Dallas, TX</p>
12:45 pm	<p>Adjourn</p>