

56<sup>TH</sup> ANNUAL WILLIAM W. GIBSON, JR.  
**MORTGAGE LENDING AND  
SERVICING INSTITUTE**



September 29–30, 2022  
AT&T Conference Center ■ Austin, Texas

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 Live Webcast September 29–30

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Earn up to 11.50 Hours of MCLE Credit Including 3.00 Hours of Ethics Credit  
MCLE Credit Approved in TX, CA, OK, and PA (Hours Vary By Jurisdiction)

Specialization Credit Approved for: Bankruptcy Law, Consumer Law, and Real Estate Law

Professional Accreditation Approved for TX Accounting CPE, and TX Real Estate Commission (TREC)

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*Times listed are in Central Time*

**THURSDAY MORNING, SEPT. 29, 2022**

**Presiding Officer:**  
Christopher W. Christensen,  
PeirsonPatterson, LLP, Dallas, TX

**7:30 a.m. Registration Opens**  
Includes continental breakfast.

**8:30 a.m. Welcoming Remarks**

**8:40 a.m. .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 a.m. .75 hr**

**Update on Mechanics Liens and 2021 Amendments to Chapter 53 of the Texas Property Code**

The 2021 Legislature made substantial changes to Chapter 53 of the Texas Property Code. Hear an overview of the 2021 legislative changes governing the requirements for perfecting a mechanics' lien on real property in Texas.

Steven E. Kennedy, McGuire, Craddock & Strother, P.C., Dallas, TX

**10:10 a.m. .50 hr**

**If You Want to Make Your Existing Condominium Financeable Again**

Financing requirements for condominium regimes have recently changed in response to the tragedy of the Surfside condominium collapse in 2021. Discuss these recent changes and provide tips on how to comply with the revised financing requirements.

Preston Patton, Winstead PC, Austin, TX  
Kristi Stotts, Winstead PC, Austin, TX

**10:40 a.m. 15-Minute Break**

**10:55 a.m. .75 hr**

**The Real [Bankruptcy] Estate: Bankruptcy Must Knows for Real Estate Professionals**

Gain insight into important information that real estate lawyers and other real estate professionals should know about bankruptcy; from dirt-for-debt to bar dates and important notices.

Genevieve M. Graham, Jackson Walker LLP, Houston, TX  
Veronica A. Polnick, Jackson Walker LLP, Houston, TX

**11:40 a.m. 1.00 hr ethics**

**Attorney Title Opinion Letters in a GSE World**

FNMA has recently followed FHLMC to permit the use of Attorney Title Opinion Letters as an alternative to title insurance in specific and limited circumstances. This presentation will assist counsel to understand what these "AOL" are and what protection they provide. In addition, what are the benefits and criticisms?

Roland Love, Independence Title Company, Dallas, TX

**12:40 p.m. Pick up Lunch**

Included in registration.

**THURSDAY AFTERNOON**

**Presiding Officer:**  
Amanda R. Grainger, Winstead PC,  
Dallas, TX

**LUNCHEON PRESENTATION**

**1:00 p.m. 1.00 hr**

**The Outlook for the US and Texas Economies**

Dr. Perryman will discuss his latest projections for the US and Texas economies, including forecasts for employment and other measures of business activity as well as the outlook for real estate markets. Key trends will be described, including inflation, supply chain issues, population shifts, and the energy sector.

M. Ray Perryman, The Perryman Group, Waco, TX

**2:00 p.m. 15-Minute Break**

**2:15 p.m. .50 hr**

**Easement Appurtenant**

Easement may be created by express grant, condemned for public use, reservation, dedication, and in a variety of other ways. Focus on the narrow topic of easements appurtenant. Examine: (1) the definition and nature of easement rights; (2) how an appurtenant easement is different from an easement in gross, license and profit a prendre; (3) the requirements for the grant of an appurtenant easement; (4) the purpose, location and use of appurtenant easement; (5) how appurtenant easements might be terminated; and (5) what easements title insurance affirmatively insures.

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

**2:45 p.m. 10-Minute Break**

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## CONCURRENT SESSIONS

### SPECIAL NOTICE

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."

### ADVANCED COMMERCIAL LENDING

#### Presiding Officer:

Amanda R. Grainger, Winstead PC,  
Dallas, TX

2:55 p.m. .75 hr

#### Picking Your Poison: When and How to Seek Appointment of a Receiver for Borrower Defaults

Non-judicial foreclosure in Texas is relatively quick and cheap. A receivership proceeding is rarely either. Be careful before you ask for a receiver because you might you might just get one.

Thomas M. Whelan, McGuire, Craddock & Strother,  
P.C., Dallas, TX

3:40 p.m. .75 hr

#### Lender Liability: Yes, That's Still a Thing

A discussion of lender liability theories and the current state of the law, including the recent *Bailey Tool* decision.

Jason Enright, Winstead PC, Dallas, TX  
Phillip Lamberson, Winstead PC, Dallas, TX  
Joe Wielebinski, Winstead PC, Dallas, TX

4:25 p.m. .50 hr

#### Financeability of Documents

Explore financeability requirements for documents in commercial real estate financing.

Niles W. Holmes, Niles Holmes, P.C., Dallas, TX

4:55 p.m. Adjourn



UT Law CLE is committed to helping attorneys meet their annual Texas MCLE requirements. Following the event, customers will receive a free, on-demand eSupplement that will bring their total available hours to 15.00, including 3.00 hours of ethics.

Are you a 1<sup>st</sup> or 2<sup>nd</sup> year attorney? Attend most UT Law CLE conferences for just \$150!

Call 512.475.6700 to register.

### RESIDENTIAL TRACK

#### Presiding Officer:

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

2:55 p.m. .75 hr

#### Future Legal Issues for Lending Counsel

Cover anticipated Texas legislation in 2023, including extensive UCC amendments relating to digital assets, and home equity legislation; recent attorney general opinions impacting foreclosure; and other late breaking legislative and administrative developments impacting mortgage lending.

John Fleming, Law Office of John Fleming,  
Austin, TX

3:40 p.m. .75 hr

#### Claims Against Real Estate Agents and Brokers

A discussion on the different types of claims against agents and brokers, current trends in the marketplace, and risk avoidance.

Craig Dowis, Thompson Coe, Dallas, TX

4:25 p.m. .50 hr

#### Employment Issues Around a Work From Home Work Force

In 2022, more and more employees are moving to a work from home environment, whether on a full-time or part-time basis. While this arrangement can have many benefits for employees, there are some legal risks and considerations for employers including wage and hour, workers compensation, taxation, privacy, and productivity concerns. This session will explore the increase in the work from home phenomena and the inherent legal risks for employers.

Fred Gaona, Frost Brown Todd LLC, Dallas, TX

4:55 p.m. Adjourn

## FRIDAY MORNING, SEPT. 30, 2022

### Presiding Officer:

Brian C. Rider, The University of Texas  
School of Law, Austin, TX

8:00 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. .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 a.m. .50 hr

#### Developments in Real Estate Underwriting Related to Climate Change

Explore the real and future impacts which are happening in underwriting standards in commercial real estate lending, investing, and purchase/sale transactions as a result of laws, regulations and private decisions made by organizations which are sources of capital – in the name of climate change. Review laws, regulations, executive orders and proposed regulations impacting real estate and real estate financing, again in the name of climate change.

Brian C. Rider, The University of Texas School of Law,  
Austin, TX

9:45 a.m. 1.00 hr ethics

#### The Ethics of Practicing Law Remotely

How to ethically navigate the online practice of law post-Covid.

Carrie Johnson Phaneuf, Cobb Martinez Woodward  
PLLC, Dallas, TX

10:45 a.m. 15-Minute Break

11:00 a.m. .50 hr

#### Transition to SOFR

A discussion of the transition from LIBOR to SOFR (or other base variable rates).

Jonathan Thalheimer, McGuire, Craddock & Strother,  
P.C., Dallas, TX

11:30 a.m. .50 hr

#### Hot Topics and Quick Tips

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., Austin, TX  
Speaker TBD

12:00 p.m.

1.00 hr ethics

### Ethical Obligations in Mitigating and Responding to a Data Breach

Over the past decade, legislatures in Colorado, California, Virginia, etc. and regulators in the European Union have promulgated various data protection laws and practices that have caused much confusion to both lawyers and non-lawyers on how to lawfully respond to a data breach. These laws have presented statutory requirements companies must abide by in order to respond to and remedy security breaches, and within these requirements, are ethical obligations counsel must uphold. This presentation will discuss the ethical obligations Texas counsel must abide by in order to respond to data breaches in accordance with the Texas Disciplinary Rules of Conduct.

Skyla R. Banks, Amplitude, Inc., Dallas, TX  
Arielle S. Comer, Ryan Law, Dallas, TX  
Lillie Jackson, Morgan Lewis & Bockius, LLP, Dallas, TX

1:00 p.m. Adjourn

### ACTION THROUGH EDUCATION

#### Our efforts for real change against racism.

Learn how we as lawyers can join the fight against racial injustice.

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This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 11.50 hours, of which 3.00 credit hours will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

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### Mail:

The University of Texas  
School of Law  
ATTN: CLE  
PO Box 7759  
Austin, TX 78713-7759

### Fax:

512.475.6876

Questions? 512.475.6700

If you have dietary requirements or would like to request accommodations under the ADA, please contact Customer Service at 512.475.6700 or service@utcle.org at least 10 days prior to the conference.

## REGISTRATION BENEFITS

**Comprehensive Course Materials:** Access course materials in "Your Briefcase" approximately 48 hours before the live event, and enjoy unlimited access to the final, complete course materials – downloadable PDFs of papers and slides.

**Accredited eConference:** Complimentary access to the eConference – with papers, slides, and video – accredited for one year in both TX and CA are available in "Your Briefcase" 6–8 weeks after the event.

**TX MCLE Credit Reporting:** UT Law CLE can report credit on your behalf directly to the State Bar of Texas. Track the Texas MCLE credit reported on your behalf at "Your Account" after you've logged in at www.utcle.org.

## TROUBLE LOGGING IN?

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**Still Need Assistance?** Contact customer service at 512.475.6700 or service@utcle.org during business hours.

## REGISTRATION FORM

PLEASE PRINT CLEARLY

ML22

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Registrant's Email (required) \_\_\_\_\_

Assistant's Email (optional) \_\_\_\_\_

*Invoices, confirmations, and receipts are emailed to these addresses.*

### EVENT REGISTRATION

*Includes Electronic Course Binder Download (PDF) in "Your Briefcase." Special group registration rates available. Call 512.475.6700.*

#### Please select location type:

- Live, In-Person Event Registration  
 Live Webcast Registration

#### Please select Thursday afternoon concurrent session

- Advanced Commercial Lending  
 Residential (this track is only available in-person, not on the webcast)

#### Please select registration type:

- Individual Registration . . . . . \$595 | \$645 after September 21

**Printed and Shipped Binder with Registration (Shipping Included)** – Available for order through Friday, September 30, 2022

*Please note that the printed binder will arrive 2–3 weeks after the scheduled webcast. Delivery to P.O. boxes is not permitted. Binders will not be distributed on-site.*

- Printed and Shipped Course Binder . . . . . \$70.36 (\$65\*)

#### Webcast Add-on

*Register for the in-person conference and add on the webcast format for attendance flexibility.*

- Webcast Add-on . . . . . \$75

**TOTAL EVENT REGISTRATION \$ \_\_\_\_\_**

**FIRST AND SECOND YEAR ATTORNEYS MAY ATTEND FOR JUST \$150! CALL 512.475.6700 TO REGISTER.**

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#### eConference – For Texas and California MCLE Credit

*Includes Electronic Course Binder Download (PDF) and program video/audio. Available 6-8 weeks after live event. Hours may vary depending on actual event runtime.*

- Individual eConference . . . . . \$645

#### Post-Course Binder – For Research and Self-Study

*Comprehensive binder with papers and slides, available for delivery 4–6 weeks after live event.*

- Electronic Post-Course Download (PDF) . . . . . \$265.21 (\$245\*)  
 Printed Post-Course Binder . . . . . \$319.34 (\$295\*)

**TOTAL POST-CONFERENCE PRODUCTS \$ \_\_\_\_\_**

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- Check (make check payable to The University of Texas at Austin)  
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**AUSTIN****September 29–30, 2022****CONFERENCE LOCATION****AT&T Conference Center**The University of Texas at Austin  
1900 University Avenue  
Austin, TX 78705  
877.744.8822 (reservations)**Special Room Rate: \$194**good through August 29, 2022  
reference "Mortgage Lending 2022"  
(subject to availability)**Parking:**Please visit [www.utcle.org/conferences/ML22](http://www.utcle.org/conferences/ML22)  
for daily and overnight rates**KEY DATES****September 21, 2022***Last day for early registration rates***September 23, 2022***Last day for full refund cancellation***September 26, 2022***Last day for partial refund cancellation*  
\$50 processing fee applied**September 29, 2022 8:30 a.m., CT***Conference begins***September 30, 2022***Last day to order a printed and shipped course binder  
with in-person or webcast conference registration.***REASONS TO ATTEND**UT Law's **55<sup>th</sup> Annual William W. Gibson, Jr. Mortgage Lending and Servicing Institute** presents current developments and industry trends, offers practical information on real estate lending, financing and title issues, and provides a must-have set of materials and resources. This year's highlights include:

- Updates from the legislature and the courts, along with focused sessions on *Advanced Commercial Lending* and *Residential Lending*.
- Insight into hot topics like seller financing, LIBOR transition, bankruptcy, and letters of credit.
- Hear Dr. Perryman discuss his projections for growth and business activity in *The Outlook for the US and Texas Economies in a Post-COVID-19 Environment*.
- *Congressional and Administration Priorities Affecting Mortgage Counsel* provides insight on what policymakers are prioritizing in the financial services arena and how it will affect mortgage lenders.
- The Real Estate Legislative Affairs Committee (RELACs) reviews the legislature's response to COVID, ERCOT, and other fun acronyms.

**UT Law CLE is committed to Practice Excellence.**We are here to support our community while we navigate the coronavirus pandemic together. Information and updates regarding our in-person conferences and live webcasts will be posted at [www.utcle.org](http://www.utcle.org).

In addition, we continue to offer multiple educational opportunities online—both live and on-demand—by bringing practitioners together virtually. We are fortunate to serve so many of you who strive for excellence in the practice of law.

