

**56<sup>th</sup> Annual William W. Gibson, Jr. Mortgage Lending and Servicing Institute**  
**September 29-30, 2022 • AT&T Conference Center • Austin, TX**  
**September 29-30, 2022 • Live Webcast**

**Thursday Morning, Sep. 29, 2022**

**Presiding Officer:**

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

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|---------------------------|--|
| 7:30 am<br>In Austin Only | <b>Registration Opens</b><br><br>Includes continental breakfast.   |
| 8:30 am                   | <b>Welcoming Remarks</b>   |
| 8:40 am<br>0.75 hr        | <b>Case Law Update - Part I</b><br><br>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.<br><br>Amanda R. Grainger, Winstead PC - Dallas, TX<br>J. Richard White, Winstead PC - Dallas, TX   |
| 9:25 am<br>0.75 hr        | <b>Update on Mechanics Liens and 2021 Amendments to Chapter 53 of the Texas Property Code</b><br><br>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.<br><br>Steven E. Kennedy, McGuire, Craddock & Strother, P.C. - Dallas, TX                 |
| 10:10 am<br>0.50 hr       | <b>If You Want to Make Your Existing Condominium Financeable Again</b><br><br>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.<br><br>Preston Patten, Winstead PC - Austin, TX<br>Kristi Stotts, Winstead PC - Austin, TX |
| 10:40 am                  | <b>15-Minute Break</b>   |
| 10:55 am<br>0.75 hr       | <b>The Real [Bankruptcy] Estate: Bankruptcy Must Knows for Real Estate Professionals</b><br><br>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.<br><br>Genevieve M. Graham, Jackson Walker LLP - Houston, TX<br>Veronica A. Polnick, Jackson Walker LLP - Houston, TX                |

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| 11:40 am<br>1.00 hr ethics | <b>Attorney Title Opinion Letters in a GSE World</b><br><br>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?<br><br>Roland Love, Independence Title Company - Dallas, TX |
| 12:40 pm<br>In Austin Only | <b>Pick up Lunch (in Austin)</b><br><br>Included in registration.  |

## Thursday Afternoon, Sep. 29, 2022

### Presiding Officer:

**Amanda R. Grainger**, Winstead PC - Dallas, TX

### LUNCHEON PRESENTATION

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|--------------------|---|
| 1:00 pm<br>1.00 hr | <b>The Outlook for the US and Texas Economies</b><br><br>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.<br><br>M. Ray Perryman, The Perryman Group - Waco, TX  |
| 2:00 pm            | <b>15-Minute Break</b>  |
| 2:15 pm<br>0.50 hr | <b>Easement Appurtenant</b><br><br>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.<br><br>Dawn M. Lewallen, First American Title Insurance Company - Houston, TX |
| 2:45 pm            | <b>10-Minute Break</b>  |
|                    | <b>SPECIAL NOTICE</b><br><br><p>The live webcast includes the <b>Advanced Commercial Lending track</b> but <b>not the Residential Lending track</b>. 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

|                    |   |
|--------------------|---|
| 2:55 pm<br>0.75 hr | <p><b>Picking Your Poison: When and How to Seek Appointment of a Receiver for Borrower Defaults</b></p> <p>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 just get one.</p> <p>Thomas M. Whelan, McGuire, Craddock &amp; Strother, P.C. - Dallas, TX</p> |
| 3:40 pm<br>0.75 hr | <p><b>Lender Liability: Yes, That's Still a Thing</b></p> <p>A discussion of lender liability theories and the current state of the law, including the recent <i>Bailey Tool</i> decision.</p> <p>Jason Enright, Winstead PC - Dallas, TX<br/>Phillip Lamberson, Winstead PC - Dallas, TX<br/>Joe Wielebinski, Winstead PC - Dallas, TX</p>                                       |
| 4:25 pm<br>0.50 hr | <p><b>Financeability of Documents</b></p> <p>Explore financeability requirements for documents in commercial real estate financing.</p> <p>Niles W. Holmes, Niles Holmes, P.C. - Dallas, TX</p>   |

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## Track B: Residential Track

### Presiding Officer:

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

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| 2:55 pm<br>In Austin Only<br>0.75 hr | <p><b>Future Legal Issues for Lending Counsel</b></p> <p>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.</p> <p>John Fleming, Law Office of John Fleming - Austin, TX</p>  |
| 3:40 pm<br>In Austin Only<br>0.75 hr | <p><b>Claims Against Real Estate Agents and Brokers</b></p> <p>A discussion on the different types of claims against agents and brokers, current trends in the marketplace, and risk avoidance.</p> <p>Craig Dowis, Thompson Coe - Dallas, TX</p>   |
| 4:25 pm<br>In Austin Only<br>0.50 hr | <p><b>Employment Issues Around a Work From Home Work Force</b></p> <p>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.</p> <p>Fred Gaona, Frost Brown Todd LLC - Dallas, TX</p> |
| 4:55 pm                              | <p><b>Adjourn</b></p>   |

## Friday Morning, Sep. 30, 2022

### Presiding Officer:

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

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| 8:00 am<br>In Austin Only | <b>Conference Room Opens</b><br><br>Includes continental breakfast.  |
| 8:30 am<br>0.75 hr        | <b>Case Law Update - Part II</b><br><br>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.<br><br>Amanda R. Grainger, Winstead PC - Dallas, TX<br>J. Richard White, Winstead PC - Dallas, TX  |
| 9:15 am<br>0.50 hr        | <b>Developments in Real Estate Underwriting Related to Climate Change</b><br><br>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.<br><br>Brian C. Rider, The University of Texas School of Law - Austin, TX |
| 9:45 am<br>1.00 hr ethics | <b>The Ethics of Practicing Law Remotely</b><br><br>How to ethically navigate the online practice of law post-Covid.<br><br>Carrie Johnson Phaneuf, Cobb Martinez Woodward PLLC - Dallas, TX   |
| 10:45 am                  | <b>15-Minute Break</b>   |
| 11:00 am<br>0.50 hr       | <b>Transition to SOFR</b><br><br>A discussion of the transition from LIBOR to SOFR (or other base variable rates).<br><br>Jonathan Thalheimer, McGuire, Craddock & Strother, P.C. - Dallas, TX   |
| 11:30 am<br>0.50 hr       | <b>Hot Topics and Quick Tips</b><br><br>Hear about recent developments and hot topics in mortgage lending and related real estate matters.<br><br>Robert F. DuBois III, DuBois, Bryant & Campbell, L.L.P. - Austin, TX<br>Brian C. Rider, The University of Texas School of Law - Austin, TX   |

12:00 pm  
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 pm

### **Adjourn**