

# 2012 Collecting Debts and Judgments

## October 11-12, 2012 • AT&T Conference Center • Austin, TX

### Thursday Morning, Oct. 11, 2012

#### Presiding Officer:

**Donna Brown**, Attorney at Law - West Lake Hills, TX

8:00 am	<b>Registration Opens</b>  Includes continental breakfast.
8:50 am	<b>Welcoming Remarks</b>
9:00 am 0.75 hr	<b>Collection Trends and Social Media as a Collection Tool</b>  A look at the current trends and issues facing credit and collection professionals and companies in today's environment and what this means for collections. Includes discussion on utilizing social media in collections and the positive and negative impact it can have.  Lynnette R. Warman, Hunton & Williams LLP - Dallas, TX
9:45 am 0.50 hr	<b>New Legislation and Court Rules Affecting Collections Attorneys</b>  The last legislative session was very busy. Hear the most important changes to several of the statutes, rules and regulations that impact your debt collection practice.  Matias E. Garcia, Barnett & Garcia, PLLC - Austin, TX
10:15 am	<b>Break</b>
10:30 am 1.00 hr	<b>Presuit Investigation Including Working Effectively with Investigators</b>  An examination of the pre-litigation steps the attorney should take to increase the likelihood of collection, including gathering the file, retaining an investigator to identify and gather intelligence regarding the debtor (i.e. identify assets, multiply defendants), selecting jurisdiction and venue, assessing damages and evaluating defenses.  Gerald A. Colca, Attorney at Law - Pearland, TX Stuart R. Schwartz, ScottHulse, P.C. - El Paso, TX
11:30 am 0.75 hr	<b>How Best to Utilize Services of Your Process Server and What to Expect</b>  A discussion of the realities of process serving and how an attorney can best work with his or her process server, including recent changes, proper service of process, serving the evading individual and entity, hazards and communicating with your process server.  Mark P. Blenden, Attorney at Law - Dallas, TX Jon H. Snyder, Capitol Process Service - Georgetown, TX
12:15 pm	<b>Break for Buffet Lunch</b>  Included in conference registration fee.

## Thursday Afternoon, Oct. 11, 2012

### Presiding Officer:

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

	<b>Luncheon Presentation</b>
12:35 pm 0.75 hr	<b>Expedited Rules and Rule-Making</b>  An insider's view of the Texas Supreme Court's rule-making process, with a focus on the new rules for expedited trials.  Thomas R. Phillips, Baker Botts L.L.P. - Austin, TX
1:20 pm	<b>Break</b>
1:30 pm 0.50 hr	<b>Causes of Action: Pleading and Proof</b>  Common creditor causes of action in Texas, including sworn account, account stated, money had and received, quantum meruit, promissory note and guaranty.  David William Roth, Attorney at Law - Bedford, TX
2:00 pm 0.75 hr	<b>Strategies for Defending against Counter-Claims and Affirmative Defenses</b>  Tips and tactics to avoid common pitfalls.  Morgan Matthew Matson, Barnett & Garcia, PLLC - San Antonio, TX
2:45 pm	<b>Break</b>
3:00 pm 0.50 hr	<b>Summary Judgment Evidence and Affidavit Toolkit</b>  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, Attorney at Law - Houston, TX
3:30 pm 0.75 hr 0.25 hr ethics	<b>Trends, Traps and Best Practices Involving Consumer Collections</b>  Ten things you must know to survive and prosper in today's consumer collection arena.  Michael J. Scott, Attorney at Law - Carrollton, TX
4:15 pm 0.75 hr ethics	<b>Top Ten Traps to Avoid as a Collections Litigator/Trial Attorney</b>  Tips to prepare for trial confidently and to avoid the nightmares.  Patrick J. Dyer, Attorney at Law - Missouri City, TX
5:00 pm	<b>Adjourn</b>

## Friday Morning, Oct. 12, 2012

### Presiding Officer:

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

8:00 am	<b>Conference Room Opens</b>  Includes continental breakfast.
8:30 am 0.75 hr	<b>State Court Exemptions and Other Property Issues</b>  A review of what property can be reached by a judgment creditor—the usual and unusual: partnership and other business interests, spousal property and intangibles.  Kathleen A. Hurren, Attorney at Law - San Antonio, TX
9:15 am 1.00 hr	<b>Post-Judgment Remedies</b>  Collecting your judgments using abstracts, executions, garnishments, turnovers and charging orders, with a special presentation by a deputy constable on success with writs of execution.  Donna Brown, Attorney at Law - West Lake Hills, TX Vincent P. Dodd, Constable Precinct 2 - Austin, TX
10:15 am	<b>Break</b>
10:30 am 0.75 hr	<b>Turnover Receiverships</b>  The turnover receivership is a cost-effective way to collect large and small judgments. Learn how it works and how to use this powerful, flexible collection tool.  Moderator: R. David Fritsche, Law Offices of R. David Fritsche - San Antonio, TX Panelists: Mike Bernstein, Attorney at Law - Garland, TX Panelists: Hon. Mark Ben Greenberg, County Court At Law #5 - Dallas, TX Panelists: Peter Evans Pratt Jr., Pratt & Malone, P.C. - Houston, TX
11:15 am 0.75 hr ethics	<b>A Collection Lawyer's Guide to Arbitration</b>  A practical guide to surviving the arbitration of a collections case, from drafting arbitration clauses to the award.  Daniel J. Goldberg, Ross, Banks, May, Cron, and Cavin, P.C. - Houston, TX
12:00 pm	<b>Break for Box Lunch</b>  Included in conference registration fee.

## Friday Afternoon, Oct. 12, 2012

### Presiding Officer:

**Donna Brown**, Attorney at Law - West Lake Hills, TX

	<b>Luncheon Presentation</b>
12:15 pm 1.00 hr	<p><b>Representing the Unsecured Creditor in a Commercial Bankruptcy</b></p> <p>A primer on reclamation rights, whether to spend money to attend the 341, advising your client on whether to serve on the creditor's committee, administrative claims vs. regular claims, evaluating the plan, pursuing debtors on post plan defaults, defending preferences and advising on issues related to involuntary bankruptcies.</p> <p>Moderator: Donna Brown, Attorney at Law - West Lake Hills, TX</p> <p>Panelists: James V. Hoeffner, Graves Dougherty Hearon &amp; Moody - Austin, TX</p> <p>Panelists: Kell C. Mercer, Brown McCarroll - Austin, TX</p>
1:15 pm	<b>Break</b>
1:30 pm 0.75 hr	<p><b>Exemption and Discharge Litigation/Issues: Consumer-Oriented</b></p> <p>Homestead exemptions after the 2005 Bankruptcy Code amendments, including which debts survive bankruptcy.</p> <p>Michael V. Baumer, Attorney at Law - Austin, TX</p>
2:15 pm 1.00 hr ethics	<p><b>Ethics for Collections Attorneys and Their Staff</b></p> <p>A discussion of problems with advertising, communicating with debtors, fee contracts, conflicts of interest, handling money, supervising staff and other ethical issues.</p> <p>John Mayer, Ross, Banks, May, Cron, and Cavin, P.C. - Houston, TX Jonathan E. Smaby, Texas Center for Legal Ethics - Austin, TX</p>
3:15 pm	<b>Adjourn</b>