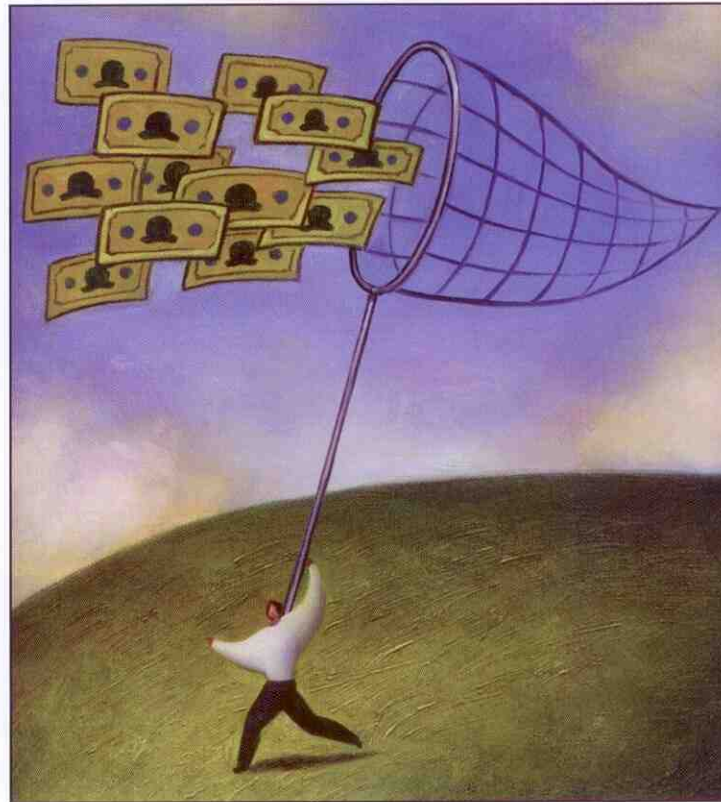


2010

# MASTERING THE ART OF COLLECTING DEBTS AND JUDGMENTS

*ImageZoo/Veer*

September 2–3, 2010

Hyatt Regency Austin ▪ Austin, Texas

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## THURSDAY MORNING, SEPT. 2, 2010

### Presiding Officer:

Donna Brown, Donna Brown, P.C.,  
Austin, TX

8:00 a.m. Registration Opens  
Includes continental breakfast.

### 8:50 a.m. Welcoming Remarks

9:00 a.m. .50 hr

### Abstracts of Judgment, Writs of Execution and Turnover Proceedings

The post-judgment remedies every litigator must know about and be prepared to use.

Donna Brown, Donna Brown, P.C., Austin, TX

9:30 a.m. .75 hr

### Pre-Suit Investigation and Discovery Issues

This session examines both the pre-litigation steps the attorney should conduct to increase the likelihood of collection and the methods of gathering evidence once suit is filed, including subpoenaing records from financial institutions and other third parties.

Stuart R. Schwartz, ScottHulse, P.C., El Paso, TX

10:15 a.m. .50 hr including .25 hr ethics

### Multiplying Defendants: Whom to Invite to the Party

Evaluating whether and whom to sue, as well as thinking outside the box with an eye to collectability.

Steven B. Treu, Langley & Banack, Inc.,  
San Antonio, TX

### 10:45 a.m. Break

11:00 a.m. .50 hr

### Creditor Causes of Action

Sworn accounts, suits on notes, accounts stated and other not-so-usual suspects.

Mark P. Blenden, The Blenden Law Firm, Dallas, TX

11:30 a.m. .50 hr

### Evaluating Financial Data

Evaluating credit reports, tax returns, financial statements and accounting records to assist in determining collectability and to detect actionable conduct.

Lynn Hamilton Butler, Brown McCarroll, L.L.P.,  
Austin, TX

## THURSDAY AFTERNOON

### Presiding Officer:

Stuart R. Schwartz, ScottHulse, P.C.,  
El Paso, TX

### LUNCHEON PRESENTATION

12:00 p.m. Pick up Box Lunch  
Included in conference registration fee.

12:15 p.m. .50 hr ethics

### Ten Commandments of Ethical Collections

Ethical issues particular to collecting debts and judgments.

Daniel Jacob Goldberg, Ross, Banks, May,  
Crone, and Cavin, P.C., Houston, TX

### 12:45 p.m. Break

1:00 p.m. .50 hr

### Attachment and Sequestration

An in-depth analysis of attachment and sequestration with a special emphasis on how to file, what defenses to expect and how to respond to common concerns of the court.

Joseph Wayne Wagner Jr., Haynes and Boone, LLP,  
Dallas, TX

1:30 p.m. .50 hr

### Injunction

Uses of the injunction remedy to stop the bad guy, preserve assets and increase collectability.

Dulcie Green Wink, The Wink Law Firm, Houston, TX

2:00 p.m. .50 hr

### Garnishment

When and how to pursue the garnishment remedy both pre- and post-judgment. Also covered, special rules relating to financial institutions as garnishees.

Kathleen A. Hurren, San Antonio, TX

### 2:30 p.m. Break

2:45 p.m. .50 hr

### Summary Judgment Proof

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, Houston, TX

3:15 p.m. .75 hr including .25 hr ethics

### Trial Issues and Useful Trial Tactics for the Creditor's Lawyer

This session covers trial issues, including custodian of records issues, out-of-town or out-of-state client representatives when the dollar amount is nominal or collection is uncertain, and challenges of purchased debt. Trial tactics covered include depositions on written questions for a "witnessless" trial, defending business records affidavits, and affidavits as to cost and necessity, plus offering into evidence discovery responses and other authenticated records.

Sean Michael Reagan, Leyh & Payne, L.L.P.,  
Houston, TX

4:00 p.m. .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. Session materials include a must-have checklist.

Anne M. Johnson, Haynes and Boone, LLP, Dallas, TX

4:30 p.m. .50 hr

### Defending Default Judgments

Defending your default judgments against motions for new trial, restricted appeals and bills of review.

Patrick J. Dyer, Law Office of Patrick J. Dyer,  
Missouri City, TX

5:00 p.m. .50 hr

### Turnover Receiverships

When to use receiverships, the application for appointment, proving that appointment of a receiver is warranted, what powers the order should include and how it all works.

Mike Bernstein, Michael S. Bernstein, P.C., Garland, TX

### 5:30 p.m. Adjourn

