

O F E V E N T S

SATURDAY, OCTOBER 27, 2007

TRACK 1

Select one track

TRACK 2

CHALLENGING MORTGAGE LENDING AND SERVICING ABUSES

The Mini Boot Camp (Parts I and II) will focus on mortgage servicing claims arising after the loan is made and in bankruptcy. In the afternoon, participants are given the choice of continuing with Part II of the Mini Boot Camp or attending sessions on litigating mortgage origination claims.

- 8:30 am–Noon** **Mini Boot Camp Part I**
O. Max Gardner III, Esq. (Shelby, NC) John Rao, Esq. (Boston, MA),
Tara Twomey, Esq. (Carmel, CA)
- 8:30–9:15 am** **Pinning Down What is Really Going On**
How to obtain reliable information; how and when to use qualified written requests and payoff statements; using dispute rights to set the stage for litigation.
- 9:15–10:15 am** **Servicer Abuses and Potential Claims**
Servicing abuses before and after default; overview of state and federal claims.
- 10:15–10:30 am** **BREAK**
- 10:30–11:00 am** **Escrow Account Issues**
RESPA requirements and common violations; double-counting; failure to notify of deficiencies.
- 11:00–Noon** **Servicer Abuses In and After Bankruptcy**
Monitoring, POC and bankruptcy specific "junk" fees; creditor attorneys fees; misapplication of plan payments; making use of § 524(i).
- Noon–1:15 pm** **LUNCH**
- 1:15–5:30 pm** **Choose Option 1 or Option 2:**
- 1:15–5:30 pm:** **OPTION 1: Litigating Mortgage Lending Claims**
Dan Mulligan, Esq. (San Francisco, CA), Gary Klein, Esq. (Boston, MA)
Chris Lefebvre, Esq. (Pawtucket, RI), John Rao, Esq. (Boston, MA)
- 1:15–1:45 pm** **Recognizing a Predatory Mortgage Loan**
Identifying key documents and warning signs.
- 1:45–3:15 pm** **Overview of Major Claims and Defenses**
Truth-in-Lending Rescission; Home Ownership Equity Protection Act (HOEPA); state predatory home loan acts and other state law claims.
- 3:15–3:30 pm** **BREAK**
- 3:30–4:30 pm** **Selecting and Valuing Cases**
Reviewing loan documents and spotting abusive loans; finding common violations.
- 4:30–5:30 pm** **Raising Claims and Defenses in a Bankruptcy Case**
Benefits of the bankruptcy forum; tender and settlement issues; co-counseling opportunities.
- 1:15–5:30 pm** **OPTION 2: Mini Boot Camp – Part II**
O. Max Gardner III, Esq. (Shelby, NC), Tara Twomey, Esq. (Carmel, CA)
- 1:15–2:15 pm** **Mortgage Accounting for Bankruptcy Attorneys**
Servicer accounting systems; making sense of payment histories; abuse of suspense accounts.
- 2:15–3:15 pm** **Mortgage Servicing Litigation**
Claim objections; defending stay relief motions; foreclosure firms and pre-signed affidavits; servicer standing and agency issues.
- 3:15–3:30 pm** **BREAK**
- 3:30–4:30 pm** **Mortgage Servicing Litigation (continued)**
Discovery, responding to servicer defenses; settlement terms.
- 4:30–5:30 pm** **Developing a Bankruptcy Litigation Practice**
How to make mortgage servicing litigation part of your bankruptcy practice.

FOR NEW AND EXPERIENCED PRACTITIONERS ALIKE: DESIGN & CONSTRUCTION OF A CONSUMER BANKRUPTCY CASE – Emphasizing Chapter 13

This hands-on workshop will take you step-by-step from meeting the client for the first time through producing bankruptcy documents for the client to sign. Document collection, document management, number-crunching, and multiple sub-analyses will be covered in detail. Input and output of some of the more popular bankruptcy software programs will be viewed in light of these processes. This workshop will be of interest to: bankruptcy attorneys who have primarily filed Chapter 7 cases; experienced practitioners who are still struggling to adapt to the changes under BAPCPA; new bankruptcy attorneys; and law office staff (paralegals, legal assistants) who assist the attorney throughout the case preparation process.

- 8:30–8:40 am** **Introduction: Norma Hammes, Esq. NACBA Director (San Jose, CA)**
- 8:40–9:30 am** **Mock Interview with Client**
Obtain an overview of the nature of the case and relief limitations, estimate the available options (including issues regarding payment of attorney's fees), list items remaining for client to produce, estimate the calculation of Chapter 13 payments, and consider Chapter 13 debt limits.
Norma Hammes, Esq. (San Jose, CA), Carey Ebert, Esq. NACBA
Vice President (Hurst, TX), Ed Boltz, Esq. NACBA Director (Raleigh, NC)
- 9:30–10:30 am** **Raw Data Management**
Collect and organize the needed documents: paystubs, tax returns/transcripts, billing statements, bank statements, etc.
Norma Hammes, Esq. (San Jose, CA), Carey Ebert, Esq. (Hurst, TX)
- 10:30–10:45 am** **BREAK**
- 10:45–Noon** **Analysis of Raw Data – Relief Assessment**
Use raw data to assess (confirm) the available relief: CMI, Means Testing and Budgets; Forms 22A/C, Disposable Income and Schedules I & J.
Ike Shulman, Esq. NACBA Treasurer (San Jose, CA),
Norma Hammes, Esq. (San Jose, CA)
- Noon–1:15 pm** **LUNCH**
- 1:15–3:15 pm:** **Analysis of Raw Data – Relief Assessment (continued)**
Norma Hammes, Esq. (San Jose, CA), Ike Shulman, Esq. (San Jose, CA)
- 1:15–1:45 pm** **Assets: Valuing Assets, Calculating Hypothetical Deductions, and Significance of Non-Exempt Value**
- 1:45–2:45 pm** **Debts: Types and Amounts of Debt and Taxes**
Spotting tax discharge issues, treatment of priority claims; practical issues – balancing strategies and consequences of alternative treatment of types of debt.
Mark Segal, Esq. (Las Vegas, NV) and presenters
- 2:45–3:15 pm** **Finalize Chapter 13 Payment Calculation**
- 3:15–3:30 pm** **BREAK**
- 3:30–4:15 pm** **Review Input and Output of Selected Bankruptcy Software Programs**
In light of the previous sessions, review the content and processes utilized by selected software programs.
Norma Hammes, Esq. (San Jose, CA), Carey Ebert, Esq. (Hurst, TX)
- 4:15–5:00 pm** **Preparing the Final Documents (Chapters 7 & 13)**
Produce and inventory the required final documents for both Chapter 7 and 13: documents to file, documents for you, documents for others, credit counseling.
Norma Hammes, Esq. (San Jose, CA), Ike Shulman, Esq. (San Jose, CA)
- 5:00–5:30 pm** **Tasks Immediately after the Case is Filed**
Stop foreclosure, car repossession, bank levies, wage garnishments; copies to clients; tax returns and paystubs to trustee/court; debtor education.
Norma Hammes, Esq. (San Jose, CA), Carey Ebert, Esq. (Hurst, TX)