



**2012**

# Debtor and Creditor Conference

*The second annual Minnesota CLE Conference for Debtor and Creditor Attorneys, Bankruptcy Practitioners, and other Professionals working in this critical and dynamic area of practice.*

*This special 2-day Conference will include:*

- All the new law and emerging trends
- Preventing and defending FDCPA claims
- How to handle health-care related debt
- Complying with the telephone consumer protection act and the Minnesota unauthorized practice of law statute
- How to avoid prohibited actions and seek relief from the Stay
- Dealing with family law issues
- Complying with FDCPA requirements about voicemail
- Working with the new receivership and assignment statutes
- Preventing/defending conciliation court claims
- Protecting a claim through the bankruptcy process
- Drafting and pleading – motion practice
- Respecting and representing consumer rights
- Affectively utilizing exemptions
- How to collect on non-exempt real property
- Changes in conciliation court practice
- Analysis of *Zortman*, Minn.Stat. §576 & 577 and proof of claim requirements
- And much, much more!

A photograph of several stacks of coins, likely quarters, arranged in a row on a surface. The coins are in focus in the foreground and become blurred as they recede into the background.

**October 15 & 16, 2012 • Minnesota CLE Conference Center  
600 Nicollet Mall, Suite 370 • Minneapolis**

# Conference Schedule

## Day 1 – October 15

8:30 – 8:55 a.m.

CHECK-IN & CONTINENTAL BREAKFAST

8:55 – 9:00 a.m.

WELCOME & INTRODUCTION

– *George E. Warner, Jr., Course Chair*

9:00 – 9:50 a.m.

### Minnesota Collections: Current Developments and Emerging Trends

Stay abreast of recent developments and hear from one of the founding attorneys of the new *Minnesota Creditors' Rights Association* about significant substantive and procedural matters evolving in the collections environment.

– *Derrick N. Weber*

9:50 – 10:30 a.m.

### FDCPA “Battle Royale” – Are the Consumers or the Debt Collectors Really Right?

Two preeminent, experienced practitioners on opposite sides of the issues present an intermediate-level session covering common FDCPA violations, their prevention and defense, and best practices for consumer/retail collection matters.

– *Peter F. Barry & John K. Rossman*

10:30 – 10:45 a.m.

BREAK

10:45 – 11:30 a.m.

### Sailing the Seas of Bankruptcy: A Creditor's Perspective

A look at rights, remedies and obligations flowing out of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and state statutes. Prohibited Creditor actions under the Code's Automatic Stay; filling out proofs of claim and obtaining adequate protection; Creditor's rights and relief from the stay; adversary proceedings and objections to Debtor discharges, and protecting Creditor's claim during plan confirmation and distribution of the estate.

– *Benjamin J. Court*

11:30 a.m. – 12:15 p.m.

### The Intersection of Collections and Family Law

Seasoned family law and collections counsel discuss the unique issues facing family law attorneys and commonly-occurring situations melding family law and collection matters.

– *R. Leigh Frost & George E. Warner, Jr.*

12:15 – 1:00 p.m.

LUNCH (provided by Minnesota CLE)

1:00 – 2:00 p.m.

### Point-Counterpoint: How Plaintiffs and Defendants Diverge on the FDCPA

Expanding on their morning session and working with several real-life scenarios, John and Pete will discuss how each views a particular set of facts relevant to how things are drafted and pled (e.g., complaints, motions for protective orders, motions to dismiss, etc.)

– *Peter F. Barry & John K. Rossman*

2:00 – 2:10 p.m.

BREAK

2:10 – 3:10 p.m.

### Compliance with the FDCPA and Consequences of Non-Compliance

What does the Fair Debt Collection Practices Act require of debt collectors; FDCPA application to attorneys collecting certain debts; using voicemail to collect consumer debts – FDCPA overlay; consequences of non-compliance; and defenses to FDCPA claims. Analysis will include *Zortman v. JC Chirstensen & Associates* (Minn. District Court 2012).

– *Michael A. Klutho*

3:10 – 3:20 p.m.

BREAK

3:20 – 4:20 p.m.

### The Top Ten Considerations for the New Receivership and Assignment for the Benefit of Creditors Statutes – New Law

The purpose of the new Statutes; identify key distinctions between the new Receivership Statute and the old one; identify distinct requirements for Receiverships containing real property; explain how Receivers handle executory contracts and the distribution of Receivership assets, and introduce or re-introduce the Assignment for the Benefit of Creditors Statute. Analysis will include Minn. Stat. §576 & 577.

– *James A. Bartholomew & Samuel J.H. Sigelman*

## Day 2 – October 16

8:30 – 9:00 a.m.

CONTINENTAL BREAKFAST

9:00 – 9:50 a.m.

### **Conciliation Court Developments and Practice**

Senator Ortman, Conciliation Court Judge Bauch, and Mercedes Gustafson present a discussion of the recent changes to conciliation court jurisdiction and its expected impact from the perspective of the legislature, the bench, and creditor's counsel.

– *Conciliation Court Judge Walter G. Bauch, Sen. Julianne Ortman & Mercedes A. Gustafson*

9:50 – 10:30 a.m.

### **Conciliation Court from A to Z**

Building on the prior session, hear from the Court and counsel how best to present and defend claims, represent clients, and use the conciliation court process to resolve disputes as efficiently and effectively as possible.

– *Conciliation Court Judge Walter G. Bauch & Mercedes A. Gustafson*

10:30 – 10:45 a.m.

BREAK

10:45 – 11:30 a.m.

### **Practical Debtor Representation: Common Questions and Current Issues**

Attorneys whose clients are facing collection matters present counsel with a unique set of challenges. Hear from Minnesota's own Randall Ryder about consumer rights and consumer privacy issues, and get the defense perspective of the world of debt buyers, debt collectors, and debt collection law firms.

– *Randall P. Ryder*

11:30 – 11:45 a.m.

QUESTIONS & ANSWERS

11:45 a.m. – 12:30 p.m.

LUNCH (provided by Minnesota CLE)

12:30 – 1:30 p.m.

### **Issues Involving Health Care Related Debt**

What differentiates health care debt from other debt; insurance issues involved, how to represent the health care professional/entity; and mechanics of a health care claim. Analysis will also include Attorney General involvement and regulation of non-profit hospitals.

– *D. Scott Erickson*

1:30 – 1:40 p.m.

BREAK

1:40 – 2:40 p.m.

### **Exemption Practice in Minnesota**

Both collection and debtor's counsel alike need to be familiar with and able to navigate the web of state and federal exemptions available to Minnesota residents. Get a detailed explanation of the available exemption schemes from an experienced bankruptcy practitioner.

– *L. Kathleen Harrell-Latham*

2:40 – 2:50 p.m.

BREAK

2:50 – 3:50 p.m.

### **Real Estate Execution**

Real property often represents the best-available means to collect on an outstanding court ordered judgment. Learn the basics of attachment, perfection, and enforcement of judicial liens and how to execute on non-exempt real property from seasoned counsel.

– *Heidi L. Staloch*

# Faculty

**George E. Warner, Jr.**

***Course Chair***

Warner Law LLC  
Minneapolis

**Peter F. Barry**

Barry, Slade & Wheaton, LLC  
Minneapolis

**James A. Bartholomew**

Lighthouse Management Group Inc  
Arden Hills

**Conciliation Court Judge**

**Walter G. Bauch**

Collins, Buckley, Sauntry & Haugh, P.L.L.P.  
Saint Paul

**Benjamin J. Court**

Messerli & Kramer, P.A.  
Minneapolis

**D. Scott Erickson**

D.S. Erickson & Associates, PLLC  
Minneapolis

**R. Leigh Frost**

R. Leigh Frost Law, Ltd.  
Saint Paul

**Mercedes A. Gustafson**

Bernick Lifson P.A.  
Golden Valley

**L. Kathleen Harrell-Latham**

Larkin, Hoffman, Daly & Lindgren, Ltd.  
Bloomington

**Michael A. Klutho**

Bassford Remele  
Minneapolis

**Senator Julianne Ortman**

District 34  
Saint Paul

**John K. Rossman**

Moss & Barnett P.A.  
Minneapolis

**Randall P. Ryder**

The Ryder Law Firm  
Minneapolis

**Samuel J.H. Sigelman**

Lindquist & Vennum, PLLP  
Minneapolis

**Heidi L. Staloch**

Manty & Associates, P.A.  
Minneapolis

**Derrick N. Weber**

Messerli & Kramer, P.A.  
Plymouth



# REGISTRATION / ORDER FORM

2012

# Debtor and Creditor Conference



October 15 & 16, 2012 • Minnesota CLE Conference Center

## DATE & LOCATION

**Monday & Tuesday**  
**October 15 & 16, 2012**  
**Minnesota CLE Conference Center**  
600 Nicollet Mall, Suite 370  
Minneapolis

## CREDITS

Minnesota CLE is applying to the State Board of CLE for **11.5 standard CLE credits**. The maximum number of total credits attendees may claim for this course is 11.5 credits.

## NEW LAWYER SCHOLARSHIP PROGRAM

In recognition of the challenges facing lawyers entering the profession, Minnesota Continuing Legal Education has established a scholarship program for unemployed and underemployed lawyers admitted less than three years. Those wishing to apply for such assistance should contact Grant at **651-254-2111** or [gdavies@minncle.org](mailto:gdavies@minncle.org) for details.

## CANCELLATION POLICY / NO-SHOW POLICY

Paid registrants who cancel their registration at least 3 business days before the program will receive a full credit on their account; if fewer than 3 business days, a \$25 administrative fee will be deducted. Paid registrants who fail to attend will receive the written materials. Passholders may purchase the course materials at 50% of the full retail price.

## ACCOMMODATION

If you have a disability and need an accommodation in order to attend, please contact us as soon as possible at 2550 University Avenue West, Suite 160-S, Saint Paul, MN 55114 or call us at 651-227-8266 or 800-759-8840.

## QUESTIONS?

If you have any questions or need further information, please call Minnesota CLE at **651-227-8266** or **800-759-8840** or visit us online at [www.minncle.org](http://www.minncle.org).

## TO REGISTER OR ORDER:



**MAIL TO:**  
Minnesota CLE  
2550 University Ave. West  
Suite 160-S  
St. Paul, MN 55114



**FAX TO:**  
651-227-6262



**GO ONLINE:**  
[www.minncle.org](http://www.minncle.org)



**OR CALL:**  
651-227-8266 or  
800-759-8840

## PLEASE "✓" APPROPRIATE BOX:

- \$395 MSBA member
- \$395 paralegal / legal assistant
- \$475 standard rate
- I have a Minnesota CLE Season Pass<sup>SM</sup>.

Pass # \_\_\_\_\_

## NEW LAWYER DISCOUNT!

- I was first admitted to the bar after October 15, 2009, and have deducted \$60 from the registration fee marked above.

## Check here if address below is new.

Name (first) \_\_\_\_\_ (mi) \_\_\_\_\_

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Profession, if non-attorney \_\_\_\_\_

## PROGRAM MATERIALS

I cannot attend. Please send me:  
\_\_\_\_\_ copy(ies) of the course materials  
at \$85 each. *(available 10/24/12)*

Cost of book(s) \$ \_\_\_\_\_

Shipping/Handling \$ \_\_\_\_\_

Subtotal \$ \_\_\_\_\_

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**TOTAL \$ \_\_\_\_\_**

COST OF BOOK(S)	\$ & H
\$18.01 - 25.....	\$5
\$25.01 - 50.....	\$6
\$50.01 - 75.....	\$7
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## ENCLOSED IS \$ \_\_\_\_\_ BY:

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