

Creditors Practice Annual Forum 2018

September 26, 2018

Tennessee Bar Center – Nashville, Tenn.



Program Producer: Nathan Lybarger, Law Office Hall & Associates

Total Credits: 3 General, 1 Dual

TBA's Creditors Practice Section offers current developments in this area of the law. This year's program will provide new information on stay violations, charging orders and theories of successor liability. Other topics include a discussion of bankruptcy focusing on preference issues and dischargeability and an ethics session about the Consumer Financial Protection Bureau.

11:00 a.m. – 11:30 a.m.



Registration/Welcome

Lunch will be provided, allowing for networking.

11:30 a.m. – 12:30 a.m.

Charging Orders and Theories of Successor Liability

Creditor rights and remedies sought via charging orders vary depending on a number of factors, including the type of entity involved and the law governing that entity. It is important for the creditor's attorney pursuing a charging order to recognize and appreciate the remedies potentially available in each case. Likewise, this presentation will address the evolving areas of "Successor Liability", focusing on theories of (1) assumption of debts, (2) de facto mergers, and (3) "mere continuation".

Daniel Puryear, Puryear Law Group

12:30 p.m. – 1:30 p.m.

Preferences and Dischargeability Issues in Bankruptcy

Creditors' lawyers who do not themselves venture into the world of Bankruptcy Court still need to be aware of certain key Bankruptcy concepts like the law of Preferences and Dischargeability of debt. Structured settlements entered into prior to judgment, and even the language of judgment orders themselves, can be drafted in such a way as to enhance creditor protections in the event of a later bankruptcy filing by the debtor.

Daniel Puryear, Puryear Law Group

David Anthony, Bone McAllester Norton PLLC

1:30 p.m. – 1:45 p.m.



Break

1:45 p.m. – 2:45 p.m.

Stay Violations

The automatic stay requires creditors to stop all collection activity once a debtor files Bankruptcy. But, sometimes, creditors cross the line, whether by accident, mistake, or by intentional violation. This session discusses what type of actions are allowed and what type of actions may be stay relief violations, as well as practical considerations in handling disputes related to violations of the automatic stay.

David Anthony, Bone McAllester Norton PLLC

2:45 p.m. – 3:45 p.m.

DUAL

Consumer Financial Protection Bureau Ethical Considerations

Examine current issues affecting the CFPB, particularly with a focus on ethical considerations and professionalism. This presentation will provide an overview of the CFPB's goals, structure, recent activity and discussion of what role it will play in the future.

Alex Dugan, Bradley Arant Boult Cummings LLP