

developing effective debt recovery strategies

31 August 2007

Stamford Plaza

Brisbane

Scrutinising essential aspects of this fundamental practice area

8:00

Conference Registration

8:50

Welcome and Opening from Chair

Petrina Pozzebon, Solicitor, McCullough Robertson

9:00

Determining the Liable Party

- Dealing with multiple parties and causes of action – chapter 3, part 1 *Uniform Civil Procedure Rules* (UCPR)
 - Ascertaining liability in cases involving partnerships, businesses or companies
 - Recovering debts – recognising which parties are most likely to make payment
- Dan Salisbury, Barrister, Queensland Bar*

9:20

Exploring Non-litigious Options of Resolving Debt Disputes

- Outlining the jurisdiction process of the Banking Ombudsman, Telecommunications Ombudsman and the Office of Fair Trading
 - Considering the pros and cons of these alternatives to litigation
 - Investigating options available after a determination has been made
- Derek Cronin, Principal, Cronin Litigation Lawyers*

9:40

Writing Effective Letters of Demand

- Reviewing commentary by G.E. Dal Pont and relevant case law
 - Examining the practical effect of *Legal Services Commissioner v Michael David Sing*
 - Considering possible consequences of drafting an improper letter of demand
 - Avoiding impropriety by taking an ethical approach to drafting letters of demand
 - Examples of successful drafting approaches for letters on demand
- Keith Howe, Barrister, Queensland Bar*

10:30

Morning Tea

10:50

Answering Jurisdiction and Venue Questions

- Ascertaining the correct forum and venue
 - Successfully transferring a matter to an alternative jurisdiction
 - Determining the effect of jurisdiction on the timeliness and cost
 - Registering interstate and overseas judgments
- David Topp, Barrister, Queensland Bar*

11:40

Commencing, Conducting and Concluding Litigation

PANEL
DISCUSSION

- Drafting effective and compliant pleadings
- Reviewing the process of contested matters
- Practical strategies for conducting summary hearings
- Obtaining judgment
- Evaluating options for enforcing judgement – enforcement hearings, redirection of earnings and enforcement warrants

Panelists: John Bertelsen, Managing Partner,

Jones King Lawyers

David Topp, Barrister,
Queensland Bar

12:30

Networking Lunch for Speakers and Delegates

1:30

Essential Guide to Bankruptcy

- Summarising Part IX debt agreements and Part X personal insolvency agreements
 - Meeting the preconditions of s40 and s42 of the *Bankruptcy Act* before issuing a bankruptcy notice
 - Completing and serving the bankruptcy notice and schedule of interest
 - Going to court – preparing a creditors petition and appearing in the Federal Magistrates Court or Federal Court
 - Outlining the duties and powers of the trustee in administering a bankrupt estate
- David Schwarz, Associate, Tucker & Cowen Solicitors*

2:20

Company Debt and Insolvency Synopsis

CASE
STUDY ONE

Drawing on real life examples this practical case study provides an opportunity to examine key concepts, including:

- Complying with the requirements of s459E *Corporations Act* when making statutory demands
- Responding to a statutory demand
- Examining s95A and s459C of the *Corporations Act*
- Making an application to wind up a company
- Distinguishing between secured and non-secured creditors
- Recovering payments from company debtors

Mark Madsen, Partner, Mullins Lawyers

3:20

Afternoon Tea

3:40

Mortgage Default and the Mortgagees Power of Sale

CASE
STUDY TWO

- Considering the operation of part 7 of the *Property Law Act* in particular s84
- Identifying the powers of the mortgagee conferred by s84 of the *Land Title Act*
- Issuing and responding to notices of default
- Exploring the consequences of non compliance with the default notice
- Commencing and responding to enforcement proceedings
- Practical strategies for recovering actual possession of real property

Kate Williams, Associate, Mullins Lawyers

4:40

Closing Remarks from Chair

4:45

Close of Conference

Phone: 1800 772 772

Fax: (02) 9422 2338

Online: www.lexisnexis.com.au



LexisNexis®
Professional Development

© LexisNexis 2007

developing effective debt recovery strategies

ABOUT THE PRESENTERS

John Bertelsen, Managing Partner, **Jones King Lawyers** was admitted as a solicitor in 1975 and has extensive experience in general, commercial, property damage litigation and debt recovery. John is responsible for the management of the Brisbane office of Jones King Lawyers, which has operated in Brisbane since 1993, specialising in corporate and commercial practice in particular debt recovery and insolvency.

Derek Cronin, Principal, **Cronin Litigation Lawyers** was admitted as a solicitor in 1994 and since that time has been engaged principally in commercial litigation, debt recovery and insolvency. Derek was formerly a partner of a Brisbane litigation practice and now manages the Gold Coast firm Cronin Litigation, which commenced operation in January 2006. Derek is a Queensland Law Society approved mediator and elected alumni member of Bond University Limited.

Keith Howe, Barrister, **Queensland Bar** has over 20 years experience at the private bar. Keith specialises in commercial litigation and he is also a qualified mediator. Keith's mediation experience includes acting as mediator, engaging in negotiation processes and representing parties at mediation. He was involved in Pauline Hanson's Court of Appeal and High Court cases as junior counsel and has published a number of articles in various publications.

Mark Madsen, Partner, **Mullins Lawyers** advises and represents professional, commercial and private clients from several areas of commerce and business, including official liquidators, major accounting firms, banks, corporate clients and individuals. His experience includes contractual disputes, debt recovery of secured and unsecured loans, disputes in leasing, partnerships, shareholdings, franchise agreements, administrations and liquidations.

Petrina Pozzebon, Solicitor, **McCullough Robertson** has specialised in commercial litigation, debt recovery and insolvency since her admission in 2002. Petrina holds a Bachelor of Economics and a Bachelor of Laws. She is the chair of the Queensland Law Society Young Lawyers Section and past president of the Queensland Young Lawyers Committee.

Dan Salisbury, Barrister, **Queensland Bar** has a background in commercial litigation having practiced as a solicitor in the area prior to his admission to the Bar. Dan has experience in domestic and international commercial disputes and practices predominantly in the areas of contact, trade practices, equity and insolvency.

David Schwarz, Associate, **Tucker & Cowen Solicitors** has over 10 years experience in insolvency, commercial litigation and general commercial law. David has acted for many of Brisbane's leading insolvency practitioners and also advises individuals and directors of companies facing financial difficulties. He has appeared for creditors and respondents alike in winding up and bankruptcy proceedings.

David Topp, Barrister, **Queensland Bar** practises in all areas of commercial, debt recovery and insolvency litigation, with specific areas of expertise including costs assessments, judgment enforcements and security for costs applications. Admitted as a solicitor in 2002 and commencing practice as a barrister in 2006, David not only has many years of practical experience in all aspects of the litigation process but has the benefit of having worked in dual capacities.

Kate Williams, Associate, **Mullins Lawyers** practises in the areas of commercial disputes and insolvency, but a major focus of her work is in banking and finance recoveries. She acts on behalf of several prominent banking institutions, finance companies, liquidators, voluntary administrators and bankruptcy trustees, in relation to their commercial disputes, corporate insolvencies and the recovery of secured and unsecured loans.

WHO SHOULD ATTEND?

- Junior lawyers
- Trainee solicitors
- Article clerks
- General practitioners seeking a refresher
- Litigation lawyers
- Commercial solicitors

CONFERENCE DATE AND VENUE

31 August 2007
Stamford Plaza
Cnr Edward and Margaret Streets
BRISBANE QLD 4000
Tel: (07) 3221 1999
Fax: (07) 3221 6895
www.stamford.com.au

PROGRAM CHANGES

Details regarding this conference were confirmed and correct at the time of printing. LexisNexis reserves the right to cancel or amend the conference details at any time if required.

CANCELLATION

Your registration will be confirmed in writing when full payment is received. We will refund your registration in full less a \$165 administration fee if notification is received in writing by 3 August 2007. If we receive written notification between 3 August 2007 and 17 August 2007 you will receive a 50% refund and conference documents. No cancellation requests will be accepted after 17 August 2007. You may nominate a replacement, however no refund will be issued.

IMPORTANT PRIVACY NOTICE:

The information you provide on this form is collected by Reed International Book Australia Pty Limited for the purposes of processing your registration or enquiry and keeping you informed of upcoming products, services and events. The information is disclosed from time to time to our related bodies corporate for the purposes. The provision of this information by you is voluntary but if you do not provide some or all of the requested information we may be unable to properly process your registration. You have both a right of access to the personal information we hold about you and to ask us to correct it if it is inaccurate or out of date. Please direct your enquiries to privacy@lexisnexis.com.au

Tick here if you DO NOT wish to receive information about upcoming events

4 easy ways to register

Phone: 1800 772 772
Fax: (02) 9422 2338
Online: www.lexisnexis.com.au

Mail: Conference Co-ordinator, LexisNexis
Locked Bag 2222,
Chatswood Delivery Centre, Chatswood NSW 2067

Please complete sections A, B and C

Conference code: **QPD307** CPD reference no. **CPD533**

A I would like to register for the Developing Effective Debt Recovery Strategies

ABN: 70 001 002 35

Early Bird* (expires 13 July 2007)

One-day Conference

\$850 + GST = \$935

CONFERENCE RESOURCES

I am unable to attend but would like to purchase a set of conference papers for the Developing Effective Debt Recovery Strategies event \$270 + GST = \$297

Standard Price

One-day Conference

\$950 + GST = \$1045

TEAM DISCOUNTS*

Register a team of 3 for the Developing Effective Debt Recovery Strategies at the same time, from the same organisation and receive a free pass for the 4th delegate.

* Early Bird, team discounts and any other discount cannot be taken concurrently

B Payment details Payment is due upon registration

Enclosed is my cheque for \$ _____ made payable to LexisNexis

Pay by credit card

Please charge \$ _____ to Mastercard Visa
 American Express

Card number _____/_____/_____/_____

Expiry ____/____

Name of cardholder _____

Signature of cardholder _____

Charge to my LexisNexis account: \$ _____

Account number _____

Signature _____

C Delegate details (for additional delegates please photocopy form)

Mr/Ms/Dr _____
First name Last name

Position _____

Organisation _____

Postal address _____

Suburb _____ Postcode _____ State _____

Telephone _____

Fax _____

Email _____

YES! I would like to receive information on upcoming events via email