

Dates for Fall 2009

September 4-6, 2009      October 2-4, 2009

November 13-15, 2009      December 18-20, 2009

# Set Sail on a New Course in Consumer Litigation

Max Gardner and Pete Barry have created the two most prominent consumer rights educational and training Boot Camps in America. Pete spearheaded the program with his famed Fair Debt Collection Boot Camps in Minneapolis and Max followed with his nationally renowned Bankruptcy Litigation Model Boot Camps in the South Mountains of Western North Carolina. Both Boot Camps have been featured in stories by the major television, electronic and print media and have received outstanding reviews from their graduates.

Now, for the very first time, Pete and Max have joined forces to create the Ultimate Litigation Boot Camp. The Ultimate Consumer Rights Litigation Boot Camp is an intensive two-and-one-half days of learning what you must know about litigating consumer cases. You will learn the science and the art of drafting a great complaint, taking and defending a deposition, and arguing a discovery motion. We'll show you how to lay evidentiary foundation to get what you want in and keep the other side's evidence out.

Throughout the skills portion, we'll use a real court reporter and a real judge in a real courtroom. With decades of experience behind them, this real world training will be as realistic as it gets. The full day in front of a seasoned judge located in Shelby, North Carolina is sure to be the highlight of this training. Max and Pete will be with you every step of the way to demonstrate every trick and trap in the book. You'll also learn lots of practical litigation tricks not in any book.



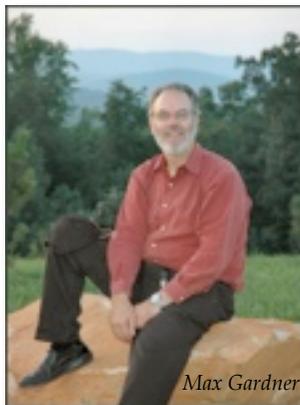
*"It was great. Better than billed. Suffice it to say, I enjoyed the Advanced Litigation Boot Camp with Max Gardner and Pete Barry. It was as close to the real thing as you could possibly get short of the real thing. And, the fact pattern you used is similar to a case I am litigating right now in the Northern District of Illinois. Have a good evening and talk to you soon."*

*-Arnie Kaplan, October 2008 Attendee*

# A Great Education, A Great Location

## The agenda

The ultimate Boot Camp will begin on Friday at 4:00 p.m. in Max's state-of-the-art learning center at his remote 160-acre South Mountain Farm. This particular Boot Camp will center around a bankruptcy case against a mortgage servicer that is also subject to claims under the Fair Debt Collections Practices Act (FDCPA). You will be taken through the "nuts and bolts" of how to gather pre-trial evidence and draft a bullet-proof complaint. The initial training will be held at the Farm through sunset on Saturday afternoon. Then, early Sunday morning, all of the Boot Campers will be transported to the Cleveland County Courthouse for a full day of work in the historic Courtroom Number 2. Almost every check on Max's famous "Wall of Shame" was the result of legal proceedings in this very courtroom.



## The approach

There is much to do before the Boot Camp moves to the courtroom. Pete says that the real secret of success is "learning how to capture the evidence," and Max's motto is "never file a complaint unless you are ready to

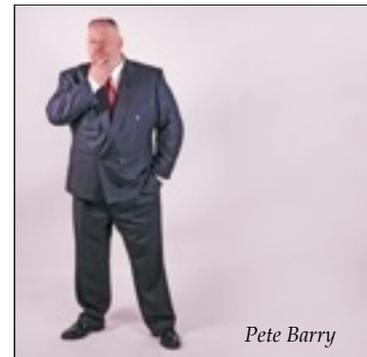
try the case the very next day." Each Boot Camper will learn how these two outstanding lawyers get things done with tapes, telephones, letters, bills, statements, transaction codes, loan histories, and payoff statements. "The essential skill," says Pete, is to "learn how to find and to follow the evidence." Max, on the other hand, says "every consumer lawyer must understand how to read the 'Da Vinci Code' promulgated by the mortgage servicers and most importantly how to follow the money." Max says you have to learn "how to track them down and how to tack them down." Both Max and Pete agree that you must be able to place every creditor and debt collector in a very small room with no doors, no windows and only one way out—through you!

In order to demonstrate the interplay of between the FDCPA and the Bankruptcy Code, Max and Pete will use the exact same fact situation and walk each camper through the drafting of an FDCPA complaint for filing in Federal District Court and an Adversary Proceeding for filing in the United States Bankruptcy Court. Both Pete and Max believe that the complaint is the beginning and the end of every good case. "Once they read my complaint, the very next thing the Defendant should do is call me and ask me how much," says Pete.

## Discovery as a beginning

Max is a firm believer in what he calls "effective discovery." He uses interrogatories to identify "people, places and things" but his true love is a solid set of requests

for admission of fact. "I use the KISS Rule and keep them short, simple and right on point," says Max. And, as Pete says, "I follow the one subject plan. Make them admit each fact one by one. And if they admit it, then you don't have to prove it."



Max and Pete will take you through all of the forms of discovery, including physical on-site inspections of the Defendant's business premises, and how to deal with the professional 30(b)(6) witnesses. Max says that the "typical 30(b)(6) representative is a 'professional witness' who will eat your lunch if you don't know what you are doing." Pete says, "they will be *paying* for your lunch after this Boot Camp." And Pete does not eat cheap, even for lunch!

## Setting the tone

The Rule 26 Conference is a critical event in any case. Max and Pete will take you through the ins and outs of these critical meetings and closely review what should always be included in the pre-trial order. Pete says that most cases are settled either "before the answer is filed or on or shortly after the pre-trial conference, so you have to be prepared and know



*Enjoy the beautiful surroundings of Lizmere Farm, located near the Great Smoky Mountains. The farm's conference center is the perfect setting to focus and learn.*

your case cold.” Max says, “there are no real Perry Mason moments; there is only hard work and preparation behind winning cases. The only stipulation I want is an agreement on how much they will pay.”

### **Discovering depositions**

As a large part of Saturday, Max and Pete will take the Boot Campers through a real deposition with Max and Pete taking opposite sides. After this presentation, each Boot Camper will have a chance to conduct a partial direct examination of a witness and get feedback from Pete and Max. This is a pretty tough jury so this part will not be easy.

### **The courtroom experience**

After learning the ropes of discovery, court will convene at 8:30 a.m. on Sunday morning at the Cleveland County Courthouse. The Hon. F. Donald Bridges, a Senior Resident Trial Judge and a

former consumer bankruptcy attorney, will preside over this special Boot Camp term. The Judge will discuss some key courtroom tips and tricks including how to keep the Judge happy. The Judge will be joined by the Hon. Sandra Arnold, who served the State of North Carolina as an Official Court Reporter for more than 30 years. During this period, Sandy also took over 5,000 private depositions. Sandy will provide live court reporter transcription to give the boot camp a real world feel.

Judge Bridges will preside over a series of evidentiary vignettes, with each one related to a common evidence problem encountered at most trials and evidentiary hearings. Max and Pete will cover a variety of evidence types including judicial admissions, judicial notice, to self-authenticating evidence, common hearsay exceptions, entering bills, tapes, letters, photographs into evidence and more. . .

Judge Bridges will rule on each and every evidentiary objection, and will explain the factual and legal basis of each ruling. More importantly, the Judge, along with

Max and Pete, will explain how the objectionable evidence may have otherwise been admissible if another approach had been employed.

### **A place to rest and recharge**

This truly unique and special Boot Camp will be limited to 15 attorneys. The Boot Camp fee includes free transportation to and from the Charlotte Douglas International airport and what can only be described as truly outstanding and outright luxurious accommodations at Max's geographically remote and scenic South Mountain Farm. All meals will be prepared by Max's wife, Victoria, who was the Master Chef at Max and Victoria's former Four Star and Four Diamond Bed & Breakfast Inn at Historic Webbley in Shelby. Many of Max's Boot Campers have said as good as the Boot Camp was as a learning experience, Victoria's cooking may have been better!



## Take the Road Less Traveled to Litigation Success

### The cost

The cost for this very special and unique boot camp is \$4,995 and may be paid by PayPal, by firm or by personal check. All you have to do is send an email to [Maxgardner@maxgardner.com](mailto:Maxgardner@maxgardner.com) or call Max at 704.418.2628 to reserve your special spot now! Max and Pete anticipate that this unique Boot Camp will qualify for at least 20 hours of CLE Credit, including 3 hours of Professional Ethics.

### Register now!

For more information, just call or write Max or Pete at the addresses noted. Max and Pete are sending a special notice of this Boot Camp to those attorneys who have attended their own Boot Camps first. However, it will be a first-come-first-served opportunity since the maximum number of Campers is just 15. Do not be left out--make your reservations today.

### For more information contact:

#### O. Max Gardner III

Attorney at Law  
Gardner & Botes, PLLC  
P O Box 1000  
Shelby, NC 28150  
704.487.0616 (O)  
704.418.2628 (C)  
[maxgardner@maxgardner.com](mailto:maxgardner@maxgardner.com)  
[www.maxbankruptcybootcamp.com](http://www.maxbankruptcybootcamp.com)

#### Peter F. Barry

Attorney at Law  
Barry & Slade, LLC  
2021 E Hennepin Ave, #195  
Minneapolis, MN 55413  
(612) 379-8800 Office  
[pbarry@lawpoint.com](mailto:pbarry@lawpoint.com)  
[www.lawpoint.com](http://www.lawpoint.com)