



# Debt and Circuses: Protecting Business Owners From Their Enemies, Their Allies, and Themselves

*Clay M Westbrook*

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Communication strategies, financial crisis management, negotiation techniques, and litigation and bankruptcy tactics told through the stories of a loan workout and financial restructuring consultant. How do you protect yourself, or your clients, or your family and friends from aggressive creditors, lawsuits, and bureaucracy? When do you need protection from the advice of your own advisors and friends? Debt & Circuses is a true story of seven years of loan workouts, lawsuits, and bankruptcies during the Great Recession (2009-2015) and beyond. Debt & Circuses explains real-world negotiation strategy and courtroom tactics through the true stories of finance and accounting advisors, lawyers, and courageous entrepreneurs who followed the counter-intuitive, asymmetrical, and risky advice of a few creative consultants. Debt & Circuses demonstrates, through first-hand experiences, effective methods of: Preparing the mind (and your assets) for conflict. Coping with emotional pressure tactics. Responding to unreasonable demands constructively. Understanding why victory or defeat in court can be irrelevant. Preventing the two things that produce an unfavorable outcome. Negotiating with inferior bargaining power. Going on offense against an opponent with unlimited resources. Capitalizing on bureaucratic failures. Avoiding the big mistake made by all companies in financial distress. Clay Westbrook is an attorney and consultant who spent six years involved with over 100 loan workout cases, dozens of lawsuits and business bankruptcies, and \$100s of millions of bad debts. He advises clients on business breakups, litigation and bankruptcy strategy, and negotiating with taxing authorities and governmental entities. He saw many spectacular wins in unlikely circumstances, learned valuable lessons from a few disappointing losses, and drew inspiration to tell the story from one woman's experiences with debt collectors that destroyed her family and her future. "The mortgage company told us that we weren't allowed to file for bankruptcy. They said it wasn't an option," Maria explained. She didn't realize what this meant. The mortgage company didn't just lie to them; they violated state and federal laws in doing so. We might have had a case, or at least an issue to run with, which is usually enough. But it was too late." The consultants quickly learn that to save their clients, they have to forget about "doing the right thing," forget about the legal merits of the case, and forget about logic. The solutions come from psychology and math, human nature, and realizing neither side understands (nor cares) what the other side is saying. "After witnessing it firsthand many times, accomplishing the impossible takes specific knowledge, character, and action. As simple as it sounds, you rarely see all three when the cards are down. If they don't have all three, they lose." Achieving success against long odds is more than "when to stop paying," or "if the bank files a lawsuit, cut your settlement offer," or remembering to stash the Ferrari at a covered garage in Reno if the bank gets a judgment. Debt & Circuses shows: How to know and have the confidence to trust your instincts under pressure. How human nature affects the strategies and results conflicts are never "just business" and are always personal. Ways to identify and avoid traps lawyers, advisors, and others miss. The one principle that explains the entire process. Through the experiences of business owners and advisors, and the entertaining, if not ridiculous, stranger-than-fiction situations in which these people found themselves, Debt & Circuses provides essential knowledge and skills for surviving financial distress, and serving clients whose future depends upon your advice. "You are not alone. Don't be frightened, and don't feel hopeless. We will never, ever give up."

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