

23rd Annual

BANKRUPTCY CONFERENCE

Earn up to 12.25 Hours of Credit Including 1.50 Hours of Ethics Credit

Specialization credit expected for: Bankruptcy Law



November 18-19, 2004

Four Seasons Hotel
Austin, Texas

BANKRUPTCY CONFERENCE

November 18-19, 2004 • Four Seasons Hotel • Austin, Texas

Earn up to 12.25 Hours of Credit Including 1.50 Hours of Ethics Credit

THURSDAY MORNING, NOV. 18, 2004

Presiding Officer: Hon. Bob McGuire, Dallas

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

**1.25 hours including .50 hour
ethics credit from 9:45 to 10:15 a.m.**

9:00 a.m.

Recent Developments

A survey of case law development from around the nation, delivered by two of the country's leading academic authorities on bankruptcy.

Elizabeth A. Warren, Cambridge, MA
Jay L. Westbrook, Austin

10:15 a.m. Break

10:30 a.m. .75 hour

Concurrent Jurisdiction in State and Federal Courts

"Which way do we go?" *Rooker-Feldman* and the perils of concurrent jurisdiction.

Hon. Brenda T. Rhoades, Plano
Deborah D. Williamson, San Antonio

11:15 a.m. .75 hour

363 Sales vs. Liquidating Plans

Chapter 11 vs. Chapter 3: the pros and cons of sales under §363 vs. through Chapter 11 plan. Why should the judge care?

Clifton R. Jessup, Jr., Dallas
Hon. D. Michael Lynn, Fort Worth

12:00 p.m. Lunch with the Band

Hon. Richard Schmidt, Corpus Christi and his band. Please select on registration form.

THURSDAY AFTERNOON

Presiding Officer: Hon. Bob McGuire

1:15 p.m. .75 hour

What Has Gone Wrong and Right With Large Chapter 11 Cases?

Does current Chapter 11 practice meet the drafters' goal of balancing power between the major groups? How the 78 Code solved some problems, only to create others, as seen through the lenses of cash collateral usage, Section 363 sales, and case management.

William Greendyke, Houston
Michael R. Rochelle, Dallas
David B. Young, Austin

2:00 p.m. .33 hour

Estate vs. Estate: What Happens When One Bankruptcy Estate Has Claims Against Another?

This presentation reviews the lack of rules and the resultant custom and practice of courts with Bankruptcy estates making claims against each other and the impact on the use of cash collateral, claims determinations and confirmation issues.

Michelle A. Mendez, Dallas

2:20 p.m. .75 hour

Cramdown in Chapters 11 and 13 after *Till*

Risk, Rate, Return, Reality and Reasoning as applied to Big Fish and Little Fish that swim in entirely different bodies of water.

Deborah B. Langehennig, Austin
Robin E. Phelan, Dallas

3:05 p.m. .42 hour

My Code or Yours? When Federal Statutes Collide

Bankruptcy issues for federally regulated industries including electric utilities and telecommunications companies.

Patricia Baron Tomasco, Austin

3:30 p.m. Break

**CONCURRENT SESSIONS
3:45 P.M. — 5:30 P.M.**

A. Business Bankruptcy Track

3:45 p.m. 1.00 hour

Deepening Insolvency

This session will discuss the increasingly common theory behind claims against officers, directors, accountants, investment bankers, and lenders for tortiously deepening the insolvency of a company.

Kyung S. Lee, Houston
Valinda Barrett Wolfert, Dallas

4:45 p.m. .75 hour

Avoiding Chapter 22: A Post-Confirmation Look Back at Feasibility

Many times courts and parties are under great pressure to confirm plans with dubious, at best, chances of ultimate economic success. This session offers a discussion of how to anticipate such problems and strategies for dealing with them.

Loretta Cross, Houston
Stephen W. Lemmon, Austin

B. Consumer Bankruptcy Track

3:45 p.m. .50 hour

Consumer Class Actions Involving Fair Debt Collection Claims

Recognizing and capitalizing on profitable alternatives to Chapter 7 and Chapter 13: consumer class actions.

Manuel H. Newburger, Austin

4:15 p.m. .50 hour

Lying in Wait: The IRS After Discharge

This presentation addresses some questions to ask a prospective client who wants to discharge tax debts in bankruptcy. A model qualified answer, and a disclaimer.

E.P. Bud Kirk, El Paso

4:45 p.m. .75 hour

Pick Your Poison — Divorce, Death or Goin' Broke

The panel will consider the often strange interaction between the Bankruptcy Code, the Texas Probate Code and the Texas Family Code (and related rules and statutes). Topics discussed will include claims procedure in probate administration, as well as the competing rights of creditors, the potential impact on exemption claims, and the jurisdictional interplay between the courts.

Hon. John C. Akard, Lubbock, Moderator
Thomas S. Henderson, Houston
Patrick J. Neligan, Jr., Dallas

5:30 p.m. Adjourn to Reception

Sponsored by:

Andrews Kurth LLP
Bracewell & Patterson, LLP
Brown McCarroll, L.L.P.
Cox & Smith Incorporated
Diamond McCarthy Taylor Finley
Bryant & Lee, L.L.P.
Fulbright & Jaworski, L.L.P.
Greenberg Traurig, LLP
Haynes and Boone, LLP
Ireland, Carroll & Kelley, P.C.
Jenkins & Gilchrist, P.C.
Langley & Banack, Inc.
McGinnis, Lochridge & Kilgore, L.L.P.
Munsch Hardt Kopf & Harr, P.C.
Neligan Tarpley Andrews & Foley LLP
Rochelle Hutcheson & McCullough, LLP
Sorrell, Anderson, Lehrman & Ridulfo, L.L.P.
Thompson & Knight LLP
Vinson & Elkins L.L.P.
Weil, Gotshal & Manges LLP
Winstead Sechrest & Minick P.C.

FRIDAY MORNING, NOV. 19, 2004

**Presiding Officer: Thomas S. Henderson,
Houston**

8:00 a.m. Conference Room Opens

Continental breakfast provided.

8:30 a.m. .50 hour

Creative Objections to Discharge and Dischargeability

A survey of the latest trends in discharge and dischargeability litigation.

Roger S. Cox, Amarillo

9:00 a.m. 1.00 hour

Executory Contract Issues

Recurring and unresolved issues relating to executory contracts and unexpired leases.

Sabrina L. Streusand, Austin
Paul E. Heath, Dallas
Henry Flores, Houston

10:00 a.m. Break

10:15 a.m. .75 hour ethics credit

Privileged Characters

Trustees, Examiners, Committees, Debtors In Possession, and their respective professionals all enjoy limited immunity for actions taken within the scope of their fiduciary duties. Cross the line and bad things can happen. Plan to avoid problems and discuss penalties for "illegal border crossings."

John P. Melko, Houston

11:00 a.m. .75 hour

D&O Liability Insurance Coverage Issues

Bankruptcy estates and litigation trusts often sue the former officers and directors of entities that have filed for bankruptcy. This session will address insurance coverage for these claims and exceptions to coverage.

Barry C. Barnett, Dallas
Karl G. Dial, Dallas

11:45 a.m. .50 hour

Deciding Whether to File: Alternatives to Bankruptcy

An empirical examination of how failed high-tech businesses decide whether to use bankruptcy versus other liquidation methods.

Ronald J. Mann, Austin

12:15 p.m. Optional Networking Luncheon

For the convenience of speakers and registrants. Please select on registration form.

FRIDAY AFTERNOON

**Presiding Officer: Hon. Leif M. Clark,
San Antonio**

1:45 p.m. 1.00 hour

Corralling Fees

The Good, the Bad and the Ugly—what Fee Auditors, U.S. Trustees and Judges consider important, amusing or outrageous in fee applications.

Nancy Ratchford, San Antonio
Hon. Marvin Isgur, Houston
Warren Smith, Dallas

**1.00 hour including .25 ethics credit
from 2:30 to 2:45 p.m.**

Judges' Panel: The Judge as Trail Boss

What role should the judge play in managing cases? Should the judge be a whip-cracking hands-on trail boss? Or should the judge just wait at the end of the trail to see if the lawyers can deliver the case to market? A wide ranging discussion of the good, the bad and the ugly in judicial case management styles.

Hon. Leif M. Clark, San Antonio, Moderator
Hon. Brenda T. Rhoades, Plano
Hon. Marvin Isgur, Houston
Hon. Harlan "Cooter" Hale, Dallas

3:45 p.m. Adjourn

Mail this registration form or fax a copy to: **(512) 475-6876**

REGISTRATION FOR BK04
The University of Texas School of Law • Office of Continuing Legal Education
Attn: BK04 • Post Office Box 7759 • Austin TX 78713-7759

PLEASE PRINT CLEARLY

Bar Card# _____ TX Other State: _____ N/A

Name [Mr. / Ms.] _____

Firm _____

Address _____

City _____ State _____ Zip _____

Telephone _____ Fax _____

E-mail Address _____

REGISTRATION

Includes Course Binder

- Early Registration Fee due by Wed., Nov. 10, 2004 \$425.00
- Registration Fee after Wed., Nov. 10, 2004 \$475.00
- Optional Thursday Lunch with the Band \$25.00
- Optional Friday Networking Lunch \$24.00

CONFERENCE PUBLICATIONS AND MEDIA

Available by December 15, 2004.

- Course Binder \$200.00
Note: Conference registration includes Course Binder.
- Audio CD Set \$175.00
- eBinder on CD (PDF format) \$200.00/\$50.00
(\$200 purchased alone, \$50 with registration or purchase of Course Binder or Audio CD Set)

GROUP CLE: Bring the conference in-house and learn at your convenience.

Available by December 15, 2004.

- Group CLE for 2 - Includes Audio CD Set and 2 Course Binders \$750.00
- _____ Add participants (includes Course Binder) for \$200 each \$ _____

METHOD OF PAYMENT

TOTAL ENCLOSED \$ _____

- Check (make checks payable to: **The University of Texas at Austin**)
- VISA or Mastercard (sorry, no AMEX or Discover)

Card # - - -

X _____ /
Authorized Signature Exp. Date (mm/yy)

AUSTIN
Nov. 18-19, 2004

CONFERENCE LOCATION



Four Seasons Hotel
 98 San Jacinto
 Austin, TX 78701
 (512) 685-8100

\$195 single or double special group rate (subject to availability) good through **October 25, 2004**

Parking: \$5 self-parking; daily
 Valet: \$9 valet; daily

KEY DATES

Registration and Cancellation

Nov. 10, 2004, 5 p.m.
 •last day for early registration
 add \$50 for registrations received after this time

Nov. 12, 2004, 5 p.m.
 •last day for full refund

Nov. 15, 2004, 5 p.m.
 Monday before conference
 •last day for partial refunds
 (\$50 processing fee applied)

Nov. 18 2004, 9 a.m.
 •conference begins

**M
C
L
E**

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 12.25 hours, of which 1.50 credit hours will apply to legal ethics/professional responsibility credit.

CONFERENCE FACULTY

HON. JOHN C. AKARD
 United States Bankruptcy Judge
 (retired)
 Lubbock

BARRY C. BARNETT
 Susman Godfrey L.L.P.
 Dallas

HON. LEIF M. CLARK
 United States Bankruptcy Court
 Western District of Texas
 San Antonio

ROGER S. COX
 Sanders Baker, P.C.
 Amarillo

LORETTA CROSS
 Alvarez & Marsal
 Houston

KARL G. DIAL
 Fulbright & Jaworski, L.L.P.
 Dallas

HENRY FLORES
 Haynes and Boone, LLP
 Houston

WILLIAM GREENDYKE
 Fulbright & Jaworski, L.L.P.
 Houston

HON. H. DEWAYNE "COOTER" HALE
 United States Bankruptcy Court
 Northern District of Texas
 Dallas

PAUL E. HEATH
 Vinson & Elkins L.L.P.
 Dallas

THOMAS S. HENDERSON
 Munsch Hardt Kopf & Harr, P.C.
 Houston

HON. MARVIN ISGUR
 Bankruptcy Court for the Southern
 District of Texas
 Houston

CLIFTON R. JESSUP, JR.
 Greenberg Traurig, LLP
 Dallas

E.P. BUD KIRK
 Attorney at Law
 El Paso

DEBORAH B. LANGEHENNIG
 Chapter 13 Trustee
 Austin

KYUNG S. LEE
 Diamond McCarthy Taylor Finley
 Bryant & Lee, L.L.P.
 Houston

STEPHEN W. LEMMON
 Brown McCarroll, L.L.P.
 Austin

HON. D. MICHAEL LYNN
 United States Bankruptcy Court
 Northern District of Texas
 Fort Worth

RONALD J. MANN
 The University of Texas
 School of Law
 Austin

JOHN P. MELKO
 Gardere Wynne Sewell LLP
 Houston

MICHELLE A. MENDEZ
 Greenberg Traurig, LLP
 Dallas

PATRICK J. NELIGAN, JR.
 Neligan Tarpley Andrews
 & Foley LLP
 Dallas

MANUEL H. NEWBURGER
 Barron & Newburger, P.C.
 Austin

ROBIN E. PHELAN
 Haynes and Boone, LLP
 Dallas

NANCY RATCHFORD
 Western District of Texas
 San Antonio

HON. BRENDA T. RHOADES
 United States Bankruptcy Court
 Eastern District of Texas
 Plano

MICHAEL R. ROCHELLE
 Rochelle Hutcheson
 & McCullough, LLP
 Dallas

HON. RICHARD SCHMIDT
 Corpus Christi

WARREN SMITH
 Dallas

SABRINA L. STREUSAND
 Hughes & Luce, LLP
 Austin

PATRICIA BARON TOMASCO
 Brown McCarroll, L.L.P.
 Austin

ELIZABETH A. WARREN
 Harvard Law School
 Cambridge, MA

JAY L. WESTBROOK
 The University of Texas
 School of Law
 Austin

DEBORAH D. WILLIAMSON
 Cox & Smith Incorporated
 San Antonio

VALINDA BARRETT WOLFERT
 Winstead Sechrest & Minick P.C.
 Dallas

DAVID B. YOUNG
 McGinnis, Lochridge
 & Kilgore, L.L.P.
 Austin

PLANNING COMMITTEE

HON. BOB MCGUIRE - Chair
 Dallas

HON. JOHN C. AKARD
 Lubbock

R. GLEN AYERS, JR.
 San Antonio

CHARLES A. BECKHAM, JR.
 Houston

EVELYN H. BIERY
 Houston

HON. LEIF M. CLARK
 San Antonio

GROVER HARTT
 Dallas

THOMAS S. HENDERSON
 Houston

CLIFTON R. JESSUP, JR.
 Dallas

PATRICK KELLEY
 Tyler

RONALD J. MANN
 Austin

MICHELLE A. MENDEZ
 Dallas

D. BOBBITT NOEL, JR.
 Houston

HON. BRENDA T. RHOADES
 Plano

MICHAEL R. ROCHELLE
 Dallas

HON. WESLEY W. STEEN
 Houston

SABRINA L. STREUSAND
 Austin

J. MICHAEL SUTHERLAND
 Fort Worth

PATRICIA BARON TOMASCO
 Austin

LYNNETTE R. WARMAN
 Dallas

ELIZABETH A. WARREN
 Cambridge, MA

JAY L. WESTBROOK
 Austin

DEBORAH D. WILLIAMSON
 San Antonio

MICHAEL ESPOSITO
 Austin

www.utcle.org
 Online Courses

ABOUT THE COVER

"Synecdoche II," acrylic on canvas, is by Esmé Thompson. For information, call (603) 298-2906 or email her at esme.thompson@dartmouth.edu.



THE UNIVERSITY OF TEXAS AT AUSTIN
 THE UNIVERSITY OF TEXAS SCHOOL OF LAW
 P.O. Box 7759 • Austin, TX 78713-7759

This program is not printed or mailed at state expense.

23rd Annual
BANKRUPTCY CONFERENCE
 November 18-19, 2004 • Four Seasons Hotel • Austin, Texas

NON-PROFIT-ORG
 U.S. Postage Paid
 The University of
 Texas
 School of Law

E-mail us at
utcle@mail.law.utexas.edu
 or call us at
512-475-6700
 for more information