

26th Annual Bankruptcy Conference
November 15-16, 2007 • Four Seasons Hotel • Austin, TX

Thursday Morning, Nov. 15, 2007

Presiding Officer:

Deborah B. Langehennig, Chapter 13 Trustee - Austin, TX

8:00 am	Registration Opens Includes continental breakfast.
8:50 am	Welcoming Remarks
9:00 am 1.25 hrs	Recent Developments A survey of case law developments formed around the nation, delivered by some of the country's leading authorities on bankruptcy, with commentary by Jay L. Westbrook. Moderator: Jay Lawrence Westbrook, Austin, TX Evelyn H. Biery, Fulbright & Jaworski L.L.P. - Houston, TX Deborah B. Langehennig, Chapter 13 Trustee - Austin, TX Deborah D. Williamson, Cox Smith Matthews, Inc - San Antonio, TX
10:15 am	Break
10:30 am 0.50 hr	A Primer on Risk Management Tools and Techniques: Forwards, Futures, Options, Swaps, and CLOs This session provides a brief overview of risk management tools and techniques used by non-financial and financial firms. The goal is to familiarize attorneys with the characteristics of these instruments and how they are used. The role and magnitude of such instruments in financial transactions will be further discussed in the panel that follows. Robert Parrino, The University of Texas at Austin - Austin, TX
11:00 am 1.00 hr	The Changing Landscape of Debt Deals A multi-perspective look at the ever changing players, structure, terms and primary and secondary markets involved in debt financings. Moderator: Kenneth A. Rogers, Haynes and Boone, LLP - Dallas, TX John B. Griggs, Laminar Direct Capital, A member of the D. E. Shaw group - Houston, TX Andrew C. Karp, Banc of America Securities - Charlotte, NC Robert Parrino, The University of Texas at Austin - Austin, TX

Thursday Afternoon, Nov. 15, 2007

Presiding Officer:

Russell L. Munsch, Munsch Hardt Kopf & Harr, P.C. - Austin, TX

12:00 pm 0.58 hr	<p>Repurchase Agreements and Other Issues in Subprime Lender Cases</p> <p>Recognizing the recent explosion of subprime mortgage lending company bankruptcies, this panel will explore the protections provided by the Bankruptcy Code to repurchase loan agreements, the traditional financing vehicle used in the subprime mortgage industry. Tracing the history of the repurchase loan agreement, including the additional protections that were provided to such agreements by the most recent amendments to the Bankruptcy Code, the panel will explain why subprime lending company bankruptcies are somewhat unique and examine whether the issues that arise in the cases are likely to be seen in the future, both in and out of the subprime arena.</p> <p>Mark Collins, Richards, Layton & Finger, P.A. - Wilmington, DE Douglas E. Deutsch, Chadbourne & Parke LLP - New York, NY</p>
12:35 pm	Lunch on your Own
1:45 pm 0.50 hr 0.25 hr ethics	<p>Owning Up: Mortgage Claims in Bankruptcy</p> <p>The bankruptcy system has a few systematic safeguards to ensure that creditors satisfy their duty to be accurate and complete in their representations to bankruptcy courts, trustees, and debtors. New data from the National Mortgage Study reveal widespread problems with the reliability of mortgagee's proofs of claims.</p> <p>Katherine Porter, University of Iowa College of Law - Iowa City, IA</p>
2:15 pm 0.50 hr	<p>LLCs and Partnerships in Bankruptcy</p> <p>Nontraditional entities like limited liability companies present unique challenges when they turn up in bankruptcy cases — both as debtors themselves, and as assets held by a debtor/manager. Come hear how some of these challenges have been addressed, and how some of them haven't.</p> <p>Michael P. Cooley, Gardere Wynne Sewell LLP - Dallas, TX</p>
2:45 pm 0.50 hr	<p>Malpractice Issues in Bankruptcy Cases; Bankruptcy Issues in Malpractice Cases</p> <p>The intersection of Legal Malpractice Law and Bankruptcy Law requires shipping outside the ordinary lanes of legal traffic.</p> <p>Charles Herring Jr., Herring & Irwin, L.L.P. - Austin, TX Moderator: J. Michael Sutherland, Carrington Coleman Sloman & Blumenthal L - Dallas, TX Panelist: Luke Madole, Carrington Coleman Sloman & Blumenthal L - Dallas, TX</p>
3:15 pm	Break

Consumer Track-Presiding Officer: Hon. John C. Akard, Lubbock, TX

3:30 pm 0.50 hr	<p>Representing Creditors Post BAPCPA - Tricks, Treats and Traps</p> <p>With all that “reform” who needs lawyers? An update highlighting cost-effective creditor representation two years after BAPCPA.</p> <p>Roger S. Cox, Underwood Law Firm - Amarillo, TX</p>
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4:00 pm 0.50 hr	<p>The Well Prepared Debtor</p> <p>A discussion of recent cases involving sanctions and certain provisions of BAPCPA that have affected responsibilities and compensation of attorneys in consumer cases.</p> <p>William E. Heitkamp, Chapter 13 Trustee - Houston, TX</p>
4:30 pm 0.67 hr	<p>In Praise of Insiders: The Fortunes of the Debtor's Family Members and Close Friends in Bankruptcy Cases</p> <p>Insiders are demonized in the Bankruptcy Code and case law when they have participated in pre-bankruptcy transfers, which have diminished the estate. Often, however, the debtor's family members, close friends, and business associates have been his biggest financial backers, and they stand to be the creditors who will be the worst affected by a bankruptcy. There are some ways in which the impact of the bankruptcy can be lessened for those insiders.</p> <p>E. P. Bud Kirk, Attorney at Law - El Paso, TX</p>
5:10 pm 0.33 hr	<p>Section 522(o): What the Debtor Did 10 Years Ago Matters (They Just Thought They Got Away with It).</p> <p>The old homestead may not be worth what she used to be. If the debtor intends to defraud, he better wash his hands.</p> <p>R. Byrn (Byrnie) Bass Jr., Attorney at Law - Lubbock, TX</p>

Business Track-Presiding Officer: Russell L. Munsch, Dallas, TX

3:30 pm 0.50 hr	<p>Inter-Class Give-Ups, Settlements, and Absolute Priority</p> <p>This session will examine the phenomenon of inter-class give-ups, known as "gifting" in the context of non-plan settlements.</p> <p>Christopher W. Frost, University of Kentucky College of Law - Lexington, KY</p>
4:00 pm 0.50 hr	<p>DIP Lenders' Terms and Intercreditor Agreements</p> <p>An overview of recent developments and insights into the ongoing tensions among and between debtors, their lenders, and other creditors.</p> <p>John N. Schwartz, Fulbright & Jaworski - Dallas, TX Berry D. Spears, Fulbright & Jaworski - Austin, TX Dianne Wooley, JPMorgan Chase Bank, N.A. - Dallas, TX</p>
4:30 pm 0.50 hr ethics	<p>Shifting Sands: Ethical Issues for Bankruptcy Professionals in the Days of Claims Trading and Freewheeling Lateral Movement of Lawyers</p> <p>This session addresses attorney movement and claims trading; how it can impact estate professions if a client acquires a claim in the case and the continuing obligation to disclose. This session also covers structures developed to insulate, how they are developed and what they look like.</p> <p>John E. Mitchell, Vinson & Elkins, LLP - Dallas, TX Eric B. Terry, Haynes and Boone, LLP - San Antonio, TX</p>

5:00 pm 0.50 hr	<p>The Search for Deep Pockets, Expanding the Pie, and (In)equitable Defenses</p> <p>The perennial efforts to expand the pool of assets available to creditors and to shift the claims made against that pool provide fertile ground for new theories and the novel use of old ones. This session deals with some of the current trends in this area, including the uncertain fate of deepening insolvency as a distinct cause of action, the growing use of derivative or secondary tort theories to cast a wider net for parties who may be liable, the viability of the in <i>pari delicto</i> defense, and the increasing employment of recharacterization as an alternative to equitable subordination as a tool for eliminating claims against the estate.</p> <p>Phillip C. Appenzeller Jr., Munsch, Hardt, Kopf & Harr P C - Dallas, TX David B. Young, McGinnis, Lochridge & Kilgore, L.L.P. - Austin, TX</p>
5:30 pm	Adjourn to Reception

Friday Morning, Nov. 16, 2007

Presiding Officer:

Deborah D. Williamson, Cox Smith Matthews, Inc - San Antonio, TX

8:00 am	<p>Conference Opens</p> <p>Includes continental breakfast.</p>
8:40 am 0.50 hr	<p>Top 10 Things That Have NOT Happened After BAPCPA</p> <p>What do “Y2K,” Bird Flu, Chicken Little, and BAPCPA have in common? Exploring some of the most frequently made predictions regarding BAPCPA’s negative impact on future bankruptcy cases that have NOT come to pass—and WHY?</p> <p>Hon. Stacey G. C. Jernigan, U.S. Bankruptcy Court, Northern District of Texas - Dallas, TX</p>
9:10 am 1.00 hr	<p>Bankruptcy, M&A and Corporate Governance: The Interplay of State and Federal Civil and Criminal Law</p> <p>Moderator: Harry A. Perrin, Vinson & Elkins - Houston, TX Martin J. Bienenstock, Weil, Gotshal & Manges, L.L.P. - New York, NY Bruce W. Collins, Carrington Coleman Sloman & Blumenthal L - Dallas, TX</p>
10:10 am	Break
10:25 am 0.75 hr 0.50 hr ethics	<p>Emerging Duties to Disclose: Ad Hoc Committees and Rule 2019</p> <p>Panel discussion on recent case law under Bankruptcy Rule 2019 and what it means for bondholders, groups of creditors, and lawyers that represent more than one creditor in a case.</p> <p>Moderator: Henry J. Kaim, King and Spalding LLP - Houston, TX Kurt A. Mayr, Bracewell & Giuliani LLP - Hartford, CT Jeffrey Sabin, Schulte Roth & Zabel LLP - New York, NY George H. Tarpley, Cox Smith Matthews Incorporated - Dallas, TX</p>

11:10 am 0.75 hr	<p>Is Competition for Big Cases Corrupting the Bankruptcy Courts? An Update</p> <p>Based on current data and the latest studies, the author of <i>Courting Failure</i> presents a statistical view of forum shopping, court competition, and their effects on the bankruptcy system. Shopping patterns to and from Texas will be featured.</p> <p>Lynn M. LoPucki, UCLA School of Law - Los Angeles, CA</p>
11:55 am 0.33 hr	<p>The Last Bankrupt Hanged: The Dangers of Bankruptcy in 18th Century England</p> <p>In 1761, John Perrott was hanged for the crime of fraudulent bankruptcy. His bankruptcy was infamous, with huge sums unaccounted for and whiffs of illicit sex. The extensive accounts of the case enable us to investigate the inner workings of an 18th-century bankruptcy and to uncover the ambivalences inherent in the system.</p> <p>Emily Kadens, The University of Texas School of Law - Austin, TX</p>

Friday Afternoon, Nov. 16, 2007

Presiding Officer:

Evelyn H. Biery, Fulbright & Jaworski L.L.P. - Houston, TX

12:15 pm	Pick up Box Lunch
12:30 pm 0.50 hr	<p>Legislative Update</p> <p>What's new on bankruptcy and credit policy inside the beltway.</p> <p>Samuel J. Gerdano, American Bankruptcy Institute - Alexandria, VA</p>
1:15 pm 0.50 hr	<p>Current Issues in Oil and Gas Related Bankruptcy Cases</p> <p>Strategies for debtors, creditors, and interest owners.</p> <p>Michael A. McConnell, Kelly Hart & Hallman, LLP - Fort Worth, TX</p>
1:45 pm 0.75 hr	<p>Environmental Claims in Bankruptcy: Reconciling the Conflict</p> <p>Discussion of environmental claims in bankruptcy from the perspective of experienced debtor counsel and the National Environmental Bankruptcy Coordinator for the Department of Justice, highlighting the conflicts between environmental laws and bankruptcy laws, the types and priorities of environmental claims that arise in bankruptcy cases, and the treatment and dischargeability of environmental claims in bankruptcy, including the police/regulatory exception to the automatic stay and use of custodial environmental trusts.</p> <p>Moderator: H. Christopher Mott, Gordon & Mott P.C. - El Paso, TX Tony M. Davis, Baker & Botts - Houston, TX Alan S. Tenenbaum, U.S. Department of Justice, Environmental Enforcement Section - Washington, DC</p>

2:30 pm 0.50 hr	<p>Chapter 11 For Individuals: Bankruptcies for the Rich and Famous?</p> <p>This session will cover both common and atypical issues faced by creditors, debtors and their lawyers in individual Chapter 11 cases. Emphasis will be on plan confirmation hurdles, such as the absolute priority rule, tax issues and the odd assortment of issues that arise in this sometimes glamorous and sometimes dangerous area.</p> <p>Gray Byron Jolink, Austin, TX Kell C. Mercer, Brown McCarroll, L.L.P. - Austin, TX</p>
3:00 pm 1.00 hr 0.25 hr ethics	<p>Judges Panel</p> <p>Moderator: Hon. Leif M. Clark, U.S. Bankruptcy Court, Western District of Texas - San Antonio, TX Hon. Craig A. Gargotta, U.S. Bankruptcy Court, Western District of Texas - San Antonio, TX Hon. Barbara J. Houser, U.S. Bankruptcy Court, Northern District of Texas - Dallas, TX Hon. Robert L. Jones, U.S. District Court, Northern District of Texas - Lubbock, TX Hon. Frank R. Monroe, U.S. Bankruptcy Court, Western District of Texas - Austin, TX Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas - Plano, TX Hon. Jeff Bohm, US Bankruptcy Court, Southern District of Texas - Houston, TX</p>
4:00 pm	Adjourn