

27TH ANNUAL
JAY L. WESTBROOK
BANKRUPTCY CONFERENCE

Earn up to 12.50 Hours of Credit Including 2.00 Hours of Ethics Credit
Specialization Approved for Bankruptcy Law



November 13-14, 2008

Four Seasons Hotel

Austin, Texas

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27TH ANNUAL

JAY L. WESTBROOK BANKRUPTCY CONFERENCE

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THURSDAY MORNING, NOV. 13, 2008

Presiding Officer:

Clifton R. Jessup Jr., Dallas, TX

8:00 a.m. Registration Opens

Includes continental breakfast.

9:00 a.m. 1.25 hrs including .25 hr ethics

Recent Developments

A survey of case law developments from around the nation, delivered by some of the country's leading authorities on bankruptcy, with commentary by Jay L. Westbrook.

Moderator: Jay L. Westbrook, University of Texas School of Law, Austin, TX
R. Byrn (Byrnie) Bass Jr., Lubbock, TX
Evelyn H. Biery, Houston, TX
Deborah B. Langehennig, Austin, TX
Deborah D. Williamson, San Antonio, TX

10:15 a.m. Break

10:30 a.m. 1.00 hr

Where's the Boom?

The economy is bad but Texas bankruptcy lawyers are still waiting to catch the wave. Is it us, is it BAPCPA, is it geography or is it those nasty private equity and hedge fund guys who have hidden the bang in this bust? We'll find out.

Moderator: Charles A. Beckham Jr., Houston, TX
William (Tuck) Hardie, New York, NY
Stephen D. Lerner, Cincinnati, OH
Bruce T. Lucas, Kingwood, FL

11:30 a.m. .75 hr

Bankruptcy Alternatives: ABC's and Other Ways to Obtain a Decent Burial

An overview of alternatives available to maximize on asset values in small business liquidations to include assignments for the benefit of creditors ("ABC's") with a discussion of the advantages, limitations, and special issues with respect to the various alternatives and a look at how such procedures are used in other jurisdictions.

Hon. Michael G. Williamson, Tampa, FL
J. Patrick Kelley, Tyler, TX

THURSDAY AFTERNOON

LUNCHEON PRESENTATION

12:15 p.m. Pick up Box Lunch
Included in conference registration fee.

12:30 p.m. .75 hr

Where is the Economy Headed?

Michael W. Brandl, The University of Texas, McCombs School of Business, Austin, TX

1:15 p.m. Break

1:30 p.m. .50 hr

Did Bankruptcy Reform Fail? An Empirical Study of Consumer Debtors

A discussion and analysis in the consumer bankruptcy population since the implementation of BAPCPA, based on data from the Consumer Bankruptcy Project (CBP).

Angela Littwin, University of Texas School of Law, Austin, TX

2:00 p.m. .50 hr

A Primer on Securitization

This session will cover the construction, risk characteristics, and current condition of securitized debt products such as mortgage backed securities (MBS, both prime and subprime), commercial mortgage backed securities (CMBS), and collateralized debt obligations (CDOs).

Greg F. Hallman, The University of Texas, McCombs School of Business, Austin, TX

2:30 p.m. .75 hr

Bankruptcy Issues in the Retail Sector

The anatomy of a retail case from the debtor and creditor perspective, including reclamation and Sec. 503(b)(9); auctions and going out of business sales; gift card programs; diminished time to assume or reject leases; and adequate assurance and the impact of Rule 6003.

Mark E. Andrews, Dallas, TX
Russell L. Munsch, Dallas, TX

3:15 p.m. Break

CONCURRENT BREAK-OUT SESSIONS BUSINESS TRACK

Presiding Officer:

Deborah D. Williamson, San Antonio, TX

3:30 p.m. .50 hr

The Art and Technique of Claim Estimation

How to look at estimating claims for plan voting.

Bruce H. White, Dallas, TX

4:00 p.m. .50 hr

Current Developments in Oil & Gas Bankruptcy

Current developments in oil and gas bankruptcy, including unrecorded assignments, Secs. 541(d) versus 544(a)(3); farmout agreement safe harbors, including Secs. 365 and 541(b)(4); reclamation rights and producer liens; Sec. 363 sales, including bona fide disputes under Sec. 363(f)(4) and co-owner preferential rights of purchase under Sec. 363(i).

Rhett G. Campbell, Houston, TX

4:30 p.m. .50 hr ethics

Fiduciary Duties in Bankruptcy

Recognizing and properly performing fiduciary duties in an age of heightened judicial sensitivity.

Louis R. Strubeck Jr., Dallas, TX

5:00 p.m. .50 hr

Strategic Use of Involuntary Bankruptcy

A discussion and analysis of factors to consider when initiating or opposing an involuntary petition, including recent case law on subject matter jurisdiction and manipulation of the involuntary process.

H. Joseph Acosta, Dallas, TX

5:30 p.m. Adjourn to Reception

CONCURRENT BREAK-OUT SESSIONS

CONSUMER TRACK

Presiding Officer:

Deborah B. Langehennig, Austin, TX

3:30 p.m. .50 hr ethics

The Minefield of Representation—Recent Sanctions Decisions

This session will offer an overview and analysis of current issues and recent decisions involving sanctions. The primary focus will be on the precipitating factors that caused the imposition of sanctions against law firms and attorneys for both creditors and debtors in the Fifth Circuit and across the country and how to avoid them in the future.

Layla D. Elzner, Austin, TX
Janet S. Northrup, Houston, TX

4:00 p.m. .50 hr

Car Claims—What the Appellate Courts are Doing

The circuit courts of appeal confront the daunting task of making sense of the “hanging paragraph” of Sec. 1325.

Michael G. Kelly, Odessa, TX

4:30 p.m. .50 hr

Litigation in Consumer Cases—Home Equity Suits Under Texas Law

Most common home equity violations and how to find them. The new reality of damages after *LaSalle Bank v. White*.

Michael V. Baumer, Austin, TX

5:00 p.m. .50 hr

Reaffirmation Agreements under BAPCPA

With more disclosure, increased judicial oversight, and greater responsibility on debtor’s counsel, are debtors really better informed and making better decisions regarding the reaffirmation of debt under BAPCPA?

Hon. Robert L. Jones, Lubbock, TX

5:30 p.m. **Adjourn to Reception**

FRIDAY MORNING, NOV. 14, 2008

Presiding Officer:

Evelyn H. Biery, Houston, TX

8:00 a.m. **Conference Room Opens**

8:30 a.m. 1.00 hr

Sticky Confirmation Issues

A discussion of novel and difficult plan confirmation issues that have been raised and resolved in recent cases.

Moderator: Paul E. Heath, Dallas, TX
David M. Bennett, Dallas, TX
Brian Cejka, Dallas, TX
Toby L. Gerber, Dallas, TX

9:30 a.m. .50 hr

Current Developments and a Practical Approach to Bankruptcy Tax Matters

This session will provide an update on the tax provisions in BAPCPA, their application and effect on the debtor and the bankruptcy estate, and what steps should be taken by practicing bankruptcy counsel to obtain relevant tax information in the bankruptcy case. The duties and responsibilities of the debtor regarding production and filing tax returns and tax documentation, and key case law developments will also be discussed.

Myron M. Sheinfeld, Houston, TX

10:00 a.m. .50 hr

Proof of Claims: Issues, Duties and Recommendations

A discussion of developing case law on what needs to be in a proof of claim to avoid challenges, including presumed validity of improperly filed proof of claim, with special emphasis on empirical data and judicial commentary on the reliability of mortgagee’s proofs of claims.

Jean Braucher, University of Arizona, James E. Rogers College of Law, Tucson, AZ

10:30 a.m. **Break**

10:45 a.m. .50 hr ethics

An Overview on Privilege Issues in the Bankruptcy Arena

This session will identify typical privilege issues that arise in bankruptcy proceedings and adversary actions, including a discussion of strategies to protect and preserve privilege.

Elliott S. Cappuccio, San Antonio, TX

11:15 a.m. 1.00 hr

The Current State of Retention of Professionals—Enlightened Solutions or Clever Avoidance?

A review of approaches taken to addressing—if not resolving—the thorny issues of conflicts and disinterestedness in retention of attorneys and other professionals, as well as a look at other retention issues that give judges headaches.

Moderator: Thomas S. Henderson, Houston, TX
Robert D. Albergotti, Dallas, TX
Hon. Leif M. Clark, San Antonio, TX

12:15 p.m. **Lunch on your Own**

FRIDAY AFTERNOON

Presiding Officer:

Hon. John C. Akard, Lubbock, TX

1:30 p.m. .50 hr

Technology and IP Assets in Bankruptcy

This presentation will explore issues associated with the retention and disposal of various forms of intellectual property in a bankruptcy case.

Jason B. Binford, Dallas, TX

2:00 p.m. 1.00 hr including .25 hr ethics

Making Your Case: The Do’s and Don’ts on How to Get and Hold the Court’s (Favorable) Attention

Moderator: Hon. D. Michael Lynn, Fort Worth, TX
Hon. Jeff Bohm, Houston, TX
Hon. Craig A. Gargotta, Austin, TX
Hon. Robert L. Jones, Lubbock, TX
Hon. Bill G. Parker, Tyler, TX

3:00 p.m. **Adjourn**

COMMENTS FROM PAST CONFERENCES

“Good variety. Some exceptional speakers.”

“Overall, the best in years.”

“Generally very good mix of speakers and topics.”

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"Improv 101" is by David Newman. For more information, call (512) 241-1852 or visit www.artworksbydavid.com

REGISTRATION FOR BK08

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The University of Texas School of Law, Attn. BK08
P.O. Box 7759, Austin, TX 78713-7759 or fax a copy to: (512) 475-6876

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Assistant's Email (optional) _____

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REGISTRATION

Includes Course Binder, Thursday Luncheon Presentation, and Reception

Early Registration Fee due by Wednesday, Nov. 5, 2008 \$495.00

Registration Fee after Wednesday, Nov. 5, 2008 \$545.00

CONFERENCE PUBLICATIONS AND MEDIA

Allow 2-4 weeks from the conference date for delivery.

Course Binder Without Conference Registration \$225.00

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AUSTIN

November 13-14, 2008

CONFERENCE LOCATION



Four Seasons Hotel

98 San Jacinto
Austin, TX 78701
512-685-8100

SPECIAL ROOM RATE \$220

good through October 17, 2008
(subject to availability)

Parking: Due to construction, Self-parking is unavailable at the Four Seasons Hotel. Nearby Self-parking is available in the Convention Center garage at 2nd Street & Brazos. Limited Valet parking at the Four Seasons is available at \$10 for conference attendees. (subject to change)

KEY DATES

Registration & Cancellation

November 5, 2008—5 p.m.

last day for early registration
add \$50 for registrations
received after this time

November 7, 2008—5 p.m.

last day for full refund

November 10, 2008—5 p.m.

last day for partial refunds
\$50 processing fee applied

November 13, 2008—9 a.m.

conference begins

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E-mail us at

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for more information

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