

27th Annual Bankruptcy Conference

November 13-14, 2008 • Four Seasons Hotel • Austin, TX

Thursday Morning, Nov. 13, 2008

Presiding Officer:

Clifton R. Jessup Jr., Greenberg Traurig , LLP - Dallas, TX

8:00 am	<p>Registration Opens</p> <p>Includes continental breakfast.</p>
9:00 am 1.25 hrs 0.25 hr ethics	<p>Recent Developments</p> <p>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.</p> <p>R. Byrn (Byrnie) Bass Jr., Attorney at Law - Lubbock, TX Evelyn H. Biery, Fulbright & Jaworski L.L.P. - Houston, TX Deborah B. Langehennig, Chapter 13 Trustee - Austin, TX Moderator: Jay L. Westbrook, The University of Texas School of Law - Austin, TX Deborah D. Williamson, Cox Smith Matthews, Inc. - San Antonio, TX</p>
10:15 am	<p>Break</p>
10:30 am 1.00 hr	<p>Where's the Boom?</p> <p>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.</p> <p>Moderator: Charles A. Beckham Jr., Haynes and Boone, LLP - Houston, TX William (Tuck) Hardie, Houlihan Lokey Howard & Zukin - New York, NY Stephen D. Lerner, Squire, Sanders & Dempsey LLP - Cincinnati, OH Bruce Thomas Lucas, Infinity Investment Funds LLC - Kingwood, TX</p>
11:30 am 0.75 hr	<p>Bankruptcy Alternatives: ABC's and Other Ways to Obtain a Decent Burial</p> <p>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.</p> <p>Hon. Michael G. Williamson, U.S. Bankruptcy Court, Middle District of Florida - Tampa, FL Patrick Kelley, Ireland Carroll & Kelley PC - Tyler, TX</p>

Thursday Afternoon, Nov. 13, 2008

12:15 pm	Pick up Box Lunch Included in conference registration fee.
12:30 pm 0.75 hr	Where Is the Economy Headed? Michael W. Brandl, The University of Texas McCombs School of Business - Austin, TX
1:15 pm	Break
1:30 pm 0.50 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 pm 0.50 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 pm 0.75 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, Cox Smith Matthews, Inc. - Dallas, TX Russell L. Munsch, Munsch Hardt Kopf & Harr, P.C. - Dallas, TX
3:15 pm	Break

Consumer Track

Presiding Officer:

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

3:30 pm 0.50 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, Office of the Chapter 13 Trustee - Austin, TX Janet S. Northrup, Hughes Watters Askanase LLP - Houston, TX
4:00 pm 0.50 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 section 1325. Michael G. Kelly, Rush Kelly Morgan Dennis Corzine & Hansen - Odessa, TX

4:30 pm 0.50 hr	<p>Litigation in Consumer Cases—Home Equity Suits under Texas Law</p> <p>Most common home equity violations and how to find them. The new reality of damages after <i>LaSalle Bank v. White</i>.</p> <p>Michael V. Baumer, Attorney at Law - Austin, TX</p>
5:00 pm 0.50 hr	<p>Reaffirmation Agreements under BAPCPA</p> <p>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?</p> <p>Hon. Robert L. Jones, U.S. Bankruptcy Court, Northern District of Texas - Lubbock, TX</p>
<hr/> <p>Business Track Presiding Officer: Deborah D. Williamson, Cox Smith Matthews, Inc. - San Antonio, TX</p>	
3:30 pm 0.50 hr	<p>The Art and Technique of Claim Estimation</p> <p>How to look at estimating claims for plan voting purposes.</p> <p>Bruce H. White, Greenberg Traurig LLP - Dallas, TX</p>
4:00 pm 0.50 hr	<p>Current Developments in Oil & Gas Bankruptcy</p> <p>Current developments in oil & 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).</p> <p>Rhett G. Campbell, Thompson & Knight LLP - Houston, TX</p>
4:30 pm 0.50 hr ethics	<p>Fiduciary Duties in Bankruptcy</p> <p>Louis R. Strubeck Jr., Fulbright & Jaworski L.L.P. - Dallas, TX</p>
5:00 pm 0.50 hr	<p>Strategic Use of Involuntary Bankruptcy</p> <p>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.</p> <p>H. Joseph Acosta, Looper Reed & McGraw, P.C. - Dallas, TX</p>
5:30 pm	<p>Adjourn to Reception</p>

Friday Morning, Nov. 14, 2008

Presiding Officer:
Berry D. Spears, Fulbright & Jaworski - Austin, TX

8:00 am	Conference Room Opens
8:30 am 1.00 hr	Sticky Confirmation Issues A discussion of novel and difficult plan confirmation issues that have been raised and resolved in recent cases. David Mark Bennett, Thompson & Knight LLP - Dallas, TX Toby L. Gerber, Fulbright & Jaworski L.L.P. - Dallas, TX Moderator: Paul E. Heath, Vinson & Elkins LLP - Dallas, TX Dean E. Swick, Alvarez & Marsal - Houston, TX
9:30 am 0.50 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. Mark W. Wege, King & Spalding - Houston, TX
10:00 am 0.50 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 am	Break
10:45 am 0.50 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, Pulman, Cappuccio, Pullen & Benson LLP - San Antonio, TX
11:15 am 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. Robert D. Albergotti, Haynes and Boone, LLP - Dallas, TX Hon. Leif M. Clark, U.S. Bankruptcy Court, Western District of Texas - San Antonio, TX Moderator: Thomas S. Henderson III, Thomas S. Henderson, Attorney at Law - Houston, TX

Friday Afternoon, Nov. 14, 2008

Presiding Officer:

Hon. John C. Akard, US Bankruptcy Judge, Retired - Lubbock, TX

12:15 pm	Lunch on your Own
1:30 pm 0.50 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, Haynes and Boone, LLP - Dallas, TX
2:00 pm 1.00 hr 0.25 hr ethics	Making Your Case: The Do's and Don'ts on How to Get and Hold the Court's (Favorable) Attention Hon. Jeff Bohm, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX Hon. Craig A. Gargotta, U.S. Bankruptcy Court, Western District of Texas - Austin, TX Hon. Robert L. Jones, U.S. Bankruptcy Court, Northern District of Texas - Lubbock, TX Moderator: Hon. D. Michael Lynn, U.S. Bankruptcy Court, Northern District of Texas - Fort Worth, TX Hon. Bill G. Parker, U.S. Bankruptcy Court, Eastern District of Texas - Tyler, TX
3:00 pm	Adjourn