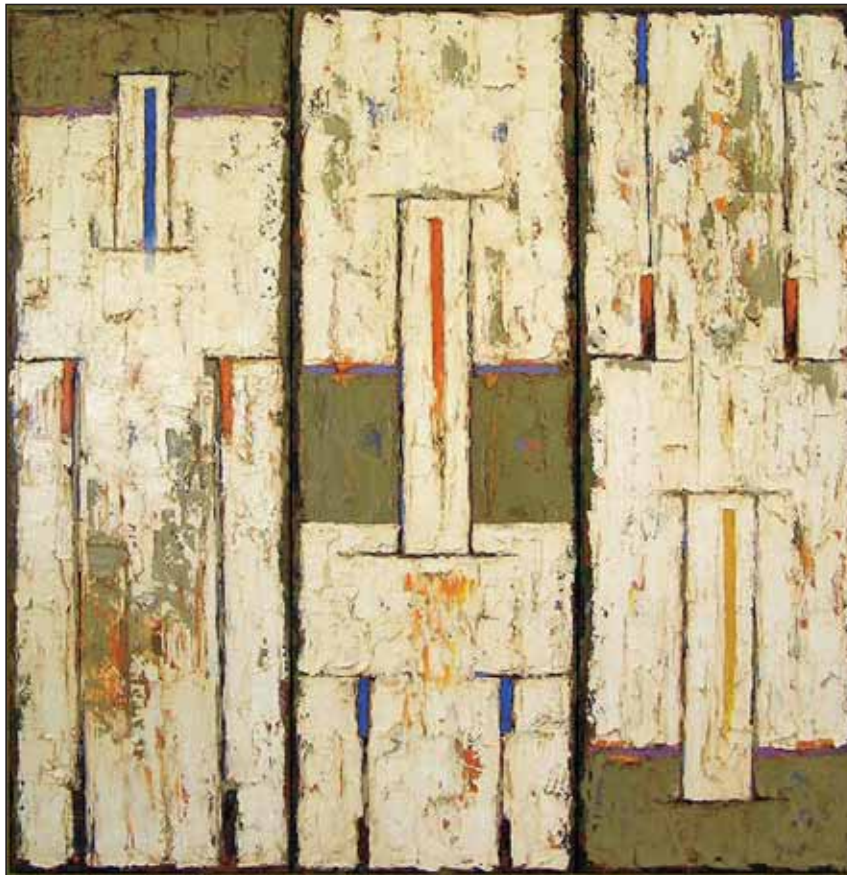


29TH ANNUAL JAY L. WESTBROOK
BANKRUPTCY CONFERENCE



November 18–19, 2010
Four Seasons Hotel ▪ Austin, Texas

Earn up to 12.25 Hours of Credit including 3.00 Hours of Ethics Credit
Specialization Credit Approved for Bankruptcy Law

29TH ANNUAL JAY L. WESTBROOK
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THURSDAY MORNING, NOV. 18, 2010

Presiding Officer:

Henry J. Kaim, King & Spalding LLP,
Houston, TX

8:00 a.m. Registration Opens

Includes continental breakfast.

8:40 a.m. Welcoming Remarks

8:45 a.m. 1.25 hrs including .50 hr ethics

Recent Developments

To begin this conference with anything other than recent developments would be unconstitutional. These four presenters have done this before and usually have seemed to know what they were talking about. Professor Westbrook always does. Come try 'em again.

Moderator:

Jay L. Westbrook, The University of Texas
School of Law, Austin, TX

Panelists:

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
Deborah D. Williamson, Cox Smith Matthews
Incorporated, San Antonio, TX

10:00 a.m. Lifetime Achievement Award



The University of Texas School of Law and the organizing committee of the Jay L. Westbrook Bankruptcy Conference are pleased to honor and recognize Mickey Sheinfeld for his lifetime achievement

in the field of reorganization and bankruptcy in Texas. Mickey is widely recognized as the Dean of the Texas Bankruptcy Bar. Join us in a brief celebration and acknowledgement of his many contributions to this area of practice.

10:15 a.m. Break

10:30 a.m. .50 hr

After the Sale

What happens after the 363 sale gets approved? Or what if the sale doesn't close?

D. Bobbitt Noel Jr., Vinson & Elkins LLP, Houston, TX
William A. "Trey" Wood III, Bracewell & Giuliani LLP,
Houston, TX

11:00 a.m. .75 hr including .25 hr ethics

Tenant-in-Common (TIC) Real Estate Cases

Tax-free exchanges that have come into vogue in the real estate arena, 1031 exchanges, hotel cases, bad faith filing, reinstatement under 1123/1124, charges, and change of control provision.

Moderator:

Henry J. Kaim, King & Spalding LLP, Houston, TX

Panelists:

Charles R. Gibbs, Akin Gump Strauss Hauer &
Feld LLP, Dallas, TX
Clifton R. Jessup Jr., Greenberg Traurig, LLP,
Dallas, TX
Edward L. Ripley, King & Spalding LLP, Houston, TX

11:45 a.m. Lunch on Your Own

THURSDAY AFTERNOON

1:00 p.m. .75 hr

Economy at a Crossroads: Crisis, Response and Recovery

This presentation briefly describes the beginnings of the economic downturn, focuses on the Federal Reserve's response and walks through a few considerations for moving forward.

Blake Hastings, Federal Reserve Bank of Dallas,
San Antonio, TX

1:45 p.m. .75 hr

Banks, Financial Regulations and Credit Markets

An economist from the McCombs School of Business at UT discusses the current and future state of financial market regulations and their impact on the larger economy.

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

2:30 p.m. Break

CONCURRENT SESSIONS

BUSINESS TRACK

Presiding Officer:

Henry J. Kaim, King & Spalding LLP,
Houston, TX

2:45 p.m. .75 hr including .50 hr ethics

Getting In: 328/330 Compensation Issues

A discussion of the issues surrounding the pre-approval of alternative billing arrangements under section 328, including contingency and fixed-fee arrangements for attorneys, investment bankers and other professionals.

Michael P. Cooley, Akin Gump Strauss Hauer &
Feld LLP, Dallas, TX

3:30 p.m. .50 hr ethics

Staying In: Disinterested/Contingency Fees

Retainers, payment methods and contingencies: are you not disinterested?

Frank R. Monroe, Graves Dougherty Hearon &
Moody, P.C., Austin, TX
Patricia Baron Tomasco, Munsch Hardt Kopf &
Harr, P.C., Austin, TX

4:00 p.m. .75 hr including .50 hr ethics

Getting Paid: State of Fee Applications

Untangling the fee web: section 330(a)(3) factors, *Johnson* factors, the lodestar analysis and *Pro-Snax*. The panel also debates the law on fee enhancements. Judge Clark serves as the referee... er... moderator.

Moderator:

Hon. Leif M. Clark, U.S. Bankruptcy Court, Western
District of Texas, San Antonio, TX

Panelists:

Omar Jesus Alaniz, Baker Botts L.L.P., Dallas, TX
Charles A. Beckham Jr., Haynes and Boone, LLP,
Houston, TX

4:45 p.m. Conference Adjourns

CONCURRENT SESSIONS

CONSUMER TRACK

Presiding Officer:

**Hon. John C. Akard, U.S. Bankruptcy
Judge, Retired, Lubbock, TX**

2:45 p.m. .33 hr

Guardianship as an Alternative to Filing

Learn how a determination of incapacity can impair the ability of creditors to enforce their claims and the pitfalls of following the Texas Probate Code to present your claim.

Linda C. Goehrs, Horrigan & Goehrs, L.L.P.,
Houston, TX

3:05 p.m. .50 hr including .33 hr ethics

The Final Discharge: Probate and Bankruptcy

How property of the estate, case administration and the discharge are affected by the debtor's death.

Michael J. O'Connor, Law Offices of Michael J.
O'Connor, San Antonio, TX

3:35 p.m. .33 hr

Adequate Assurance for Utilities

How to keep the lights, gas and water on: additional adequate assurance issues.

Elizabeth G. Smith, Law Offices of Elizabeth G.
Smith, San Antonio, TX

3:55 p.m. .50 hr including .33 hr ethics

Projected Disposable Income: Which Way Do We Look?

A review of the Supreme Court's decision in *Hamilton v. Lanning* and its interpretation of "projected disposable income."

Jeffrey M. Fleming, Barrett Daffin Frappier Turner &
Engel, LLP, Addison, TX
Layla D. Milligan, Office of Deborah B. Langehennig,
Chapter 13 Trustee, Austin, TX

4:25 p.m. .33 hr ethics

Milavetz/Debt Relief Agents

A brief review of the Supreme Court's recent decision concerning attorneys as "debt relief agencies" and what it means for consumer practitioners.

Joshua P. Searcy, Searcy & Searcy, P.C., Longview, TX

4:45 p.m. Conference Adjourns

**5:00 p.m. Akard Lecture
San Jacinto Ballroom**

Please join us for the Akard Lecture. RSVP on the registration form (no additional charge).

Sean Hagan, General Counsel, International
Monetary Fund, Washington, DC

5:45 p.m. Adjourn to Reception

**5:45 p.m. Joint Reception
San Jacinto Foyer and Patio**

Please join us for a joint reception for the Jay L. Westbrook Conference and the Akard Lecture immediately following the Akard Lecture.

Many thanks to our conference sponsors.

FRIDAY MORNING, NOV. 19, 2010

Presiding Officer:

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

8:00 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. .50 hr including .25 hr ethics

Finality

How does the Supreme Court decision of *Schwab* affect exemptions? How does the Supreme Court decision of *Espinoza* affect confirmation of Chapter 13 plans?

Mary K. Viegelahn, Chapter 13 Trustee,
San Antonio, TX

9:00 a.m. .50 hr

Issues with the Non-Filing Spouse

Accounting for the non-filing spouse's income, the community property discharge and the co-debtor stay.

Michael V. Baumer, Attorney at Law, Austin, TX

9:30 a.m. .50 hr

Recent Legislative Developments and Rule Changes

This session discusses new financial reform law, including resolution authority and CFPB; new rules 2019, 3001-2.

Samuel J. Gerdano, American Bankruptcy Institute,
Alexandria, VA

10:00 a.m. Break

10:15 a.m. .33 hr

Valuation Snapshot

Practice tips in valuation issues, plus an accompanying valuation case law update paper.

Berry D. Spears, Fulbright & Jaworski L.L.P.,
Houston, TX

10:35 a.m. .75 hr including .25 hr ethics

Insolvency Forensics: Untangling the Disaster

When a judicially-appointed officer takes control of an enterprise, what does the officer do to reconstruct the enterprise and its history? Checklists, forensic concerns, identifying assets and cash flows, debt and equity positions, addressing creditors', investors' and third-party interests, and addressing fraudulent transfer can be relevant.

Ralph S. Janvey, Krage & Janvey, Dallas, TX
David Phelps, Bridge Associates LLC, Chicago, IL

11:20 a.m. .75 hr

Receivership

Comparisons between Chapter 11 and receivership proceedings; state court vs. federal court receiverships; receiverships in Ponzi scheme cases (including *Madoff* and *Stanford*); and competition between tribunals and jurisdictions.

Moderator:

Hon. H. DeWayne "Cooter" Hale, U.S. Bankruptcy
Court, Northern District of Texas, Dallas, TX

Panelists:

Holland Neff O'Neil, Gardere Wynne Sewell L.L.P.,
Dallas, TX
William F. Stutts Jr., Baker Botts LLP, Austin, TX
Joseph J. Wielebinski Jr., Munsch Hardt Kopf &
Harr, P.C., Dallas, TX

FRIDAY AFTERNOON

Presiding Officer:

**J. Michael Sutherland,
Carrington, Coleman, Sloman &
Blumenthal, L.L.P., Dallas, TX**

LUNCHEON PRESENTATION

12:05 p.m. Pick up Box Lunch

Included in conference registration fee.

12:25 p.m. 1.00 hr including .25 hr ethics

Judges Panel

Moderator:

Hon. Leif M. Clark, U.S. Bankruptcy Court, Western
District of Texas, San Antonio, TX

Panelists:

Hon. Arthur J. Gonzalez, U.S. Bankruptcy Court,
Southern District of New York, New York, NY
Hon. Brenda T. Rhoades, U.S. Bankruptcy Court,
Eastern District of Texas, Plano, TX
Hon. Christopher S. Sontchi, U.S. Bankruptcy Court,
District of Delaware, Wilmington, DE

1:25 p.m. Break

1:40 p.m.

.67 hr

I Wish I May, I Wish I Might ... File Chapter 11 Tonight: Authorization and D&O Considerations When Filing Chapter 11

A discussion regarding considerations when preparing to file bankruptcy-remote entities, limited partnerships and limited liability corporations, including organizational document restrictions and D&O and D&O insurance concerns.

Sylvia Ann Mayer, Weil, Gotshal & Manges LLP,
Houston, TX

J. Michael Sutherland, Carrington, Coleman, Sloman &
Blumenthal, L.L.P., Dallas, TX

2:20 p.m.

.67 hr

Competing Claims in Oil and Gas Bankruptcy Litigation

A discussion of some of the unique issues that arise in oil and gas bankruptcy cases, including recent cases involving lien property disputes, competing claims to joint interest billings and proceeds of production, and sales of oil and gas properties in bankruptcy.

Meghan E. Bishop, Cox Smith Matthews Incorporated,
San Antonio, TX

Kenneth Green, Snow Fogel Spence, Houston, TX

3:00 p.m.

.67 hr

Credit Bidding

This session addresses issues and recent developments regarding credit bidding in the context of bankruptcy asset sales, including notable recent cases, the impact of those cases on debtors and creditors, and credit bid rights under plan asset sales.

Moderator:

Demetra L. Liggins, Thompson & Knight LLP,
Houston, TX

Panelists:

James D. Decker, Morgan Joseph & Co., Inc.,
New York, NY

Peter Young, Proskauer, Chicago, IL

3:40 p.m.

Adjourn



ABOUT THE COVER

Primary Concern (before hinges), triptych, 12" x 36" each panel, oil with palette knife on wrapped canvas, is by Maxine Price. For more information on this piece, visit www.maxineprice.com. Image acquisition by Sandra Gregor, art consultant; 512-477-2827.

Best conference in the country.

Excellent speakers, as usual.

Kudos! The best lineup in the
5 or 6 years that I've attended.

Overall excellent. Great topics.

Great speakers.

The format is great. The program
and the speakers are good.

This program was well thought out,
timely and well presented!

Overall excellent content,
format and speakers.

This program serves practitioners
well beyond Texas.

The consumer track and business
track division was a great idea.

Fantastic program!

The program was excellent.

CONFERENCE FACULTY

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P.O. Box 7759
Austin, TX 78713-7759

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512-475-6876

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Invoices, confirmations and receipts are emailed to these addresses.

REGISTRATION

Includes Course Binder, Thursday Evening Reception and Friday Luncheon Presentation

☐ Early Registration Fee due by Wednesday, November 10, 2010\$545

☐ Registration Fee after Wednesday, November 10, 2010\$595

RSVP FOR THE AKARD LECTURE – 5 p.m. Thursday Evening

All participants of the Jay L. Westbrook Bankruptcy Conference are invited to attend the Akard Lecture.

☐ I will attend the Akard Lecture

CONFERENCE PUBLICATIONS AND MEDIA

Allow 3–5 weeks from the conference date for delivery.

☐ Course Binder WITHOUT Conference Registration.....\$250
Note: Conference registration includes Course Binder.

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Allow 3–5 weeks from the conference date for delivery.

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_____ Add participants (includes Course Binder) for \$250 each\$ _____

TOTAL ENCLOSED\$ _____

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JOHN C. AKARD DISTINGUISHED LECTURESHIP

The John C. Akard Distinguished Lectureship Program was endowed by the generous gifts of many members of the Texas bankruptcy bar in honor of Judge John C. Akard (retired), a 1957 UT Law graduate who served with great distinction for 14 years as the U.S. Bankruptcy Judge in the Northern District of Texas, sitting in Lubbock and throughout much of West Texas. The first Akard Lecture was delivered in 2001 by Professor Elizabeth Warren of Harvard Law School, and formerly of UT Law.

IMF GENERAL COUNSEL TO DELIVER AKARD LECTURE

THURSDAY ■ 5:00–5:45 P.M. ■ SAN JACINTO BALLROOM

SEAN HAGAN is General Counsel and Director of the Legal Department at the International Monetary Fund. In this capacity, Mr. Hagan advises the Fund's management, Executive Board and membership on all legal aspects of the Fund's operations, including its regulatory, advisory and lending functions.

Mr. Hagan has published extensively on both the law of the Fund and a broad range of legal issues relating to the prevention and resolution of financial crisis,



with a particular emphasis on insolvency and the restructuring of debt, including sovereign debt.

Mr. Hagan holds an M.Sc. in Politics of the World Economy from the London School of Economics, and a Juris Doctor from Georgetown University Law Center. After four years as an Associate in two private law firms, Mr. Hagan joined the staff of the Fund's Legal Department in July 1990 and has been Deputy General Counsel since February 2003.



BANKRUPTCY MOOT COURT TEAM WINS PRESTIGIOUS NATIONAL CHAMPIONSHIP

THE UNIVERSITY OF TEXAS SCHOOL OF LAW team of third-year students Patrick Schmidt and David Shank, coached by Debbie Langehennig, '88, Chapter 13 Trustee; Jay Ong, Munsch Hardt Kopf & Harr, P.C.; and Vanessa Gonzalez, '08; with support from UT Law Professor Jay Westbrook, won the 2010 National Championship at the Judge Conrad B. Duberstein National Bankruptcy Moot Court competition. The UT Law team swept the 2010 Duberstein competition with team members and fellow third-year students Kelli Benham, Rex Mann, and briefwriter Mark Little taking second place. The competition was sponsored by the American Bankruptcy Institute and St. John's University School of Law. This is the twelfth national championship UT Law has won in the last ten years.



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BANKRUPTCY CONFERENCE

November 18–19, 2010 ■ Four Seasons Hotel ■ Austin, Texas

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for more information

AUSTIN

November 18–19, 2010

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

Special Room Rate: \$230
good through October 22, 2010
(subject to availability)

Valet Parking:
\$10 per day, \$28.50 overnight;
(subject to change)

KEY DATES

November 10, 2010, 5 p.m.
last day for early registration
add \$50 for registrations received after this time

November 12, 2010, 5 p.m.
last day for full refund

November 15, 2010, 5 p.m.
last day for partial refunds
\$50 processing fee applied

November 18, 2010, 8:45 a.m.
Conference begins

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