

29th Annual Bankruptcy Conference
November 18-19, 2010 • Four Seasons Hotel • Austin, TX

Thursday Morning, Nov. 18, 2010

Presiding Officer:

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

8:00 am	Registration Opens Includes continental breakfast.
8:40 am	Welcoming Remarks
8:45 am 1.25 hrs 0.50 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 Panelists: Evelyn H. Biery, Fulbright & Jaworski L.L.P. - Houston, TX Panelists: Deborah B. Langehennig, Chapter 13 Trustee - Austin, TX Panelists: Deborah D. Williamson, Cox Smith Matthews Incorporated - San Antonio, TX
10:00 am	Lifetime Achievement Award to Mickey Sheinfeld 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 am	Break
10:30 am 0.50 hr	After the Sale What happens after the 363 sale gets approved? Or what if the sale doesn't close? Jason Gary Cohen, Bracewell & Giuliani - Houston, TX Duston Kenneth McFaul, Vinson & Elkins LLP - Houston, TX

11:00 am 0.75 hr 0.25 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 Panelists: Clifton R. Jessup Jr., Greenberg Traurig LLP - Dallas, TX Panelists: Edward L. Ripley, King & Spalding LLP - Houston, TX
11:45 am	Lunch on your Own

Thursday Afternoon, Nov. 18, 2010

1:00 pm 0.75 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 pm 0.75 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 pm	Break

Business Track

Presiding Officer:

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

2:45 pm 0.75 hr 0.50 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 pm 0.50 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 pm 0.75 hr 0.50 hr ethics	<p>Getting Paid: State of Fee Applications</p> <p>Untangling the fee web: section 330(a)(3) factors, <i>Johnson</i> factors, the lodestar analysis and <i>Pro-Snax</i>. The panel also debates the law on fee enhancements. Judge Clark serves as the referee... er... moderator.</p> <p>Omar Jesus Alaniz, Baker Botts L.L.P. - Dallas, TX Charles A. Beckham Jr., Haynes and Boone, LLP - Houston, TX Hon. Leif M. Clark, U.S. Bankruptcy Court, Western District of Texas - San Antonio, TX</p>
<p>Consumer Track Presiding Officer: Hon. John C. Akard, U.S. Bankruptcy Judge, Retired - Lubbock, TX</p>	
2:45 pm 0.33 hr	<p>Guardianship as an Alternative to Filing</p> <p>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.</p> <p>Linda C. Goehrs, Horrigan & Goehrs, L.L.P. - Houston, TX</p>
3:05 pm 0.50 hr 0.33 hr ethics	<p>The Final Discharge: Probate and Bankruptcy</p> <p>How property of the estate, case administration and the discharge are affected by the debtor's death.</p> <p>Michael J. O'Connor, Law Offices of Michael J. O'Connor - San Antonio, TX</p>
3:35 pm 0.33 hr	<p>Adequate Assurance for Utilities</p> <p>How to keep the lights, gas and water on: additional adequate assurance issues.</p> <p>Elizabeth G. Smith, Law Offices of Elizabeth G. Smith - San Antonio, TX</p>
3:55 pm 0.50 hr 0.33 hr ethics	<p>Projected Disposable Income: Which Way Do We Look?</p> <p>A review of the Supreme Court's decision in <i>Hamilton v. Lanning</i> and its interpretation of "projected disposable income."</p> <p>Jeffrey M. Fleming, Barrett Daffin Frappier Turner & Engel, LLP - Addison, TX Layla D. Milligan, Office of Deborah B. Langehennig, Chapter 13 Trustee - Austin, TX</p>
4:25 pm 0.33 hr ethics	<p>Milavetz/Debt Relief Agents</p> <p>A brief review of the Supreme Court's recent decision concerning attorneys as "debt relief agencies" and what it means for consumer practitioners.</p> <p>Joshua P. Searcy, Searcy & Searcy, P.C. - Longview, TX</p>
4:45 pm	Adjourn
5:00 pm 0.00 hr ethics	<p>Akard Lecture</p> <p>Please join us for the Akard Lecture delivered by Sean Hagan, General Counsel, International Monetary Fund, Washington, DC.</p>

5:45 pm	Akard Lecture Concludes. Joint Reception for Westbrook Conference and Akard Lecture Opens. In San Jacinto foyer and patio.
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Friday Morning, Nov. 19, 2010

Presiding Officer:

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

8:00 am	Conference Room Opens Includes continental breakfast.
8:30 am 0.50 hr 0.25 hr ethics	Finality How does the Supreme Court decision of <i>Schwab</i> affect exemptions? How does the Supreme Court decision of <i>Espinoza</i> affect confirmation of Chapter 13 plans? Mary K. Viegelahn, Chapter 13 Trustee - San Antonio, TX
9:00 am 0.50 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 am 0.50 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 am	Break
10:15 am 0.33 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 am 0.75 hr 0.25 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 am 0.75 hr	<p>Receivership</p> <p>Comparisons between Chapter 11 and receivership proceedings; state court vs. federal court receiverships; receiverships in Ponzi scheme cases (including <i>Madoff</i> and <i>Stanford</i>); and competition between tribunals and jurisdictions.</p> <p>Moderator: Hon. H. DeWayne (Cooter) Hale, U.S. Bankruptcy Court, Northern District of Texas - Dallas, TX</p> <p>Panelists: Holland Neff O'Neil, Gardere Wynne Sewell LLP - Dallas, TX</p> <p>Panelists: William F. Stutts Jr., Baker Botts LLP - Austin, TX</p> <p>Panelists: Joseph J. Wielebinski Jr., Munsch Hardt Kopf & Harr, P.C. - Dallas, TX</p>
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Friday Afternoon, Nov. 19, 2010

Presiding Officer:

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

12:05 pm	<p>LUNCHEON PRESENTATION</p> <p>Pick up Box Lunch</p> <p>Included in conference registration fee.</p>
12:25 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</p> <p>Panelists: Hon. Arthur J. Gonzalez, U.S. Bankruptcy Court, Southern District of New York - New York, NY</p> <p>Panelists: Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas - Plano, TX</p>
1:25 pm	<p>Break</p>
1:40 pm 0.67 hr	<p>I Wish I May, I Wish I Might ... File Chapter 11 Tonight: Authorization and D&O Considerations When Filing Chapter 11</p> <p>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.</p> <p>Sylvia Ann Mayer, Weil Gotshal & Manges LLP - Houston, TX J. Michael Sutherland, Carrington Coleman Sloman & Blumenthal, L.L.P. - Dallas, TX</p>
2:20 pm 0.67 hr	<p>Competing Claims in Oil and Gas Bankruptcy Litigation</p> <p>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.</p> <p>Meghan E. Bishop, Cox Smith Matthews Incorporated - San Antonio, TX Kenneth Green, Snow Fogel Spence - Houston, TX</p>

3:00 pm 0.67 hr	<p>Credit Bidding</p> <p>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.</p> <p>Moderator: Demetra L. Liggins, Thompson & Knight LLP - Houston, TX</p> <p>Panelists: James D. Decker, Morgan Joseph & Co., Inc. - New York, NY</p> <p>Panelists: Peter Young, Proskauer - Chicago, IL</p>
3:40 pm	<p>Adjourn</p>
5:00 pm 0.75 hr ethics	<p>Bonus Consumer Bankruptcy Ethics: Vignettes and Skits</p> <p>This course was recorded at UT Law's 2010 Consumer Bankruptcy conference, and is provided as a Bonus Online Course for participants of the Jay L. Westbrook Bankruptcy Conference. In this session, Judge Bohm challenges the audience. Learn about ethics, trial preparation and evidence through a series of fun vignettes with audience participation—maybe more participation than you want!</p> <p>Moderator: Hon. Jeff Bohm, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX</p> <p>David Aaron Desoto, Mann & Stevens, P.C. - Houston, TX</p> <p>Brendetta Anthony Scott, Hughes Watters & Askanase - Houston, TX</p>