

30th Annual Bankruptcy Conference

November 17-18, 2011 • Four Seasons Hotel • Austin, TX

Thursday Morning, Nov. 17, 2011

Presiding Officer:

Michael R. (Buzz) Rochelle, Rochelle McCullough, LLP - Dallas, TX

8:00 am	Registration Opens Includes continental breakfast.
8:50 am	Welcoming Remarks
9:00 am 1.25 hrs 0.50 hr ethics	Recent Developments To begin this conference with anything other than recent developments would be unconstitutional. These 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: Deborah B. Langehennig, Chapter 13 Trustee - Austin, TX Panelists: William J. Rochelle, Bloomberg LP - New York, NY Panelists: Deborah D. Williamson, Cox Smith Matthews Incorporated - San Antonio, TX
10:15 am	Break
10:30 am 0.75 hr	Empty Creditors, Empty Voters and Hidden Interests: An Overview of "Decoupling" Henry T Hu, University Of Texas At Austin - Austin, TX
11:15 am 0.50 hr ethics	Mortgages: New Rules, Continued Problems—Where Are We Now? An update on the mortgage morass, including new rules and recent cases regarding proofs of claim, automatic stay, standing, mortgage and note transfer, MERS and securitization. Hilary Beth Bonial, Brice, Vander Linden & Wernick, P.C. - Dallas, TX Dean G. Pawlowic, Texas Tech University School of Law - Lubbock, TX

11:45 am 0.75 hr 0.25 hr ethics	Emerging Issues in Bankruptcy Litigation: Fraudulent Transfers and Preferences Parties, forensics, pleadings, proof, remedies, final orders, coverage and deep pockets. Moderator: J. Michael Sutherland, Carrington, Coleman, Sloman & Blumenthal, L.L.P. - Dallas, TX Panelists: John D. Baumgartner, Grant Thornton - Houston, TX Panelists: Vickie L. Driver, Coffin & Driver PLLC - Dallas, TX
12:30 pm	Lunch on Your Own

Thursday Afternoon, Nov. 17, 2011

Presiding Officer:

Michael R. (Buzz) Rochelle, Rochelle McCullough, LLP - Dallas, TX

1:45 pm 0.75 hr 0.25 hr ethics	Mass Preference Actions: Pros, Cons and Strategies A discussion of the practice and procedures, including far-reaching procedures orders and court-ordered mediation governing mass preference actions brought by Chapter 11 debtors or liquidating trusts, and how defendants can increase settlement leverage through fee shifting, dispositive motions and counterclaims. Moderator: Henry J. Kaim, King & Spalding LLP - Houston, TX Panelists: Francis L. Carter, Katz Barron Squitero Faust - Miami, FL Panelists: Patricia Baron Tomasco, Jackson Walker L.L.P. - Austin, TX
2:30 pm 0.75 hr ethics	Privilege Issues and Bankruptcy Litigation Privileges in bankruptcy with a focus on the extent to which assertions of privilege or work product in bankruptcy proceedings may be treated differently than in regular litigation. Scarlett Elizabeth Collings, Weil, Gotshal & Manges - Houston, TX George A. Quesada Jr., Sommerman & Quesada LLP - Dallas, TX
3:15 pm	Break

Consumer Track

Presiding Officer:

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

3:30 pm 0.50 hr	Schwabbing Exemptions: The Other Supreme Court Opinion Hon. Robert Lee Jones, U.S. Bankruptcy Court, Northern District of Texas - Lubbock, TX
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4:00 pm 0.75 hr 0.25 hr ethics	Exceptions to 727s and 523s Discharge and dischargeability—a look at strategies for trying an adversary. Michael V. Baumer, Attorney at Law - Austin, TX Daniel J. (Corky) Sherman, Sherman & Yaquinto - Dallas, TX
4:45 pm 0.50 hr 0.25 hr ethics	Chapter 7 Dismissals for Totality of Circumstances Abuse High income Chapter 7 debtors that pass the Means Test are still at risk of dismissal under Section 707(b)(3) based on the "totality of circumstances" standard. This presentation focuses on how courts have applied this standard and surveys recent court decisions in this area. Hon. H. Christopher Mott, U.S. Bankruptcy Court, Western District of Texas - Austin, TX
5:15 pm 0.50 hr	Disaster Preparedness: Business Continuity for Law Offices "My office is on fire!" Disaster planning for the solo and small-firm practitioner. Zollie Carl Steakley, Attorney at Law - Sweetwater, TX
5:45 pm 0.00 hr ethics	Consumer Track Adjourn to Reception

Business Track

Presiding Officer:

William A. (Trey) Wood III, Bracewell & Giuliani - Houston, TX

3:30 pm 0.50 hr	Intercreditor Agreements: The Basics and Beyond Disputes regarding the enforceability of intercreditor agreements among first-and second-lien lenders have become more commonplace in complex Chapter 11 cases. This session addresses the negotiation of key bankruptcy-related provisions in intercreditor agreements, from multiple perspectives, and current case law regarding the enforceability of such provisions. Omar Jesus Alaniz, Baker Botts L.L.P. - Dallas, TX
4:00 pm 0.75 hr 0.25 hr ethics	The Impact of <i>United Operating</i>: Preserving Causes of Action in the Fifth Circuit and Other Circuits A discussion of how much detail needs to be disclosed in a plan's "reservation and enforcement" provision to preserve a cause of action post-confirmation against claims of lack of standing and <i>res judicata</i> following the Fifth Circuit's decision in <i>United Operating</i> and the growth of the "specific and unequivocal" requirement relative to the tests in other Circuits. Darren B. Watts, Swanson, Martin & Bell, LLP - Chicago, IL Mark W. Wege, King & Spalding - Houston, TX
4:45 pm 0.50 hr 0.25 hr ethics	Issues and Challenges in Real Estate Cramdown Confirmation Cases This presentation addresses some of the unique issues and challenges faced in real estate Chapter 11 cases involving a cramdown of the secured creditor under a Plan of Reorganization, including a survey of recent Texas case law. Davor Rukavina, Munsch Hardt Kopf & Harr P.C. - Dallas, TX Joseph J. Wielebinski Jr., Munsch Hardt Kopf & Harr, P.C. - Dallas, TX

5:15 pm 0.50 hr	<p>Buyer's Remorse: Successor Liability after the Sale</p> <p>Speakers review the current status of successor liability for acquisitions consummated either inside or outside bankruptcy.</p> <p>Stephen M. Pezanosky, Haynes and Boone, LLP - Fort Worth, TX Bruce H. White, Greenberg Traurig LLP - Dallas, TX</p>
5:45 pm 0.00 hr ethics	<p>Business Track Adjourn to Reception</p>

Friday Morning, Nov. 18, 2011

Presiding Officer:

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

8:00 am	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p>
8:45 am 0.92 hr	<p>Bankruptcy Jurisdiction after <i>Stern v. Marshall</i></p> <p><i>Stern v. Marshall</i>: What does it say, what does it mean, and where do we go from here? Commentary and a picture of the road ahead in bankruptcy jurisdiction from the Masters.</p> <p>Moderator: Jay L. Westbrook, The University of Texas School of Law - Austin, TX Panelists: Ralph Brubaker, University of Illinois College of Law - Champaign, IL Panelists: Kenneth N. Klee, UCLA School of Law - Los Angeles, CA Panelists: Gerald K. Smith, Lewis and Roca LLP - Phoenix, AZ</p>
9:40 am 0.83 hr	<p>Alphabet Soup of Receivership and Similar Proceedings</p> <p>FDIA, OLA, RCP, RSP, SDR, SIPA.... Learn what these acronyms mean and how they work in the context of rehabilitation, liquidation and receivership of insurance companies, insured banks, broker-dealers, systemically important financial institutions and other organizations.</p> <p>James Jay Lee, Vinson & Elkins LLP - Dallas, TX Sylvia Ann Mayer, Weil Gotshal & Manges LLP - Houston, TX Joseph T. Verdesca Jr., Weil Gotshal & Manges - New York, NY</p>
10:30 am	<p>Break</p>

10:45 am 1.00 hr	<p>Municipalities in Distress</p> <p>The noted economist Nouriel Roubini and the well-known market analyst Meredith Whitney are both on record as predicting an all-but-complete meltdown in the municipal bond and finance markets in the coming year or two. Is this really going to happen, and what does it mean for bankruptcy practitioners in terms of dealing with the fallout from such troubles? This panel discusses Chapter 9 and municipal and governmental unit restructuring, as well as what's likely to be the situation in this market in the future and what comparability exists between the practice methods employed in Chapter 11 and those used in Chapter 9.</p> <p>Bill Brandt, Development Specialists, Inc. - Chicago, IL Patrick Darby, Bradley Arant Boult Cummings LLP - Birmingham, AL</p>
11:45 am 0.50 hr	<p>Does the Stay Protect Foreign Assets of a U.S. Debtor?</p> <p>There is a strong perception—and U.S. authority—that a stay designed to protect a debtor's estate extends to assets in that estate that are situated beyond the borders of the U.S. This presentation explores the extent to which this perception is shared by other jurisdictions, principally that of the UK.</p> <p>Harry Rajak, University of Sussex School of Law - London, United Kingdom</p>
12:15 pm	<p>Break to Pick Up Lunch</p> <p>Included in conference registration fee.</p>

Friday Afternoon, Nov. 18, 2011

Presiding Officer:

Patricia Baron Tomasco, Jackson Walker L.L.P. - Austin, TX

	Luncheon Presentation
12:30 pm 0.75 hr	<p>How to Try a Case Before a Judge</p> <p>Hon. W. Royal Furgeson Jr., U.S. District Court, Northern District of Texas - Dallas, TX</p>
1:15 pm	Break
1:30 pm 0.50 hr ethics	<p>Mediation: When Does It Work?</p> <p>An in-depth discussion of the use of mediation procedures in today's bankruptcy cases.</p> <p>Thomas A. Collins, Attorney at Law - Austin, TX Michael A. McConnell, Kelly Hart & Hallman, LLP - Fort Worth, TX</p>

2:00 pm
1.00 hr

Judges Panel

Moderator:

Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas - Plano, TX

Panelists:

Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX

Panelists:

Hon. D. Michael Lynn, U.S. Bankruptcy Court, Northern District of Texas - Fort Worth, TX

Panelists:

Hon. H. Christopher Mott, U.S. Bankruptcy Court, Western District of Texas - Austin, TX

3:00 pm

Adjourn