

31ST ANNUAL JAY L. WESTBROOK
BANKRUPTCY CONFERENCE



November 7*, 8–9, 2012
Four Seasons Hotel ▪ Austin, Texas

*Wednesday Evening John C. Akard Lecture

Earn up to 12.25 Hours of Credit Including 2.00 Hours of Ethics Credit
Specialization Credit Approved for Bankruptcy Law

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***WEDNESDAY EVENING, NOV. 7, 2012**

JOHN C. AKARD LECTURE

6:00 p.m.

Delivered by The Honourable Madam Justice Barbara Romaine, Justice of the Court of Queen's Bench of Alberta, Calgary, Canada

9:00 p.m. Adjourn

**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 The University of Texas School of Law.

THURSDAY MORNING, NOV. 8, 2012

Presiding Officer:

Patrick Kelley, Ireland, Carroll & Kelley, P.C., Tyler, TX

8:00 a.m. Registration Opens

Includes continental breakfast

8:50 a.m. Welcoming Remarks

9:00 a.m. 1.25 hrs including .50 hr ethics

Recent Developments

This bunch calls 'em like they see 'em. Some are good, some are bad. We mean the cases, not the presenters. The presenters, particularly Professor Westbrook, are always good!

Moderator:

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

Panelists:

R. Byrn "Byrnie" Bass Jr., Attorney at Law, Lubbock, TX
Deborah B. Langehennig, Chapter 13 Trustee, Austin, TX
William J. Rochelle, Bloomberg LP, New York, NY
Deborah D. Williamson, Cox Smith Matthews Incorporated, San Antonio, TX

10:15 a.m. Break

10:30 a.m.

Duberstein Championship Team

Professor Jay L. Westbrook introduces UT Law's National Championship Team of the 20th Annual Hon. Conrad B. Duberstein Bankruptcy Moot Court Competition.

Team: Brian Cumings ('12) and Eric Werlinger ('12)
Coaches: Deborah B. Langehennig ('88), Chapter 13 Trustee, Austin, TX and Jay Ong, Munsch Hardt Kopf & Harr, Austin, TX, with support by UT Law Professor Jay Westbrook

10:35 a.m. .75 hr

Debt as an Asset Acquisition Tool and Defenses to "Loan-to-Own" Strategies

More and more, financial players are acquiring senior secured debt and using pre-bankruptcy forbearance and restructuring to enhance their ability to convert that debt to ownership of the

debtor's assets. A discussion of who is doing it, how and why, and what junior creditors can do about it including new—or not so new—leverage after 11th Circuit's *TOUSA* decision.

Leon V. Komkov, Longroad Asset Management, LLC, Austin, TX
Patricia Baron Tomasco, Jackson Walker L.L.P., Austin, TX

11:20 a.m. .50 hr

Debt and Domestic Abuse

Labeled as "coerced debt," a new type of debt is emerging from abusive relationships. Coerced debt occurs when the abuser in a violent relationship obtains credit in the victim's name via fraud or coercion. It ranges from secretly taking out credit cards in victims' names and coercing victims into signing loan documents, to tricking victims into relinquishing their rights to the family house.

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

11:50 a.m. .75 hr ethics

Current Employment Issues

This session tackles numerous employment issues including representing multiple debtors, representing a committee in a jointly-administered case and having your retainer paid by a non-debtor.

Kevin M. Epstein, Office of U.S. Trustee, San Antonio, TX
William A. "Trey" Wood III, Bracewell & Giuliani, LLP, Houston, TX

12:35 p.m. Lunch on Your Own

THURSDAY AFTERNOON

Presiding Officer:

Thomas S. Henderson III, Attorney at Law, Houston, TX

1:50 p.m. .50 hr

Student Loans: Separate Classification in Chapter 13, Hardship Discharge, Special Circumstances and Alternative Repayment Plans

Reese W. Baker, Baker and Associates LLP, Houston, TX
Michael V. Baumer, Law Office of Michael Baumer, Austin, TX

2:20 p.m. Break

Concurrent Sessions

CONSUMER TRACK

Presiding Officer:
Hon. John C. Akard, Lubbock, TX

2:30 p.m. .50 hr

Litigation of Federal Tax Liens in Bankruptcy

An overview of federal tax lien issues related to tax lien litigation.

David G. Adams, U.S. Department of Justice,
Tax Division, Dallas, TX

3:00 p.m. .50 hr

Rules 3001 and 3002.1 Issues

A gamechanger or same old practice? Discussion and interpretative cases on the new Rules 3001 and 3002.1.

Robert B. Wilson, Chapter 13 Trustee, Lubbock, TX

3:30 p.m. .50 hr including .08 hr ethics

Partnerships: Reconciliation or Divorce

Divorcing your business partners in bankruptcy comes with problems, rights and obligations.

Randall L. Rouse, Lynch, Chappell & Alsup, P.C.,
Midland, TX

4:00 p.m. .50 hr including .08 hr ethics

Individual and Small Business Chapter 11s

A primer on small Chapter 11 cases.

Eduardo V. Rodriguez, Malaise Law Firm,
Brownsville, TX
Mark C. Taylor, Hohmann Taube & Summers,
Austin, TX

4:30 p.m. .50 hr including .08 hr ethics

Lien Stripping in Chapter 7 and 13 Cases

Judge Isgur discusses whether a debtor or a trustee may force a secured creditor to accept less than the full amount of its claim if the value of the collateral is less than the amount of the claim. The session focuses on Sections 506, 1322 and 1325 of the Bankruptcy Code.

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

5:00 p.m. Jay L. Westbrook Bankruptcy Conference Reception

BUSINESS TRACK

Presiding Officer:
Thomas S. Henderson III, Houston, TX

2:30 p.m. .50 hr

Using and Excluding Experts

John J. McKetta III, Graves Dougherty Hearon &
Moody PC, Austin, TX
Richard D. Yeomans, Graves Dougherty Hearon &
Moody PC, Austin, TX

3:00 p.m. .50 hr

Involuntary Petitions:

A Weapon in the Right or Wrong Hands

Despite their relative rarity, an involuntary Chapter 11 filing raises interesting strategic implications for both debtor and creditor, especially as concerns "bankruptcy remote" entities, timing, choice of venue and the use of cash.

Michael P. Cooley, Akin Gump Strauss Hauer &
Feld LLP, Dallas, TX
Joachim H. "Jay" Ong, Munsch Hardt Kopf & Harr, PC,
Austin, TX

3:30 p.m. .50 hr

RadLAX Gateway Hotel, LLC v. Amalgamated Bank

The Supreme Court's opinion in *RadLAX*—the potential effects could go far beyond just credit bidding.

Hon. Leif M. Clark, U.S. Bankruptcy Court,
Western District of Texas, San Antonio, TX
Demetra L. Liggins, Thompson & Knight LLP,
Houston, TX

4:00 p.m. 1.00 hr including .25 hr ethics

Top 10 Impediments to Reorganizing in Chapter 11

Case decisions and legislative changes to the Bankruptcy Code that have restricted options for debtors in Chapter 11.

Moderator:
Hon. Stacey G. C. Jernigan, U.S. Bankruptcy Court,
Northern District of Texas, Dallas, TX

Panelists:
Clifton R. Jessup Jr., Greenberg Traurig LLP,
Dallas, TX
Michael R. "Buzz" Rochelle, Rochelle McCullough,
L.L.P., Dallas, TX

FRIDAY MORNING, NOV. 9, 2012

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

8:00 a.m. Conference Room Opens
Includes continental breakfast

8:45 a.m. 1.00 hr

Clash of the Titans:

A Stern v. Marshall Debate

Two renowned bankruptcy judges go head-to-head in a debate about whether the *Stern* decision has broad or narrow implications for bankruptcy courts. Is it the end of the world or much ado about nothing? A brief national overview of how courts are ruling on current hot-button *Stern* issues begins the debate.

Moderator:

Omar Jesus Alaniz, Baker Botts L.L.P., Dallas, TX

Panelists:

Hon. Robert D. Drain, U.S. Bankruptcy Court,
Southern District of New York, White Plains, NY
Hon. Cecelia G. Morris, U.S. Bankruptcy Court,
Southern District of New York, Poughkeepsie, NY

9:45 a.m. .75 hr

Bad Gas? How the Rapid Development of Shale Natural Gas Has Changed the Landscape of the Energy and Power Industry for Good and (Bankruptcy)

Moderator:

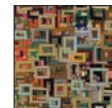
Stephen M. Pezanosky, Haynes and Boone, LLP,
Fort Worth, TX

Panelists:

Albert S. Conly, FTI Consulting, Dallas, TX
Andrew D. Weissman, Haynes and Boone, LLP,
Washington, DC

10:30 a.m. Break

ABOUT THE COVER



Go Figure, collage on board, 32" x 24"
is by Lance Letscher.

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www.dbermangallery.com

YOUNG LAWYERS COMMITTEE

Following the Jay L. Westbrook Bankruptcy Conference Reception, the Young Lawyers Committee annual evening reception is at the Cedar Door, located at 201 Brazos Street, on Thursday, November 9 at 8:30 p.m.

10:45 a.m. .75 hr including .50 hr ethics

**Breaking Up Is Hard to Do:
Law Firms, Money, Fiduciary Duties and Ethics**

Scenario A: Lawyer moves to new firm and takes clients and files. Old firm claims that lawyer owes them money. *Scenario B:* Law firm (large or small) breaks up. Departing lawyers take clients and files to their new firms. Dissolving firm makes claims for the “unfinished business,” especially when receivership or bankruptcy come into play. A look at these issues and some root causes of law firm failure.

Bill Brandt, Development Specialists, Inc.,
Chicago, IL
J. Michael Sutherland, Carrington, Coleman,
Sloman & Blumenthal, L.L.P., Dallas, TX

11:30 a.m. .50 hr

**Welcome to America, Now Go Away—
The Aftermath of the Vitro Case**

Vitro, a large Mexican glass maker with several subsidiaries filed a Concurso Mercantil for reorganization under Mexican law but did not file for its U.S. subsidiaries. The reorganization plan approved by the Mexican court, which invalidated guarantee obligations of the non-debtor subsidiaries was rejected by the U.S. Bankruptcy Court as manifestly contrary to U.S. public policy. The ruling is now on appeal to the 5th Circuit and involves some really exciting and fun issues.

Robin E. Phelan, Haynes and Boone, LLP, Dallas, TX

12:00 p.m. **Pick Up Lunch**

Included in conference registration

FRIDAY AFTERNOON

Presiding Officer:

**Joseph J. Wielebinski Jr., Munsch Hardt
Kopf & Harr, P.C., Dallas, TX**

LUNCHEON PRESENTATION

12:15 p.m. .75 hr

**A Look into the Future of Our Economy:
When Will Things Recover?**

A nonpartisan look at the future of the U.S. economy including the issues of liquidity, monetary policy and the global financial crisis.

Michael W. Brandt, The Fisher College of Business,
The Ohio State University, Columbus, OH

1:00 p.m. **Break**

1:15 p.m. .75 hr

**Impact of the Enactment of the Patient
Protection and Affordable Care Act on
Bankruptcy Practice and Related Issues**

The tension between rising healthcare costs and the need to make quality healthcare available to all citizens drives our national debate. The enactment of PPACA raises a growing number of issues that impact bankruptcy practitioners in healthcare cases.

Maria E. Gonzalez Knavel, Foley & Lardner LLP,
Milwaukee, WI
Timothy M. Lupinacci, Baker Donelson, Birmingham, AL

2:00 p.m. .50 hr

**How to Take an Appeal From a Bankruptcy
Court's Order**

A step-by-step guide to a bankruptcy appeal.

Josiah M. Daniel III, Vinson & Elkins LLP, Dallas, TX
Edward L. Ripley, King & Spalding LLP, Houston, TX

2:30 p.m. 1.00 hr

Judges Panel

Moderator:

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

Panelists:

Hon. Stacey G. C. Jernigan, U.S. Bankruptcy Court,
Northern District of Texas, Dallas, TX
Hon. H. Christopher Mott, U.S. Bankruptcy Court,
Western District of Texas, Austin, TX
Hon. Bill Parker, U.S. Bankruptcy Court, Eastern
District of Texas, Tyler, TX

3:30 p.m. **Adjourn**

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Austin, TX

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San Antonio, TX

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Chapter 13 Trustee
Lubbock, TX

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Bracewell & Giuliani, LLP
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HOW TO REGISTER

Register online:
www.utcle.org

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The University of Texas
School of Law
Attn. Registration
P.O. Box 7759
Austin, TX 78713-7759

Or fax to:
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Questions? Call us at 512-475-6700

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CLE for two or more participants—as many as you want. Receive full MCLE credit. We'll accredit the course for you* and provide one Audio CD Set plus a Course Binder for each participant.

*Texas MCLE credit only.

REGISTRATION FORM

Mail this registration form to: **BK12**
The University of Texas School of Law Attn. Registration
P.O. Box 7759, Austin, TX 78713-7759 or fax a copy to: 512-475-6876

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Registrant's Email (required) _____

Assistant's Email (optional) _____

Invoices, confirmations and receipts are emailed to these addresses.

GREEN REGISTRATION—Includes Electronic Course Binder on USB Key ONLY, Wednesday Evening Akard Lecture, Thursday Reception and Friday Luncheon Presentation

- Early Registration Fee due by Wednesday, October 31\$550
 Registration Fee after Wednesday, October 31\$600

STANDARD REGISTRATION—Includes Printed Course Binder ONLY, Wednesday Evening Akard Lecture, Thursday Reception and Friday Luncheon Presentation

- Early Registration Fee due by Wednesday, October 31\$555
 Registration Fee after Wednesday, October 31\$605

RSVP: Wednesday Evening Akard Lecture

- I will attend the Akard Lecture FREE

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.
 Audio MP3 Speeches on CD\$130
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- In-House CLE for 2—Includes Audio CD Set and Course Binders\$825
_____ Add participants (includes Course Binder) for \$250 each \$ _____

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Lubbock, TX

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Dallas, TX

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U.S. Bankruptcy Court, Southern District of New York
White Plains, NY

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Foley & Lardner LLP
Milwaukee, WI

HON. MARVIN ISGUR
U.S. Bankruptcy Court, Southern District of Texas
Houston, TX

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TIMOTHY M. LUPINACCI
Baker Donelson
Birmingham, AL

JOHN J. MCKETTA III
Graves Dougherty Hearon & Moody PC
Austin, TX

HON. CECILIA G. MORRIS
U.S. Bankruptcy Court, Southern District of New York
Poughkeepsie, NY

HON. H. CHRISTOPHER MOTT
U.S. Bankruptcy Court, Western District of Texas
Austin, TX

JOACHIM H. "JAY" ONG
Munsch Hardt Kopf & Harr, PC
Austin, TX

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U.S. Bankruptcy Court, Eastern District of Texas
Tyler, TX

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RICHARD D. YEOMANS
Graves Dougherty Hearon & Moody PC
Austin, TX

AKARD LECTURE

WEDNESDAY, NOVEMBER 7 ■ 6:00 P.M. ■ FOUR SEASONS HOTEL

Delivered by

The Honourable Madam Justice Barbara Romaine
Court of Queen's Bench of Alberta, Calgary, Canada

THE HONOURABLE MADAM JUSTICE BARBARA ROMAINE is one of the judges of the Alberta Court of Queen's Bench assigned to commercial insolvency and complex commercial matters. She is currently the Calgary Co-chair of the Court's Commercial Practice Group. Justice Romaine is a member of the Board of the Canadian Insolvency Foundation and the Editorial Advisory Board of the Annual Review of Insolvency Law. She is an International Judicial Affiliate member of the U.S. National Conference of Bankruptcy Judges and a member of the International Insolvency Institute, INSOL International, GRIP 21 and the International Women's Insolvency and Restructuring Confederation.



The Court of Queen's Bench is the Superior Trial Court for the Province, hearing trials in civil and criminal matters and appeals from decisions of the Provincial Court. As a member of the Commercial Court in Alberta, Justice Romaine has handled some of the largest and most important of the Canadian business bankruptcies, including those with major connections to the United States.

Justice Romaine delivers the Akard Lecture, speaking on why cross-border proceedings between our countries work with relative ease and shares her thoughts about existing issues and the challenges to come.



From left to right, Professor Jay Westbrook, Coach Debbie Langehennig ('88), Eric Werlinger ('12), Brian Cumings ('12), and Coach Jay Ong, stand in front of the University of Texas Tower, which was illuminated on May 8, 2012, in honor of Cumings and Werlinger's winning the national championship for the Law School's interscholastic team in the Conrad B. Duberstein Bankruptcy Moot Court Competition.

BANKRUPTCY MOOT COURT TEAM WINS PRESTIGIOUS NATIONAL CHAMPIONSHIP

THE UNIVERSITY OF TEXAS SCHOOL OF LAW team of third-year students Brian Cumings and Eric Werlinger won first place at the 20th Annual Hon. Conrad B. Duberstein Bankruptcy Moot Court Competition, surviving a field of fifty-four teams. The UT Law team swept the 2012 Duberstein competition with team members and fellow third-year students Gabriel Markoff and Zachary Popovich, who advanced to the final day of competition and ultimately placed as finalists. Cumings was further recognized among the competition's outstanding speakers. Coaches of the team are Debbie Langehennig ('88), Chapter 13 Trustee and Jay Ong of Munsch Hardt Kopf & Harr, P.C. Professor Jay L. Westbrook, Benno C. Schmidt Chair of Business Law, serves as advisor to the team. The competition is sponsored by the American Bankruptcy Institute and St. John's University School of Law. This is the 14th national championship UT Law's interscholastic mock trial and moot court teams have won in the last ten years.



The University of Texas at Austin
 THE UNIVERSITY OF TEXAS SCHOOL OF LAW
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BANKRUPTCY CONFERENCE

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November 7*, 8-9, 2012

CONFERENCE LOCATION



Four Seasons Hotel
 98 San Jacinto
 Austin, TX 78701
 512-685-8100

Special Room Rate: \$235
 good through October 8, 2012
 (subject to availability)

Parking: Limited self-parking \$12 daily
 Valet parking \$14 daily, \$32.50 overnight
 (subject to change)

KEY DATES

October 31, 2012
last day for early registration
 add \$50 for registrations
 received after this time

November 2, 2012
last day for full refund

November 5, 2012
last day for partial refund
 \$50 processing fee applied

November 7, 2012, 6 p.m.
**Wednesday evening Akard Lecture begins*

November 8, 2012, 8:50 a.m.
Conference begins

**M
C
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E**

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 12.25 hours, of which 2.00 credit hours will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

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