

31st Annual Bankruptcy Conference
November 7*, 8-9, 2012 • Four Seasons Hotel • Austin, TX

Wednesday Evening, Nov. 7, 2012

6:00 pm
0.00 hr ethics

John C. Akard Lecture Delivered by The Honourable Madam Justice Barbara Romaine

The Honourable Madam Justice Barbara Romaine, Justice of the Court of Queen's Bench of Alberta, Calgary, Canada is one of the judges 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-boarder proceedings between our countries work with relative ease and shares her thoughts about existing issues and the challenges to come.

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.

9:00 pm

Adjourn

Thursday Morning, Nov. 8, 2012

Presiding Officer:

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

8:00 am

Registration Opens

Includes continental breakfast

8:50 am

Welcoming Remarks

Patrick Kelley, Conference Chair

<p>9:00 am 1.25 hrs 0.50 hr ethics</p>	<p>Recent Developments</p> <p>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!</p> <p>Moderator: Jay L. Westbrook, The University of Texas School of Law - Austin, TX</p> <p>Panelists: R. Byrn (Byrnie) Bass Jr., Attorney at Law - Lubbock, TX</p> <p>Panelists: Deborah B. Langehennig, Chapter 13 Trustee - Austin, TX</p> <p>Panelists: William J. Rochelle, Bloomberg LP - New York, NY</p> <p>Panelists: Deborah D. Williamson, Cox Smith Matthews Incorporated - San Antonio, TX</p>
<p>10:15 am</p>	<p>Break</p>
<p>10:30 am</p>	<p>Duberstein Championship Team</p> <p>Professor Jay L. Westbrook introduces UT Law's National Championship Team of the 20th Annual Hon. Conrad B. Duberstein Bankruptcy Moot Court Competition</p> <p>Team: Brian Cumings ('12) and Eric Werlinger ('12)</p> <p>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</p>
<p>10:35 am 0.75 hr</p>	<p>Debt as an Asset Acquisition Tool and Defenses to "Loan-to-Own" Strategies</p> <p>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 <i>TOUSA</i> decision.</p> <p>Leon V. Komkov, Longroad Asset Management, LLC - Austin, TX Patricia Baron Tomasco, Jackson Walker L.L.P. - Austin, TX</p>
<p>11:20 am 0.50 hr</p>	<p>Debt and Domestic Abuse</p> <p>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 to coercing victims into signing loan documents, to tricking victims to relinquishing their rights to the family house.</p> <p>Angela Littwin, The University of Texas School of Law - Austin, TX</p>
<p>11:50 am 0.75 hr ethics</p>	<p>Current Representation Issues</p> <p>This session tackles numerous issues including representing multiple debtors, representing a committee in a jointly-administered case and having your retainer paid by a non-debtor.</p> <p>Kevin Michael Epstein, Office of U.S Trustee - San Antonio, TX William A. (Trey) Wood III, Bracewell & Giuliani, LLP - Houston, TX</p>
<p>12:35 pm</p>	<p>Lunch on your Own</p>

Thursday Afternoon, Nov. 8, 2012

Presiding Officer:

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

1:50 pm 0.50 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, Attorney at Law - Austin, TX
2:20 pm	Break

Consumer Track

Presiding Officer:

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

2:30 pm 0.50 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 pm 0.50 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 pm 0.50 hr 0.08 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 pm 0.50 hr 0.08 hr ethics	Individual and Small Business Chapter 11s A primer on small Chapter 11 cases. Eduardo V. Rodriguez, Malaise Law Firm - Brownsville, TX Mark Curtis Taylor, Hohmann Taube & Summers - Austin, TX
4:30 pm 0.50 hr 0.08 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 pm 0.00 hr ethics	Adjourn Consumer Track to Reception

Business Track**Presiding Officer:****Thomas S. Henderson III**, Attorney at Law - Houston, TX

2:30 pm 0.50 hr	Using and Excluding Experts John J. McKetta III, Graves Dougherty Hearon & Moody PC - Austin, TX
3:00 pm 0.50 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 pm 0.50 hr	RadLAX Gateway Hotel, LLC v. Amalgamated Bank The Supreme Court's opinion in <i>RadLAX</i> —the potential effects could go far beyond just credit bidding. Hon. Leif M. Clark, San Antonio, TX Demetra L. Liggins, Thompson & Knight LLP - Houston, TX
4:00 pm 1.00 hr 0.25 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 Panelists: Michael R. (Buzz) Rochelle, Rochelle McCullough, L.L.P. - Dallas, TX
5:00 pm 0.00 hr ethics	Adjourn Business Track to Reception
5:00 pm	Jay L. Westbrook Bankruptcy Conference Reception

Thursday Evening, Nov. 8, 2012

8:30 pm	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.
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Friday Morning, Nov. 9, 2012

Presiding Officer:

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

8:00 am	Conference Room Opens Includes continental breakfast
8:45 am 1.00 hr	Clash of the Titans: A <i>Stern v. Marshall</i> Debate Two renowned bankruptcy judges go head-to-head in a debate about whether the <i>Stern</i> 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 <i>Stern</i> 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 Panelists: Hon. Cecelia G. Morris, U.S. Bankruptcy Court, Southern District of New York - Poughkeepsie, NY
9:45 am 0.75 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 Panelists: Andrew D. Weissman, Haynes and Boone, LLP - Washington, DC
10:30 am	Break
10:45 am 0.75 hr 0.50 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 am 0.50 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 pm	Pick Up Lunch Included in conference registration

Friday Afternoon, Nov. 9, 2012

Presiding Officer:

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

	Luncheon Presentation
12:15 pm 0.75 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. Brandl, The Fisher College of Business, The Ohio State University - Columbus, OH
1:00 pm	Break
1:15 pm 0.75 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 Bobby Guy, Frost Brown Todd - Nashville, TN
2:00 pm 0.50 hr	How to Take an Appeal From a Bankruptcy Court's Order A step-by-step guide to a bankruptcy appeal in all of its facets. Katie Drell Grissel, Vinson & Elkins LLP - Dallas, TX Edward L. Ripley, King & Spalding LLP - Houston, TX
2:30 pm 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 Panelists: Hon. H. Christopher Mott, U.S. Bankruptcy Court, Western District of Texas - Austin, TX Panelists: Hon. Bill G. Parker, U.S. Bankruptcy Court, Eastern District of Texas - Tyler, TX
3:30 pm	Adjourn