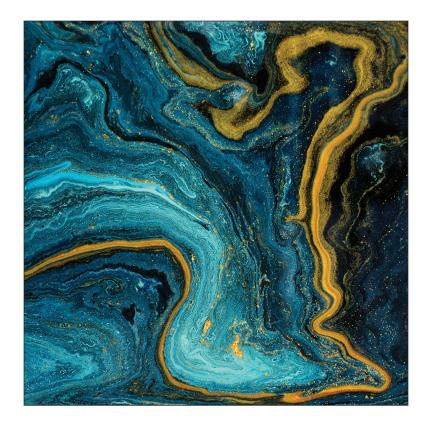
38TH ANNUAL JAY L. WESTBROOK BANKRUPTCY CONFERENCE



November 14–15, 2019 Four Seasons Hotel

Austin, Texas

Earn up to 13.00 Hours of Credit, Including 2.50 Hours of Ethics Credit MCLE Credit Approved in TX, CA, and OK; Expected in LA (Hours Vary By State). TX Legal Specialization Credit Approved for Bankruptcy Law and Consumer Law Earn up to 15.50 Hours of TX Accounting CPE

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Earn up to 15.50 Hours of TX Accounting CPE

THURSDAY MORNING, NOV. 14, 2019

Presiding Officer: Richard Robbins, AlixPartners LLP, Houston, TX

7:30 a.m. Includes contine	Registration Opens Intal breakfast.
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8:30 a.m.

Welcoming Remarks

DUBERSTEIN AND ELLIOTT CUP CHAMPIONSHIP TEAMS

8:40 a.m.

Professor Jay L. Westbrook introduces the Duberstein Championship Teams.

1.00 hr | .25 hr ethics Recent Developments

If this distinguished panel doesn't mention it, it just may not be worth mentioning. The year's most important business and consumer cases.

Moderator:

8:50 a.m.

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

Panelists:

R. Byrn "Byrnie" Bass Jr., Attorney at Law, Lubbock, TX Bill Rochelle, American Bankruptcy Institute, New York, NY

Deborah D. Williamson, Dykema Gossett PLLC, San Antonio, TX

9:50 a.m.

General Session ABI Report Review

A high octane speedy review of the suggestions made by the ABI Commission on Consumer

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

Panelists:

Thompsons Station, TN

Henry E. Hildebrand III, Chapter 13 Trustee, Middle District of Tennessee, Nashville, TN

10:35 a.m.

10:50 a.m.

1.00 hr | .25 hr ethics New York v. Texas

Are there real differences in bankruptcy in these two prominent jurisdictions? Inquiring minds will learn from these respected judges.

Moderator:

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

Panelists:

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

Hon. Sean H. Lane, U.S. Bankruptcy Court, Southern District of New York, New York, NY

11:50 a.m.

.75 hr

.50 hr ethics

Ethics in Negotiation – Making Offers They Can't Refuse Without Being Don Corleone

In the aftermath of recent news of lawyers being indicted for extortion in the negotiation process and recent bankruptcy court decisions referring lawyers to the authorities, explore the contours of ethical negotiations, illegal extortion, and bankruptcy bribery.

Patricia Baron Tomasco, Quinn Emanuel Urguhart & Sullivan, LLP, Houston, TX

Lunch on Your Own 12:20 p.m.

REASONS TO ATTEND

UT Law's 38th Annual Jay L. Westbrook Bankruptcy Conference is one of the premier bankruptcy programs in the nation. The conference attracts a stellar national faculty of prominent judges, academics, and practitioners. Program highlights:

- This year, the perennial favorite Recent Developments will have two sessions: Professor Jay L. Westbrook will lead the opening session to discuss the year's most important cases, and then Friday afternoon, Debbie Langehennig leads a panel for an in-depth look at the best and worst of the cases.
- Select from Thursday afternoon concurrent tracks:
 - o The Business Track includes discussions on recidivist debtors, modifying labor and retirement obligations in bankruptcy, utilizing and interpreting make whole provisions, rights offerings, and the drivers of the recent turmoil in the retail industry.
 - o The Consumer Track explores the ABI Consumer Commission Report, litigation in consumer cases, discharging IRS debt, and practical considerations for consumer attorneys.
- Have a question for the judges? Friday morning, Judges Davis, Isgur, Jernigan and Parker will be ready to answer them! Submit questions in advance to conferenceQA@utcle.org.
- Gain insight on the use of arbitration in bankruptcy; health care bankruptcies; unique aspects of chapter 11 cases triggered by sexual abuse tort claims; the contours of ethical negotiations, illegal extortion, and bankruptcy bribery; and much more.

Also, enjoy interacting and networking with judges, trustees, and practitioners at Thursday Evening's Jay L. Westbrook Bankruptcy Reception.

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Bankruptcy that could affect your practice.

Moderator:

Hon. William H. Brown, U.S. Bankruptcy Court (Ret.),

Break

Concurrent Sessions

BUSINESS TRACK

Presiding Officer:

Robin Russell, Hunton Andrews Kurth LLP, Houston, TX

1:50 p.m.

.75 hr | .25 hr ethics

Recidivist Debtors: Chapter 22s of Oil and Gas Business Debtors. Why Is it Happening Now?

Discuss the recent influx of repeat chapter 11 debtors, factors causing distress in the oil and gas industry, and best practices in chapter 22 cases.

Moderator:

Kyung S. Lee, Kasowitz Benson Torres LLP, Houston, TX

Panelists:

J.P. Hanson, Houlihan Lokey, Houston, TX Shari L. Heyen, Greenberg Traurig, LLP, Houston, TX John T. Young Jr., Conway Mackenzie, Inc., Houston, TX

2:35 p.m.

Modifying Labor and Retirement Obligations in Bankruptcy

Hear how companies may use sections 1113 and 1114 of the Bankruptcy Code to modify labor, retiree and other employee "legacy" obligations in chapter 11. The panelists, who have represented companies and other creditors in bankruptcy cases involving these topics as counsel and investment banker, will share lessons learned from recent transactions.

Steven W. Bremer, Centerview Partners LLC, New York, NY

Gregory F. Pesce, Kirkland & Ellis LLP, Chicago, IL Michael B. Slade, Kirkland & Ellis LLP, Chicago, IL

3:20 p.m. Break

3:30 p.m.

.50 hr

Utilizing and Interpreting Make Whole Provisions, including Practical Lessons for Deal Structure

A discussion of make whole provisions including a primer on what they are and their intended purpose, an overview of their interpretation under various states' laws, and consideration of how to successfully utilize them in the event of a bankruptcy.

Sean B. Davis, Winstead PC, Houston, TX Todd R. Snyder, TRS Advisors, New York, NY

.75 hr 4:00 p.m.

Beyond E-Commerce: Root Causes of the Retail Crisis

Examine the drivers of the recent turmoil in the retail industry. How much worse can it get and how long will it continue?

Matt Barr, Weil, Gotshal & Manges LLP, New York, NY Kent Percy, AlixPartners LLP, New York, NY

4:30 p.m.

.50 hr | .25 hr ethics

.75 hr | .50 hr ethics

.50 hr

Rights Offerings - Use and Impact

Rights offerings are often consummated in complex chapter 11 cases to raise equity upon exiting bankruptcy. While rights offerings are beneficial to the debtor and often non-controversial, issues can emerge in terms of opportunity to participate, fees charged, and impact on non-participating parties.

Kelli S. Norfleet, Haynes and Boone, LLP, Houston, TX

William L. Wallander, Vinson & Elkins LLP, Dallas, TX

5:00 p.m. Adjourn to Reception

CONSUMER TRACK

Presiding Officer:

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

1:50 p.m.

ABI Consumer Commission Report

Focus on the Commission's specific recommendations on: reserve funds in chapter 13 cases, student loans, racial justice, "dirt for debt" plans, repeat filers, the notice of final cure process, attorney competency and compensation, and chapter 13 debt limits.

Beverly M. Burden, Chapter 13 Trustee, Eastern District of Kentucky, Lexington, KY Marcos D. Oliva, Oliva Law, McAllen, TX

2:35 p.m.

Litigation In Consumer Cases

Explore litigation considerations before, during and after bankruptcy, including forms, tips and tactics.

- Hon. Tony M. Davis, U.S. Bankruptcy Court, Western District of Texas, Austin, TX
- Julianne M. Parker, Fears Nachawati, PLLC, Dallas, TX Michael L. Weems, Hughes Watters Askanase, LLP, Houston, TX

3:20 p.m. Break

3:30 p.m.

.75 hr

.75 hr

4:15 p.m.

5:00 p.m.

Attorneys

Practical Considerations for Consumer

Increase the chances of the debtor successfully completing their case. Discuss how to create a debtor's savings plan, increase the disbursements from the trustee for attorney fees, structure the best plan for the debtor, bankruptcy planning, ethical considerations and more.

- Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas, Houston, TX Cristina Rodriguez, Keeling Law Firm, Houston, TX

Adjourn to Reception

Primer on Discharging IRS Debt in Bankruptcy Your client may be broke now, but made money at one time. The IRS is knocking at the door and (notso-shockingly) wants to get paid. Learn the four basic "rules" and other "fun" facts about discharging taxes. John Akard Jr., Coplen & Banks, P.C., Houston, TX

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

.75 hr

Join program faculty and attendees for drinks and hors d'oeuvres.

THANK YOU TO OUR RECEPTION SPONSOR



FRIDAY MORNING, NOV. 15, 2019

Presiding Officer: Charlie Shelton, Hajjar Peters LLP, Austin, TX

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



WALKER

8:30 a.m.

1.00 hr

.75 hr

Breakfast with the Judges

What do you want to hear from the judges? Please submit your questions in advance to **ConferenceQA@utcle.org** or on-site at the conference registration desk.

- Hon. Tony M. Davis, U.S. Bankruptcy Court, Western District of Texas, Austin, TX
- Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas, Houston, TX
- Hon. Stacey G. C. Jernigan, U.S. Bankruptcy Court, Northern District of Texas, Dallas, TX
- Hon. Bill Parker, U.S. Bankruptcy Court, Eastern District of Texas, Tyler, TX

9:30 a.m.

Health Care Bankruptcies - How to Diagnose and Treat These Patients

Competition, regulation, and disruption in the health care industry are fomenting financial turmoil in the operation of health care businesses. How should insolvency professionals approach these sensitive and heavily regulated entities? Hear a general overview of issues facing this industry and offer attendees specific insight on how to navigate the ever-changing landscape of health care cases.

Todd Headden, Office of the Attorney General, Austin, TX Suzanne Koenig, SAK Management Services, LLC, Riverwoods, IL Ryan Manns, Norton Rose Fulbright US LLP, Dallas, TX

10:15 a.m.	Break	

10:30 a.m.

Must I/May I Arbitrate in Bankruptcy

Addressing arbitration in bankruptcy including (a) a review of recent decisions regarding the enforceability of mandatory arbitration provisions and their potential application in the bankruptcy world, and (b) an overview of the mechanics of arbitration and creative utilization of arbitration in bankruptcy.

1.00 hr | .50 hr ethics

Hon. Stacey G. C. Jernigan, U.S. Bankruptcy Court, Northern District of Texas, Dallas, TX Sylvia A. Mayer, S. Mayer Law PLLC, Houston, TX

11:30 a.m.

Alix/McKinsey

Explore the dispute about Rule 2014 and sections 101(14) and 327.

Zack A. Clement, Attorney at Law, Houston, TX Christopher R. Murray, Jones Murray & Beatty LLP, Houston, TX

12:15 p.m. Pick Up Lunch

Included in registration.

FRIDAY AFTERNOON

Presiding Officer: Brian T. Cumings, Graves, Dougherty, Hearon & Moody, Austin, TX

LUNCHEON PRESENTATION

12:35 p.m.

The Law of Loan Sharks

In 1912, the Chicago Tribune newspaper observed: "It is easy to condemn the loan shark evil but hard to correct it" because wage workers "now and then, must have money." Trace how recurring campaigns against loan sharking shaped the smalldollar lending industry and its regulation over the past century.

Anne Fleming, Georgetown Law, Washington, DC

Break

1:05 p.m.

1:20 p.m.

Recent Developments II

A more in-depth look at the best of the best (and worst of the worst).

Moderator:

Deborah B. Langehennig, Chapter 13 Trustee, Austin, TX

Panelists:

Omar J. Alaniz, Baker Botts, Dallas, TX Aaron Michael Kaufman, Dykema Gossett PLLC, Dallas, TX

Demetra L. Liggins, Thompson & Knight LLP,

Houston, TX Brendon Singh, Corral Tran Singh LLP, Houston, TX

2:05 p.m.

.75 hr | .25 hr ethics

Increased U.S. Trustee Fees: As Inevitable as Death and Taxes?

Discuss reining in Congressionally mandated highway robbery based on uniformity and retroactivity; issues regarding the definition of disbursements; strategies to avoid the increased fees; and judicial activism.

- Hon. Catherine J. Furay, U.S. Bankruptcy Court, Western District of Wisconsin, Madison, WI
- Hon. Ronald B. King, U.S. Bankruptcy Court, Western District of Texas, San Antonio, TX

Jennifer Hardy, Willkie Farr & Gallagher LLP, Houston, TX

2:50 p.m. Break

3:00 p.m.

.75 hr

.50 hr

.75 hr

Navigating the Discovery Minefield

Explore contemporary discovery techniques that lawyers utilize to keep pace with constantly changing communications in modern society.

Deirdre Carey Brown, Hoover Slovacek LLP, Houston, TX Ashley Harper, Hunton Andrews Kurth LLP, Houston, TX Jay H. Ong, Munsch Hardt Kopf & Harr, P.C., Austin, TX

3:45 p.m.

.50 hr

.75 hr | .25 hr ethics

Chapter 11 Cases Driven by Sexual Abuse Tort Claims

The road from defendant to debtor can be a short one after sexual abuse tort claims. Discuss the unique aspects of chapter 11 cases triggered by sexual abuse tort claims.

Rakhee V. Patel, Winstead PC, Dallas, TX Lauren Randle, Winston & Strawn LLP, Houston, TX

4:15 p.m. Adjourn

RESEARCH AND SELF-STUDY

Did you know that the quality presentations and papers attendees receive at our conferences are available for self-study as part of our eLibrary? Purchase individual pieces à la carte or subscribe annually for just \$295. See the Registration Form or email service@utcle.org for more details.

CLE AND CPE CREDIT

CLE CREDIT

This conference has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.00 hours, of which 2.50 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), a presumptively approved provider by the Supreme Court of Louisiana (#0553), and an Oklahoma Bar Association MCLE presumptively approved provider (#169).

In addition, Texas Legal Specialization credits have been approved for Bankruptcy Law and Consumer Law.

CPE CREDIT

Attendees of this conference can also earn up to 15.50 hours of Texas Accounting CPE credit.

HOW TO REGISTER

Online: www.utcle.org/conferences/BK19/signup

> Mail: The University of Texas School of Law ATTN: CLE PO Box 7759 Austin, TX 78713-7759

> > Fax: 512.475.6876

Questions? 512.475.6700

If you have dietary requirements or would like to request accommodations under the ADA, please contact Customer Service at 512.475.6700 or service@utcle.org at least 10 days prior to the conference.

REGISTRATION BENEFITS

Full Service Experience: Registration for the live event includes continental breakfasts, Friday luncheon presentation, and a Thursday evening reception, along with countless networking opportunities throughout the event.

Comprehensive Course Materials: Access course materials in "Your Briefcase" approximately 48 hours before the live event, and enjoy unlimited access to the final, complete course materials - downloadable PDFs of papers and slides

Accredited eConference: Complimentary access to the eConference – with papers, slides, and video - accredited for one year in both TX and CA are available in "Your Briefcase" 4-6 weeks after the live event.

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RELATED EVENT

Young Lawyers Committee Annual Evening Reception Thursday, November 14 at 8:30 p.m. Dean's One Trick Pony, The LINE Hotel Austin, 111 E. Cesar Chavez St., Austin, TX 78701 Please join the Young Lawyers Committee of the Bankruptcy Law Section in welcoming our new judge in the SDTX, Judge Chris López. All are invited to join in the celebration!

DUBERSTEIN CHAMPIONSHIP TEAMS

Southern Methodist University Dedman School of Law DUBERSTEIN NATIONAL CHAMPIONS

Team: P. Austin Brakebill, Michael J. Creme, and Gina Mills

Coaches: Omar Alaniz, Elizabeth Boydston, and Tim Springer

The University of Texas School of Law DUBERSTEIN NATIONAL FINALISTS

Team: Michael F. Carroll, Lee O. Rooney, and Nicholas Miller (Brief award)

Coaches: Debbie Langehennig, Jay Ong, Evan Atkinson, Brian Cumings, Lisa Newman, Hannah Roblyer, and Jameson Watts



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AUSTIN

November 14-15, 2019

CONFERENCE LOCATION



Four Seasons Hotel 98 San Jacinto Boulevard Austin, Texas 78701 512.685.8100 (reservations)

Accommodations: Call 512.685.8100 Reserve online at www.fourseasons.com/austin (Subject to Availability)

> Parking: \$16 daily self-parking; \$18 daily valet \$35 overnight valet parking (subject to change)

KEY DATES

November 6, 2019 *Last day to order a printed binder*

November 6, 2019 Last day for early registration Add \$50 for registrations received after this time

November 8, 2019 *Last day for full refund cancellation*

November 11, 2019 Last day for partial refund cancellation \$50 processing fee applied

November 14, 2019 8:30 a.m. Conference Begins

38TH ANNUAL JAY L. WESTBROOK BANKRUPTCY CONFERENCE

November 14–15, 2019 ■ Four Seasons Hotel ■ Austin, Texas

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