

38th Annual Jay L. Westbrook Bankruptcy Conference
November 14-15, 2019 • Four Seasons Hotel • Austin, TX

Thursday Morning, Nov. 14, 2019

Presiding Officer:

Richard Robbins, AlixPartners LLP - Houston, TX

7:30 am

Registration Opens

Includes continental breakfast.

Thank You to Our Breakfast Sponsor



8:30 am

Welcoming Remarks

8:40 am

Duberstein Team Recognition

Professor Jay L. Westbrook introduces the Duberstein Competition Teams.

Southern Methodist University Dedman School of Law

Duberstein National Champions:

P. Austin Brakebill

Michael J. Creme

Gina Mills

Coaches:

Mr. Omar J. Alaniz

Ms. Elizabeth Boydston

Mr. Tim Springer

The University of Texas School of Law

Duberstein National Finalists:

Michael F. Carroll

Lee O. Rooney

Nicholas Miller (Brief award)

Coaches:

Ms. Debbie Langehennig

Mr. Jay Ong

Mr. Evan Atkinson

Mr. Brian Cumings

Ms. Lisa Newman

Ms. Hannah Roblyer

Mr. Jameson Watts

8:50 am 1.00 hr 0.25 hr ethics	<p>Recent Developments</p> <p>If this distinguished panel doesn't mention it, it just may not be worth mentioning. The year's most important business and consumer cases.</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 Bill Rochelle, American Bankruptcy Institute - New York, NY Deborah D. Williamson, Dykema Gossett PLLC - San Antonio, TX</p>
9:50 am 0.75 hr	<p>General Session ABI Report Review</p> <p>A high octane speedy review of the suggestions made by the ABI Commission on Consumer Bankruptcy that could affect your practice.</p> <p>Moderator: Angela Littwin, The University of Texas School of Law - Austin, TX</p> <p>Panelists: Hon. William H. Brown, U.S. Bankruptcy Court (Ret.) - Thompsons Station, TN Henry E. Hildebrand III, Chapter 13 Trustee, Middle District of Tennessee - Nashville, TN</p>
10:35 am	Break
10:50 am 1.00 hr 0.25 hr ethics	<p>New York v. Texas</p> <p>Are there real differences in bankruptcy in these two prominent jurisdictions? Inquiring minds will learn from these respected judges.</p> <p>Moderator: Hon. H. Christopher Mott, U.S. Bankruptcy Court, Western District of Texas - Austin, TX</p> <p>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</p>
11:50 am 0.50 hr ethics	<p>Ethics in Negotiation - Making Offers They Can't Refuse Without Being Don Corleone</p> <p>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.</p> <p>Patricia Baron Tomasco, Quinn Emanuel Urquhart & Sullivan, LLP - Houston, TX</p>
12:20 pm	Lunch on Your Own

Thursday Afternoon, Nov. 14, 2019

Business Track

Presiding Officer:

Robin Russell, Hunton Andrews Kurth LLP - Houston, TX

1:50 pm 0.75 hr 0.25 hr ethics	<p>Recidivist Debtors: Chapter 22s of Oil and Gas Business Debtors. Why Is it Happening Now?</p> <p>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.</p> <p>Moderator: Kyung S. Lee, Kyung S. Lee PLLC - Houston, TX</p> <p>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</p>
2:35 pm 0.75 hr	<p>Modifying Labor and Retirement Obligations in Bankruptcy</p> <p>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.</p> <p>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</p>
3:20 pm	Break
3:30 pm 0.50 hr 0.25 hr ethics	<p>Rights Offerings - Use and Impact</p> <p>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.</p> <p><i>This presentation was originally scheduled on Thursday at 4:30 p.m.</i></p> <p>Kelli S. Norfleet, Haynes and Boone, LLP - Houston, TX William L. Wallander, Vinson & Elkins LLP - Dallas, TX</p>
4:00 pm 0.50 hr	<p>Beyond E-Commerce: Root Causes of the Retail Crisis</p> <p>Examine the drivers of the recent turmoil in the retail industry. How much worse can it get and how long will it continue?</p> <p>Gabriel Morgan, Weil, Gotshal & Manges LLP - New York, NY Kent Percy, AlixPartners LLP - New York, NY</p>
4:30 pm 0.50 hr	<p>Utilizing and Interpreting Make Whole Provisions, including Practical Lessons for Deal Structure</p> <p>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.</p> <p><i>This presentation was originally scheduled on Thursday at 3:30 p.m.</i></p> <p>Sean B. Davis, Winstead PC - Houston, TX Joseph Denham, TRS Advisors - New York, NY</p>
5:00 pm	Adjourn to Reception

Jay L. Westbrook Bankruptcy Conference Reception

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

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Consumer Track

Presiding Officer:

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

1:50 pm
0.75 hr

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 pm
0.75 hr

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 pm

Break

3:30 pm
0.75 hr

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 (not-so-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

4:15 pm
0.75 hr
0.50 hr ethics

Practical Considerations for Consumer Attorneys

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

5:00 pm

Adjourn to Reception

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Friday Morning, Nov. 15, 2019

Presiding Officer:

Charlie Shelton, Hajjar Peters LLP - Austin, TX

8:00 am	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p> <p>Thank You to Our Breakfast Sponsor</p> <p>JONES WALKER</p>
8:30 am 1.00 hr	<p>Breakfast with the Judges</p> <p>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.</p> <p>Hon. Tony M. Davis, U.S. Bankruptcy Court, Western District of Texas - Austin, TX Hon. Stacey G. C. Jernigan, U.S. Bankruptcy Court, Northern District of Texas - Dallas, TX Hon. Chris López, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX Hon. Bill Parker, U.S. Bankruptcy Court, Eastern District of Texas - Tyler, TX</p>
9:30 am 0.75 hr	<p>Health Care Bankruptcies - How to Diagnose and Treat These Patients</p> <p>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.</p> <p>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</p>
10:15 am	<p>Break</p>

10:30 am 1.00 hr 0.50 hr ethics	<p>Must I/May I Arbitrate in Bankruptcy</p> <p>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.</p> <p>Hon. Stacey G. C. Jernigan, U.S. Bankruptcy Court, Northern District of Texas - Dallas, TX Sylvia A. Mayer, S. Mayer Law PLLC - Houston, TX</p>
11:30 am 0.75 hr	<p>Alix/McKinsey</p> <p>Explore the dispute about Rule 2014 and sections 101(14) and 327.</p> <p>Zack A. Clement, Attorney at Law - Houston, TX Christopher R. Murray, Jones Murray & Beatty LLP - Houston, TX</p>
12:15 pm	<p>Pick Up Lunch</p> <p>Included in registration.</p>

Friday Afternoon, Nov. 15, 2019

Presiding Officer:

Brian T. Cumings, Graves, Dougherty, Hearon & Moody - Austin, TX

LUNCHEON PRESENTATION

12:35 pm 0.50 hr	<p>The Law of Loan Sharks</p> <p>In 1912, the <i>Chicago Tribune</i> 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 small-dollar lending industry and its regulation over the past century.</p> <p>Anne Fleming, Georgetown Law - Washington, DC</p>
1:05 pm	<p>Break</p>
1:20 pm 0.75 hr	<p>Recent Developments II</p> <p>A more in-depth look at the best of the best (and worst of the worst).</p> <p>Moderator: Deborah B. Langehennig, Chapter 13 Trustee - Austin, TX</p> <p>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</p>

2:05 pm 0.75 hr 0.25 hr ethics	<p>Increased U.S. Trustee Fees: As Inevitable as Death and Taxes?</p> <p>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.</p> <p>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</p>
2:50 pm	Break
3:00 pm 0.75 hr 0.25 hr ethics	<p>Navigating the Discovery Minefield</p> <p>Explore contemporary discovery techniques that lawyers utilize to keep pace with constantly changing communications in modern society.</p> <p>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</p>
3:45 pm 0.50 hr	<p>Chapter 11 Cases Driven by Sexual Abuse Tort Claims</p> <p>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.</p> <p>Rakhee V. Patel, Winstead PC - Dallas, TX Lauren Randle, Winston & Strawn LLP - Houston, TX</p>
4:15 pm	Adjourn