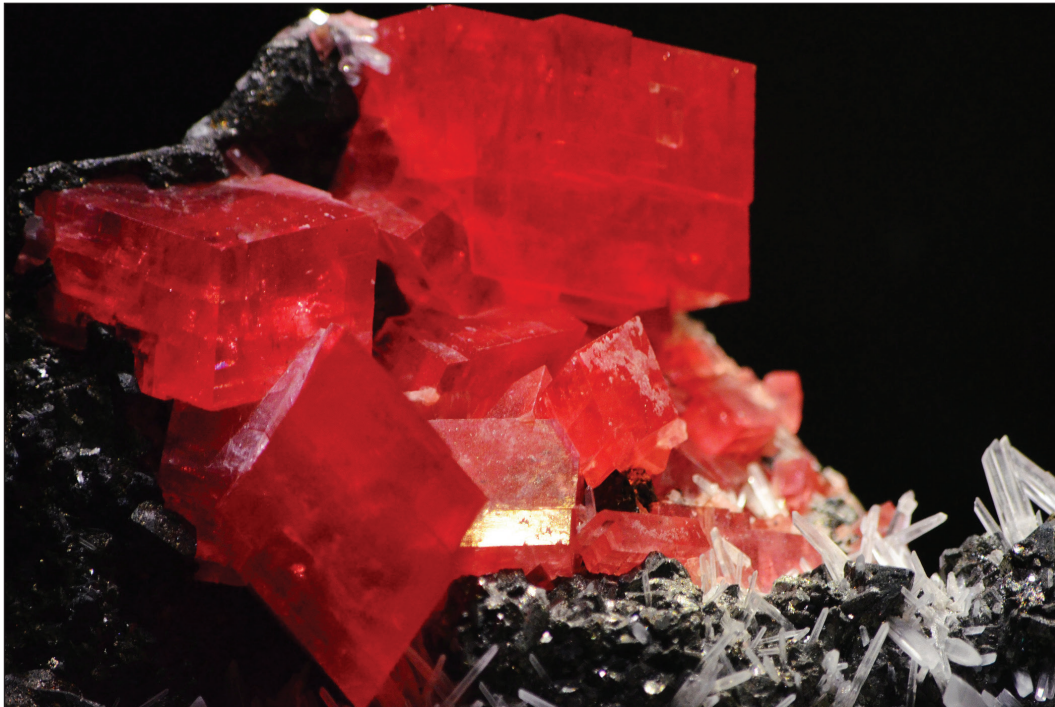


40<sup>TH</sup> ANNUAL JAY L. WESTBROOK  
**BANKRUPTCY CONFERENCE**



November 17\*, 18–19, 2021  
Fairmont Austin ■ Austin, Texas

 Also Available as a Live Webcast – November 18–19

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**\*Wednesday Evening John C. Akard Lecture**

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Earn up to 12.75 Hours of MCLE Credit Including 2.25 Hours of Ethics Credit

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*Times listed are in Central Time*

## \*WEDNESDAY EVENING, NOV. 17, 2021

### JOHN C. AKARD LECTURE

6:00 – 9:00 p.m.

John Pottow, University of Michigan Law School,  
Ann Arbor, MI

### Modular Bankruptcy: Is It Time for a Consumer Scheme of Arrangement?

The John C. Akard Distinguished Lectureship will be delivered by John A. E. Pottow. Pottow, the John Philip Dawson Collegiate Professor of Law, is an internationally recognized expert in the field of commercial law. His award-winning scholarship concentrates on the issues involved in the regulation of cross-border insolvencies as well as consumer financial distress, and his extensive public service work focuses on international trade and *pro bono* representation of bankrupt debtors. 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.

In 2021 the Lectureship Program received a special gift of support from the family of William Denny "Bill" Neary. The total grant to the law school was a very generous \$100,000, of which half was designated for the Akard lectureship. Bill graduated from Hillcrest High School, Southern Methodist University, and the University of Texas Law School. He was a member of Sigma Alpha Epsilon fraternity, was the case note editor of the Law Review and the Orders of the Coif, Chancellors and Phi Delta Phi. He served as a Lieutenant in the US Navy in the office of Naval Petroleum Reserve in Washington, D.C. and was a partner in the firm of Thompson & Knight for 40 years where he headed the Bankruptcy Section and retired in 1990. On behalf of the University of Texas School of Law, the Jay L. Westbrook Bankruptcy Faculty and Planning Committee, we want to thank the Neary Family for their generous gift to the Lectureship program.

## THURSDAY MORNING, NOV. 18, 2021

### Presiding Officer:

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

### 7:30 a.m. Registration Opens

Includes continental breakfast.

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WHITE & CASE

### 8:30 a.m. Welcoming Remarks

### DUBERSTEIN CHAMPIONSHIP TEAMS

### 8:40 a.m.

Professor Jay L. Westbrook introduces the  
Duberstein Championship Teams.

### 8:50 a.m. 1.00 hr | .25 hr ethics

### Recent Developments - Part I

Informative. Fun. Just like opening presents on  
Christmas morning. The year's most important  
business and consumer cases.

#### Moderator:

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

#### Panelists:

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

### 9:50 a.m. 1.00 hr

### SBRA and Sub Chapter V Update

"There and Back Again": An assessment of what  
aspects of the SBRA and SubChapter V work, and  
work less well, in bankruptcy.

Areyia Holder Aurzada, Holder Law, Dallas, TX  
Brad Wesley Odell, Mullin Hoard & Brown, LLP,  
Lubbock, TX  
Jay H. Ong, Munsch Hardt Kopf & Harr, P.C., Austin, TX

### 10:50 a.m. 15-Minute Break

### 11:05 a.m. .50 hr

### The Use of Market Evidence to Refute or Establish Insolvency in Fraudulent Conveyance Cases

Cases such as Campbell Soup, 482 F.3d 624, and  
Iridium Operating, 373 BR 283, have, for some  
time now, stood for the proposition that market  
data, from an informed public market, represents  
the highest quality evidence of value. But, do  
recent economic conditions, including domestic  
monetary supply and inflation, give reason to apply  
this principle with caution, as evinced in situations  
such as Hertz, GameStop and AMC?

Benjamin I. Finestone, Quinn Emanuel Urquhart &  
Sullivan, LLP, New York, NY

Hon. David R. Jones, U.S. Bankruptcy Court,  
Southern District of Texas, Houston, TX

### 11:35 a.m. .75 hr

### Winter Storm Uri Lessons Learned and Legislative Updates

Overview of the Texas electricity industry, Winter  
Storm Uri's operational and financial impact on the  
key segments of the market, the Texas legislature's  
response, and the subsequent bankruptcy and  
litigation fallout.

Brooksany Barrowes, Kirkland & Ellis LLP,  
Washington, DC  
Charles R. Gibbs, McDermott Will & Emery, Dallas, TX  
Kevin Mark Lippman, Munsch Hardt Kopf & Harr,  
P.C., Dallas, TX

### 12:20 p.m. Lunch On Your Own

*SPECIAL NOTICE: The live webcast includes the  
Business track but not the Consumer track. Materials  
for both tracks are available in the course materials.  
Approximately 4-6 weeks after the conference, the  
Business track video and Consumer track audio will  
both be available in "Your Briefcase."*

**Concurrent Sessions**

**BUSINESS TRACK**

**Presiding Officer:**  
**Timothy A. Million, Husch Blackwell LLP,**  
**Houston, TX**

**AFTERNOON COFFEE BAR**

**1:30 p.m. – 3:30 p.m.**

Enjoy a coffee or tea for a little  
 afternoon pick-me-up.

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**1:50 p.m. .75 hr**

**Running or Rejection**

Gain insight on contracting issues with midstream agreements. Discuss managing counterparty risk, including approaches utilized by a public company.

- Arsalan Muhammad, Haynes and Boone, LLP, Houston, TX
- Mark C. Schroeder, Enable Midstream Partners, LP, Houston, TX
- Deborah D. Williamson, Dykema, San Antonio, TX

**2:35 p.m. .75 hr**

**Liability Management Issues in COVID Chapter 11 DIP**

Address the strategies and tactics used by borrowers and issuers during the height of the COVID-19 pandemic to maximize stakeholder value by providing additional runway, obtaining capital, and addressing other effects of the global pandemic, without having to file for chapter 11 or pursue other insolvency proceedings.

**Moderator:**  
 Gregory Pesce, White & Case LLP, Chicago, IL

**Panelists:**  
 Richard W. Morgner, Jefferies LLC, New York, NY  
 Ryan Omohundro, Alvarez & Marsal North America, LLC, Houston, TX

**3:20 p.m. 10-Minute Break**

**3:30 p.m. 1.00 hr | .50 hr ethics**

**Chapter 11 Plan Protections and Third-Party Releases**

Discuss debtor releases, exculpations, third-party releases, "opt-ins" and "opt-outs", injunctions, gatekeeper provisions, and other Chapter 11 plan mechanisms: Much Ado About Nothing or Something?

- Clifford William Carlson, Weil, Gotshal & Manges LLP, Houston, TX
- Hon. Stacey G. C. Jernigan, U.S. Bankruptcy Court, Northern District of Texas, Dallas, TX
- Hon. Mark X. Mullin, U.S. Bankruptcy Court, Northern District of Texas, Fort Worth, TX
- Lydia R. Webb, Gray Reed, Dallas, TX

**4:30 p.m. .50 hr**

**Redesigning the Disclosure Statement**

Disclosure Statements use a 100-year-old format. Today's technology can make the Disclosure Statement more useful and accessible, while also fulfilling its statutory mission.

- Hon. Leif M. Clark, Leif M. Clark Consulting, PLLC, San Antonio, TX
- Michael R. "Buzz" Rochelle, Rochelle McCullough, L.L.P., Dallas, TX

**5:00 p.m. Adjourn to Reception**

**CONSUMER TRACK**

**Presiding Officer:**  
**Christy Lingafelter Heimer, Heimer Law**  
**Offices P.C., Austin, TX**

**AFTERNOON COFFEE BAR**

**1:30 p.m. – 3:30 p.m.**

Enjoy a coffee or tea for a little  
 afternoon pick-me-up.

**THANK YOU TO OUR SPONSOR**



**1:50 p.m. .75 hr**

**Issues Regarding the Means Test**

Hear peculiar issues that arise in the Chapter 13 Means Test. The first 50 attendees will be given a free detailed "Chapter 13 Means Test Quick Reference Guide" authored by Judge Rodriguez.

- Ethan Cartwright, Pam Bassel, Standing Chapter 13 Trustee, North Richland Hills, TX
- Hon. Eduardo V. Rodriguez, U.S. Bankruptcy Court, Southern District of Texas, McAllen, TX

**2:35 p.m. .75 hr**

**Moratorium and Forbearance - Is It Over Yet? Who CARES?**

The next year will be exciting! Exiting forbearance agreements! CFPB exceptions! Plan modifications! You think the last 16 months were tough? Just wait...

- Pam Bassel, Standing Chapter 13 Trustee, Fort Worth, TX
- Shawn I. Carter, Nationstar Mortgage, LLC, Coppell, TX
- Cole Patton, McCarthy & Holthus, LLP, Plano, TX

**3:20 p.m. 10-Minute Break**

**3:30 p.m. .75 hr**

**CARES Act and other Tips for Debtor Representation**

This presentation will include practical tips, discussion and suggestions on how to handle plan modifications including curing plan defaults in months 60-84, the potential for early discharge, mortgage forbearances and deferrals.

- Joel Gonzalez, Law Office Of Joel Gonzalez, PLLC, Corpus Christi, TX
- Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas, Houston, TX

**4:15 p.m. .75 hr | .50 hr ethics**

**Don't Check the Box: A Discussion of Judicial Estoppel and Recent Cases**

Examine the requirements for Debtors and Trustees to employ special counsel, schedule related litigation, and properly obtain court approval of a settlement.

- Lisa L. Lambert, Office of the U.S. Trustee, Dallas, TX
- Caroline Neerman, Chapter 13 Trustee, Austin, TX

**5:00 p.m. Adjourn to Reception**

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

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

**THANK YOU TO OUR RECEPTION SPONSOR**



**Presiding Officer:****Brian T. Cumings, Graves, Dougherty,  
Hearon & Moody, Austin, TX****8:00 a.m. Conference Room Opens**

Includes continental breakfast.

**THANK YOU TO OUR  
BREAKFAST SPONSOR****SpencerFane®****8:30 a.m. 1.00 hr | .25 hr ethics****Judges Panel**

Hear new and seasoned judges answer and discuss your questions concerning bankruptcy practice, technology and hearing procedures, Covid-19, and more.

**Moderator:**

Jessica C. Peet, Vinson &amp; Elkins LLP, New York, NY

**Panelists:**Hon. Ronald B. King, U.S. Bankruptcy Court, Western District of Texas, San Antonio, TX  
Hon. Michelle V. Larson, U.S. Bankruptcy Court, Northern District of Texas, Dallas, TX  
Michael M. Parker, Norton Rose Fulbright, San Antonio, TX  
Hon. Joshua P. Searcy, U.S. Bankruptcy Court, Eastern District of Texas, Tyler, TX**9:30 a.m. .75 hr****Recent Developments - Part II**

A deeper dive into recent business and consumer cases that promises to be even more informative and fun.

**Moderator:**

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

**Panelists:**Omar J. Alaniz, Reed Smith LLP, Dallas, TX  
Aaron M. Kaufman, Gray Reed, Dallas, TX  
Cristina Rodriguez, Keeling Law Firm, Houston, TX**10:15 a.m. 15-Minute Break****10:30 a.m. .75 hr****Preliminary Findings from National Science Foundation Study on Debt & Domestic Violence**

Gain insight on preliminary findings from NSF-funded study on coerced debt and comment on their application in consumer bankruptcy practice. Discuss how victims of abuse incur coerced debt, types of debt found, consequences for victims, how coerced debt impacts practice, how bankruptcy courts can help, and relationship to elder abuse.

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

Cristina Rodriguez, Keeling Law Firm, Houston, TX

**11:15 a.m. .75 hr****Claim Objections Done Right**

Learn the interplay of 3007 with 502 and omnibus procedures. Draft objections even your grandparents can understand by knowing your audience. Avoid missteps as declarants.

Elizabeth Freeman, Jackson Walker LLP, Houston, TX  
Julie Harrison, Norton Rose Fulbright US LLP, Houston, TX  
Erin McKeighan, Alvarez & Marsal North America, LLC, Chicago, IL**12:00 p.m. Pick Up Lunch**

Included in registration.

**FRIDAY AFTERNOON****Presiding Officer:****Charlie Shelton, Hayward PLLC ,  
Austin, TX****THANK YOU TO OUR  
LUNCHEON SPONSOR****LUNCHEON PRESENTATION****12:30 p.m. 1.00 hr****Celebrating the Westbrook Bankruptcy Conference**

Forty years of Jay Westbrook leading us out of the bankruptcy wilderness. Where did he take us and have we found the Promised Land?

Charles A. Beckham Jr., Haynes and Boone, LLP, Houston, TX  
Deborah D. Williamson, Dykema, San Antonio, TX**40<sup>TH</sup> ANNIVERSARY  
SPECIAL CELEBRATION****1:30 p.m. – 1:50 p.m.**

Join program faculty and attendees for a special dessert and cocktail break.

**THANK YOU TO  
OUR SPONSOR****HAYNES BOONE****Are you a 1<sup>st</sup> or 2<sup>nd</sup> year attorney? Attend  
most UT Law CLE conferences for just \$150!****Call 512.475.6700 to register.****1:50 p.m. .50 hr****Proposed Consumer Bankruptcy Reform Act**

Overview of the Warren-Durbin Chapter 10 proposal that would eliminate individual Chapter 7s and 13s: key provisions, how it changes existing law, and likelihood of enactment.

Dalié Jiménez, University of California, Irvine School of Law, Irvine, CA

**2:20 p.m. .75 hr | .25 hr ethics****Trending Executive Compensation Issues in Bankruptcy**

Discuss pre-petition bonuses, deferred compensation, and other ways to pay senior management or executives.

Lisa L. Lambert, Office of the U.S. Trustee, Dallas, TX  
Patrick J. Neligan Jr., Neligan LLP, Dallas, TX  
Charlie Shelton, Hayward PLLC, Austin, TX**3:05 p.m. 1.00 hr ethics****Ethics Session - Look Before You Leap**

Helpful tips and reminders to avoid ethical pitfalls in auctions, virtual mediations, and committee meetings.

Hon. Chris López, U.S. Bankruptcy Court, Southern District of Texas, Houston, TX  
Stephanie Wickouski, Locke Lord LLP, New York, NY**4:05 p.m. Adjourn****THANK YOU TO OUR  
SPEAKERS DINNER SPONSOR****HUNTON  
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## HOW TO REGISTER

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www.utcle.org/conferences/BK21/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

## REGISTRATION BENEFITS

**Comprehensive Course Materials:** Access course materials in "Your Briefcase" approximately 48 hours before the start of the program, 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 program.

**TX MCLE Credit Reporting:** UT Law CLE can report credit on your behalf directly to the State Bar of Texas. Track the Texas MCLE credit reported on your behalf at "Your Account" after you've logged in at www.utcle.org.

## TROUBLE LOGGING IN?

A UT Law CLE account is created for conference attendees and product customers with information provided on the order form. An email address will serve as the User Name.

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## REGISTRATION FORM

PLEASE PRINT CLEARLY

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### EVENT REGISTRATION

*Includes Electronic Course Binder Download (PDF) in "Your Briefcase." Special group registration rates available. Call 512.475.6700.*

Live In-Person Event Registration . . . . . \$725 | \$775 after November 10

Live Webcast Registration . . . . . \$525 | \$575 after November 10

### RSVP for Wednesday Evening John C. Akard Lecture (Limited Seating Available)

I will attend the Akard Lecture

**Printed and Shipped Binder with Registration (Shipping Included)** – Available for order through Friday, November 19, 2021

*Please Note: Printed binder will arrive 2-3 weeks after the conclusion of the live conference. Delivery to P.O. boxes is not permitted. Binders will not be distributed on-site.*

Printed and Shipped Course Binder . . . . . \$70.36 (\$65\*)

### Webcast Add-on

*Register for the in-person conference and add on the webcast format for attendance flexibility.*

Webcast Add-on . . . . . \$75

**TOTAL EVENT REGISTRATION \$ \_\_\_\_\_**

**FIRST AND SECOND YEAR ATTORNEYS MAY ATTEND FOR JUST \$150! CALL 512.475.6700 TO REGISTER.**

### POST-CONFERENCE PRODUCTS

#### eConference – For Texas and California MCLE Credit

*Includes Electronic Course Binder Download (PDF) and program video/audio. Available 4-6 weeks after live event. Hours may vary depending on actual event runtime.*

Individual eConference . . . . . \$575

#### Post-Course Binder – For Research and Self-Study

*Comprehensive binder with papers and slides, available for delivery 4–6 weeks after live event.*

Electronic Post-Course Download (PDF) . . . . . \$265.21 (\$245\*)

Printed Post-Course Binder . . . . . \$319.34 (\$295\*)

#### Annual eLibrary Subscription – For Research and Self-Study

*Extensive resources including audio, video, papers, and slides from UT Law CLE programs.*

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**TOTAL POST-CONFERENCE PRODUCTS \$ \_\_\_\_\_**

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Check (make check payable to The University of Texas at Austin)

VISA  MasterCard  American Express  P.O. (include a copy of the purchase order upon submission)

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*\* Tax-exempt rate for, e.g., government employees and nonprofits. Include a Texas Sales and Use Tax Exemption Certificate with order.*

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### RELATED EVENT

#### YOUNG LAWYERS COMMITTEE ANNUAL EVENING RECEPTION

Thursday, November 18 at 8:00 p.m.

Rules & Regs, Fairmont Austin, 101 Red River St., 7th Floor

Please join the Young Lawyers Committee of the Bankruptcy Law Section in honoring retiring Judge Ronald B. King and welcoming our new judges.

All are invited to join in the celebration!

### DUBERSTEIN AND ELLIOTT CUP CHAMPIONSHIP TEAMS

#### Baylor Law School

#### DUBERSTEIN NATIONAL CHAMPIONS

Team: Alejandra Garcia Castro, Caitlin Huettemann, Lexi Winter

Coaches: Professor Larry T. Bates, Ms. Deborah M. Perry

#### The University of Texas School of Law

#### DUBERSTEIN 2<sup>ND</sup> PLACE TEAM

Team: Courtney Cameron, Abby Emery (Best Advocate Award), Jill Leslie

Coaches: Mr. Evan Atkinson, Mr. Brian Cumings, Ms. Debbie Langehennig, Ms. Sophia Makris, Mr. Jay Ong, Ms. Hannah Roblyer, Mr. Jameson Watts

### 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 12.75 hours, of which 2.25 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.

#### CPE CREDIT

Attendees of this conference can also earn up to 16.00 hours of Texas Accounting CPE credit.

National Accounting CPE credit (NASBA) is only offered for in-person attendees due to reporting format restrictions.

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BANKRUPTCY CONFERENCE**

November 17\*, 18–19, 2021 ■ Fairmont Austin ■ Austin, Texas

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COVID-19 PROTOCOLS**

See what we're doing differently this year to address the safety concerns of our staff and attendees at in-person events.



BK21

**AUSTIN**

November 17\*, 18–19, 2021

**CONFERENCE LOCATION****Fairmont Austin**101 Red River St.  
Austin, TX 78701

512.600.2000 (reservations)

**Special Room Rate: \$179**good through October 27, 2021  
reference "UT Bankruptcy Conference"  
(subject to availability)**Parking:**Self-parking: \$15 daily; \$36 overnight  
Valet: \$18 daily; \$49 overnight  
(subject to change)**KEY DATES****November 10, 2021***Last day for early registration rates***November 12, 2021***Last day for full refund cancellation***November 15, 2021***Last day for partial refund cancellation*  
\$50 processing fee applied**November 18, 2021, 8:30 a.m., CT***Conference begins***November 19, 2021***Last day to order a printed and shipped course binder  
with in-person or webcast conference registration.*

Please review our current COVID-19 Protocols for in-person attendance to this conference. Additionally, at the time of this publication, the conference venue is currently requiring that all attendees wear masks while indoors throughout the event.

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In addition, we continue to offer multiple educational opportunities online—both live and on-demand—by bringing practitioners together virtually. We are fortunate to serve so many of you who strive for excellence in the practice of law.

