

40th Annual Jay L. Westbrook Bankruptcy Conference
November 17-19, 2021 • Fairmont Austin • Austin, TX
November 17-19, 2021 • Live Webcast

Wednesday Evening, Nov. 17, 2021

6:00 pm
In Austin Only

2021 John C. Akard Lecture: 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 John C. Akard Distinguished 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.

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

Thursday Morning, Nov. 18, 2021

Presiding Officer:

In Austin: **Kelli S. Norfleet**, Haynes and Boone, LLP - Houston, TX

Thank You To Our Webcast Sponsor



<p>7:30 am In Austin Only</p>	<p>Registration Opens</p> <p>Includes continental breakfast.</p> <p>Thank You to Our Breakfast Sponsor</p> <p>WHITE & CASE</p>
<p>8:30 am</p>	<p>Welcoming Remarks</p>
<p>8:40 am</p>	<p>29th Annual Conrad B. Duberstein Bankruptcy Moot Court Competition Recognition</p> <p>Professor Jay L. Westbrook introduces the Duberstein Competition Teams.</p> <p><u>Baylor Law School</u> Duberstein National Champions: Alejandra Garcia Castro Caitlin Huettemann Lexi Winter Coach: Professor Larry T. Bates Ms. Deborah M. Perry</p> <p><u>The University of Texas School of Law</u> Duberstein 2nd Place Team: Courtney Cameron Abby Emery (Best Advocate Award) Jill Leslie Aaron Lozano Coaches: Mr. Evan Atkinson Mr. Brian Cumings Ms. Debbie Langehennig Ms. Sophia Makris Mr. Jay Ong Ms. Hannah Roblyer Mr. Jameson Watts</p>
<p>8:50 am 1.00 hr 0.25 hr ethics</p>	<p>Recent Developments - Part I</p> <p>Informative. Fun. Just like opening presents on Christmas morning. The year's most important business and consumer cases.</p> <p>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</p>
<p>9:50 am 1.00 hr</p>	<p>SBRA and Sub Chapter V Update</p> <p>"There and Back Again": An assessment of what aspects of the SBRA and SubChapter V work, and work less well, in bankruptcy.</p> <p>Areya 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</p>

10:50 am	15-Minute Break
11:05 am 0.50 hr	<p>The Use of Market Evidence to Refute or Establish Insolvency in Fraudulent Conveyance Cases</p> <p>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?</p> <p>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 Devin van der Hahn, Quinn Emanuel Urquhart & Sullivan, LLP - Houston, TX</p>
11:35 am 0.75 hr	<p>Winter Storm Uri Lessons Learned and Legislative Updates</p> <p>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.</p> <p>Brooksany Barrowes, Kirkland & Ellis LLP - Washington, DC Kevin Mark Lippman, Munsch Hardt Kopf & Harr, P.C. - Dallas, TX Bruce J. Ruzinsky, Jackson Walker LLP - Houston, TX Materials By: Charles R. Gibbs, McDermott Will & Emery - Dallas, TX</p>
12:20 pm In Austin Only	<p>Lunch On Your Own</p> <p>Related Lunch Event: Please join the Houston and Dallas-Fort Worth IWIRC Networks for a networking lunch at Café Blue from 12:30 p.m. to 1:40 p.m. Space is limited and pre-registration is required in order to attend. Please register by clicking here.</p>
	<p>SPECIAL NOTICE</p> <p>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."</p>

Thursday Afternoon, Nov. 18, 2021

In Austin Only	<p>Thank You to Our Afternoon Coffee Bar Sponsor</p> <div style="text-align: center;">  <p>Parkins Lee & Rubio LLP Attorneys and Counselors at Law</p> </div>
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Business Track**Presiding Officer:****Timothy A. Million**, Husch Blackwell LLP - Houston, TX1:50 pm
0.75 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 pm
0.75 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 pm

10-Minute Break3:30 pm
1.00 hr
0.50 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 pm
0.50 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 pm
In Austin Only**Adjourn to Reception**

In Austin Only

Jay L. Westbrook Bankruptcy Conference Reception

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

Thank You to Our Reception SponsorThe logo for Vinson & Elkins LLP, featuring the company name in a blue serif font with a stylized ampersand.

Consumer Track**Presiding Officer:****Christy Lingafelter Heimer**, Heimer Law Offices P.C. - Austin, TX1:50 pm
0.75 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 pm
0.75 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 pm

10-Minute Break3:30 pm
0.75 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 pm
0.75 hr
0.50 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 pm
In Austin Only**Adjourn to Reception**

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Thursday Evening, Nov. 18, 2021

8:00 pm
In Austin Only

Young Lawyers Committee Annual Evening Reception

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!

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

Friday Morning, Nov. 19, 2021

Presiding Officer:

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

8:00 am
In Austin Only

Conference Room Opens

Includes continental breakfast.

Thank You to Our Breakfast Sponsor



SpencerFane®

8:30 am
1.00 hr
0.25 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 & 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

Hon. Michael M. Parker, U.S. Bankruptcy Court, Western District of Texas - San Antonio, TX

Hon. Joshua P. Searcy, U.S. Bankruptcy Court, Eastern District of Texas - Tyler, TX

9:30 am
0.75 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 am	15-Minute Break
10:30 am 0.75 hr	<p>Preliminary Findings from National Science Foundation Study on Debt & Domestic Violence</p> <p>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.</p> <p>Angela Littwin, The University of Texas School of Law - Austin, TX Cristina Rodriguez, Keeling Law Firm - Houston, TX</p>
11:15 am 0.75 hr	<p>Claim Objections Done Right</p> <p>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.</p> <p>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</p> <p>Panelists: Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX Hon. David R. Jones, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX Hon. Chris López, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX</p>
12:00 pm In Austin Only	<p>Pick Up Lunch</p> <p>Included in registration.</p>

Friday Afternoon, Nov. 19, 2021

Presiding Officer:

Charlie Shelton, Hayward PLLC - Austin, TX

LUNCHEON PRESENTATION

Thank You to Our Luncheon Sponsor



12:30 pm
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

1:30 pm
In Austin Only

40th Anniversary Special Celebration

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

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HAYNES BOONE

1:50 pm
0.50 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 pm
0.75 hr
0.25 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 pm
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 pm

Adjourn