

43<sup>RD</sup> ANNUAL JAY L. WESTBROOK  
**BANKRUPTCY CONFERENCE**



November 21–22, 2024  
Four Seasons Hotel ■ Austin, Texas

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 **Live Webcast November 21–22**

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# 43<sup>RD</sup> ANNUAL JAY L. WESTBROOK BANKRUPTCY CONFERENCE

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*Times listed are in Central Time*

## THURSDAY MORNING, NOV. 21, 2024

### Presiding Officer:

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

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

Includes continental breakfast.

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### 8:10 a.m. Welcoming Remarks

### 8:20 a.m. 1.00 hr | .25 hr ethics

#### Recent Developments - Part I

The year's business and consumer cases: the good, the not so good and those that, quite frankly, are hard to understand. But it's fun to watch us try.

#### 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

### 32<sup>ND</sup> ANNUAL CONRAD B. DUBERSTEIN BANKRUPTCY MOOT COURT COMPETITION RECOGNITION

### 9:20 a.m.

Professor Jay L. Westbrook introduces the Duberstein Competition Teams.

### 9:30 a.m. .75 hr

#### Circuit Splits and Trends

This panel presents a survey and analysis of the splits and accords among the Circuit Courts on key bankruptcy issues, as well as a summary of relevant Supreme Court decisions.

#### Moderator:

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

#### Panelists:

Hon. Christopher G. Bradley, U.S. Bankruptcy Court, Western District of Texas, Austin, TX  
Katherine T. Hopkins, Kelly Hart & Hallman LLP, Fort Worth, TX  
Jay H. Ong, Munsch Hardt Kopf & Harr, P.C., Austin, TX

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

### 10:30 a.m. .75 hr | .25 hr ethics

#### Mass Torts and Existential Threats to Corporate Entities

Mass torts are the most dynamic cases in the country. This panel explores the overarching trajectory of these disputes and the unique complexities. What does the future of mass torts hold? Is the judicial infrastructure capable of meeting the daunting resolution challenge?

Hon. Stacey G. C. Jernigan, U.S. Bankruptcy Court, Northern District of Texas, Dallas, TX  
John H. Beisner, Skadden, Arps, Slate, Meagher & Flom LLP, Washington, DC  
Samir D. Parikh, Wake Forest School of Law, Winston-Salem, NC

### 11:15 a.m. .75 hr | .25 hr ethics

#### What Exactly Does the U.S. Trustee Do?

The mission of the U.S. Trustee is to promote the integrity and efficiency of the bankruptcy system for the benefit of all stakeholders – debtors, creditors, and the public. During this presentation, the panel discusses the U.S. Trustee's role in both consumer and business bankruptcy cases, such as bringing enforcement actions to protect consumer debtors and objecting to third party releases, exculpations, and KEIP/KERPs.

Kevin M. Epstein, Office of the U.S. Trustee, San Antonio, TX  
M. Shane Johnson, Porter Hedges LLP, Houston, TX  
Brendon Singh, Tran Singh LLP, Houston, TX  
Aubrey L. Thomas, Office of the U.S. Trustee, San Antonio, TX

### 12:00 p.m. Pick Up Lunch

Included in registration.

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MCLE

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 12.00 hours, of which 3.00 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), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

## THURSDAY AFTERNOON

### Presiding Officer:

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

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### LUNCHEON PRESENTATION

### 12:30 p.m. .50 hr | .25 hr ethics

#### Detecting Corporate Psychopaths

This presentation discusses the unique characteristics of psychopaths and how their manipulative and deceptive behavior can devastate co-workers and businesses. Tips are provided on how to best interview individuals to detect people with this personal disorder before they are hired.

Kathy Bazoian Phelps, Raines Feldman Littrell LLP, Los Angeles, CA

### 1:00 p.m. 15-Minute Break

#### AFTERNOON COFFEE BAR

1:00 p.m. – 3:30 p.m.

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

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### 1:15 p.m. .75 hr

#### Venue Reform: Legislative Updates and Current Developments

Learn the latest about H.R. 1017 and S. 4095, recent case issues, and potential impacts from current events with insights from Beltway insiders.

#### Moderator:

Eric M. Van Horn, Spencer Fane LLP, Dallas, TX

#### Panelists:

Amy Quackenboss, American Bankruptcy Institute, Alexandria, VA  
Clifford J. White III, Washington, DC

2:00 p.m. .75 hr | .25 hr ethics

### Don't Just Survive, Thrive in Subchapter V

Join this distinguished panel as they walk you through a comparison of chapter 13 and subchapter V, how to select the best option for your client as well as the required steps a practitioner needs to take in order to confirm a subchapter V plan.

Hon. Shad M. Robinson, U.S. Bankruptcy Court,  
Western District of Texas, Austin, TX  
Hon. Eduardo V. Rodriguez, U.S. Bankruptcy Court,  
Southern District of Texas, McAllen, TX  
Brad Wesley Odell, Mullin Hoard & Brown, LLP,  
Lubbock, TX

2:45 p.m. .50 hr

### Merchant Cash Advances: Purchase Agreements or Usurious Loans in Disguise? Analysis & Strategies

Discuss the evolving (and evading) market of merchant cash advances. Review the case law regarding the legal nature of merchant cash advances and their implications in bankruptcy and explore strategies for small business debtors navigating bankruptcy with merchant cash advances.

Robert (Chip) Lane, The Lane Law Firm, LC,  
Houston, TX  
Chrystin Ondersma, Rutgers Law, Newark, NJ

3:15 p.m. 15-Minute Break

3:30 p.m. 1.00 hr ethics

### Ethical Pitfalls in Bankruptcy

Participants in a bankruptcy proceeding, including judges and other professionals, such as lawyers for the parties and for committees, must conform their conduct to certain ethical rules. In some cases these rules are the same as to those prevailing in other legal proceedings and in other cases they are unique to bankruptcy. Explore some of the governing rules, taking notice of recent cases in which they may or may not have been followed.

Hon. Allan L. Gropper, U.S. Bankruptcy Judge,  
Retired, New York, NY  
Jonathan C. Lipson, Temple University - Beasley  
School of Law, Philadelphia, PA

4:30 p.m. .75 hr | .25 hr ethics

### Recent Developments - Part II

If you thought Part I was entertaining, wait till you see what the RDII panel will do next.

**Moderator:**  
Deborah B. Langehennig, Chapter 13 Trustee,  
Austin, TX

**Panelists:**  
Omar J. Alaniz, Reed Smith LLP, Dallas, TX  
Brian T. Cumings, Graves Dougherty Hearon &  
Moody, Austin, TX  
Aaron M. Kaufman, Gray Reed, Dallas, TX  
Cristina Rodriguez, The Office of Tiffany Castro,  
Chapter 13 Trustee, Houston, TX

5:15 p.m. Adjourn to Reception

### JAY L. WESTBROOK BANKRUPTCY CONFERENCE RECEPTION

5:15 p.m. – 6:15 p.m.

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

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FRIDAY MORNING, NOV. 22, 2024

Presiding Officer:

Sean B. Davis, Winstead PC,  
Houston, TX

8:00 a.m. Conference Room Opens

Includes continental breakfast.

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### Concurrent Sessions

**SPECIAL NOTICE: Live Webcast Includes BOTH Tracks.** *The live webcast includes both the Business track and the Consumer track. The materials for both tracks are available in the course materials, and approximately 6-8 weeks after the conference the video recordings from both tracks will be available in "Your Briefcase."*

### BUSINESS TRACK

Presiding Officer:

Sean B. Davis, Winstead PC,  
Houston, TX

8:30 a.m. .75 hr

### Simplifying Complex Cases: Comparing Complex Chapter 11 Procedures Across the Districts

The presentation compares and contrasts the District-specific procedures for complex Chapter 11 cases, with practice tips and lessons learned from recent revisions.

Hon. Michelle V. Larson, U.S. Bankruptcy Court,  
Northern District of Texas, Dallas, TX  
Julie Harrison, Norton Rose Fulbright US LLP,  
Houston, TX  
Natalie Wilson, Langley & Banack, Inc.,  
San Antonio, TX

9:15 a.m. .75 hr

### Hot Topics and Current Issues in Chapter 15 – Views from the Academy and the Bench

As the Model Law on Cross-Border Insolvency marks its 25<sup>th</sup> anniversary, what is working well, and where are the challenges? Is COMI still fit for purpose? And is it time to consider a second-generation framework for recognition in cross-border restructurings?

Hon. Elizabeth S. Stong, U.S. Bankruptcy Court,  
Eastern District of New York, Brooklyn, NY  
Charles D. Booth, University of Hawaii William S.  
Richardson School of Law, Honolulu, HI  
John Pottow, University of Michigan Law School,  
Ann Arbor, MI

10:00 a.m. 10-Minute Break

10:10 a.m. .75 hr | .25 hr ethics

### Independent Directors

Companies facing a restructuring or bankruptcy often engage newly appointed independent directors with extensive experience in restructuring matters to provide independence from existing stakeholders and the benefits of their experience in corporate governance. The panel presents on qualifications, appointment, scope, and importance of independent directors, as well observations from the U.S. Trustee Regions 3 & 9 regarding situations where a debtor may instead benefit from the use of trustees and examiners.

Charles M. Persons, Sidley Austin LLP, Dallas, TX  
Steven J. Pully, Speyside Partners LLC, Dallas, TX  
Andrew R. Vara, Office of the U.S. Trustee,  
Cleveland, OH  
Ray Wallander, Maxwell Bay Advisors, LLC,  
Minneapolis, MN

10:55 a.m. .75 hr

### Taking Stock After Purdue Pharma

Discuss the state of third-party releases, channel injunctions, exculpations, and other issues in light of the Supreme Court's ruling in Purdue Pharma.

Charles A. Beckham Jr., Haynes Boone, LLP, Houston, TX  
Pamela Foohey, University of Georgia School of Law,  
Athens, GA

11:40 a.m. 10-Minute Break

### RELATED EVENT

### YOUNG LAWYERS COMMITTEE ANNUAL EVENING RECEPTION

Thursday, November 21 at 8:00 p.m.

Please join the Young Lawyers Committee of  
the Bankruptcy Law Section.

All are invited to join in the celebration!



## CONSUMER TRACK

### Presiding Officer:

Christy Heimer, Heimer Law Offices P.C.,  
Austin, TX

8:30 a.m. .75 hr

### Brief Refresher/Update on Selling Avoidance Actions

A review of the Fifth Circuit's opinion in *Matter of South Coast Supply Co.*—holding that avoidance actions are property of the bankruptcy estate and can be sold—and a discussion of the various issues addressed and others left unanswered.

Allison D. Byman, Byman & Associates PLLC,  
Pearland, TX  
An Nguyen, U.S. Bankruptcy Court, Western District  
of Texas, Austin, TX

9:15 a.m. .75 hr

### Difficult Valuations: How to Determine Value on Complex Assets?

What happens when you encounter an unusual asset in a consumer case? How do you value partial interests, rights under community property laws, future interests, cryptocurrency, LLCs and other closely held businesses and other complex assets?

Catherine Stone Curtis, McGinnis Lochridge,  
McAllen, TX  
Stephen W. Sather, Barron & Newburger, P.C., Austin, TX

10:00 a.m. 10-Minute Break

10:10 a.m. .75 hr | .25 hr ethics

### Who Appreciates the Increased Value of the Assets More, the Chapter 13 Debtor or a Chapter 7 Trustee After Conversion?

Discuss the nuance of who gets the appreciated value of assets when a chapter 13 case converts to chapter 7. Does the benefit inure to the debtor or should the appreciation be made available to the creditors? Is the code clear, or are we just arguing equity?

**Moderator:**  
Todd Headden, Hayward PLLC, Austin, TX

**Panelists:**  
Andrew Bates, Willkie Farr & Gallagher LLP,  
New York, NY  
Emily Chang, Law Clerk, U.S. Bankruptcy Court,  
Northern District of Texas, Dallas, TX

10:55 a.m. .75 hr

### Modular Bankruptcy - A Consumer Scheme of Arrangement

The scheme of arrangement has been the premiere method of UK restructuring for some time now and has been drawing many U.S. firms to take advantage of its intentionally modular approach where some, but not all, of the debt is restructured. Could the same modularity be imported into the consumer realm? Yes, but not without resolving some serious complexities.

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

11:40 a.m. 10-Minute Break

11:50 a.m. .75 hr | .25 hr ethics

### Liability Management Transactions

Discuss trends and the implications for Chapter 11 cases.

Hon. Chris López, U.S. Bankruptcy Court, Southern  
District of Texas, Houston, TX  
Brian S. Hermann, Paul Weiss, New York, NY  
Zul Jamal, Moelis & Company, New York, NY

12:35 p.m. .75 hr | .25 hr ethics

### Views from the Bench

Our panel of judges discuss the impact of recent decisions, trends and creative attorneys. Are there any specific topics you would like to have the panel address? If so, please submit your questions in advance to [ConferenceQA@utcle.org](mailto:ConferenceQA@utcle.org) or on-site at the conference registration desk.

**Moderator:**  
Deborah D. Williamson, Dykema Gossett PLLC, San  
Antonio, TX

**Panelists:**  
Hon. Christopher G. Bradley, U.S. Bankruptcy Court,  
Western District of Texas, Austin, TX  
Hon. Scott Everett, U.S. Bankruptcy Court, Northern  
District of Texas, Dallas, TX  
Hon. Alfredo R. Pérez, U.S. Bankruptcy Court,  
Southern District of Texas, Houston, TX  
Hon. Brenda T. Rhoades, U.S. Bankruptcy Court,  
Eastern District of Texas, Plano, TX

1:20 p.m. Adjourn

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**Team:** Andrew Bates, Elizabeth Blackford, Emily Chang,  
Grace Darrah, Temi Fayiga, Abby Rogers

**Coaches:** Brian Cumings, Todd Headden, Debbie Langehennig,  
An Nguyen, Jay Ong

## REASONS TO ATTEND

Now in its 43<sup>rd</sup> year, UT Law CLE's **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. This year's day and a half conference provides an in-depth focus on current topics in business and consumer bankruptcy. Program highlights:

- 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 Thursday afternoon, Debbie Langehennig leads a panel for a deeper dive into recent business and consumer cases
- The always popular *Views from the Bench*: Our panel of judges discuss the impact of recent decisions, trends and creative attorneys. Are there any specific topics you would like to have the panel address? If so, please submit your questions in advance to [ConferenceQA@utcle.org](mailto:ConferenceQA@utcle.org) or on-site at the conference registration desk
- Select from Friday morning concurrent tracks:
  - **Business Track** including *Taking Stock After Purdue Pharma*: Discuss the state of third-party releases, channel injunctions, exculpations, and other issues in light of the Supreme Court's ruling in Purdue Pharma.
  - **Consumer Track** including *Modular Bankruptcy - A Consumer Scheme of Arrangement*: The scheme of arrangement has been the premiere method of UK restructuring for some time now and has been drawing many U.S. firms to take advantage of its intentionally modular approach where some, but not all, of the debt is restructured. Could the same modularity be imported into the consumer realm? Yes, but not without resolving some serious complexities.
- Gain insight on Subchapter V; merchant cash advances; venue reform; ethical pitfalls in bankruptcy 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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November 21–22, 2024

**CONFERENCE LOCATION****Four Seasons Hotel**98 San Jacinto Boulevard  
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512.685.8100 (Reservations)**Special Room Rate: \$395–\$445**Good through October 21, 2024  
(subject to availability)Booking details will be included in your  
conference registration email.**Parking:**Please visit [www.utcle.org/conferences/BK24](http://www.utcle.org/conferences/BK24)  
for daily and overnight rates**KEY DATES****November 6, 2024***Last day for early registration rates***November 15, 2024***Last day for full refund cancellation***November 18, 2024***Last day for partial refund cancellation*  
\$50 processing fee applied**November 21, 2024 8:10 a.m., CT***Conference begins***November 22, 2024***Last day to order a printed and shipped course binder  
with in-person or webcast conference registration.***THANK YOU TO OUR SPONSORS****THURSDAY EVENING RECEPTION SPONSOR**

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