

43rd Annual Jay L. Westbrook Bankruptcy Conference
November 21-22, 2024 • Four Seasons Hotel • Austin, TX
November 21-22, 2024 • Live Webcast

Thursday Morning, Nov. 21, 2024

Presiding Officer:

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

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SpencerFane[®]

7:30 am
In Austin Only

Registration Opens

Includes continental breakfast.

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HUNTON
ANDREWS KURTH

8:10 am

Welcoming Remarks

8:20 am
1.00 hr
0.25 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

<p>9:20 am</p>	<p>32nd Annual Conrad B. Duberstein Bankruptcy Moot Court Competition Recognition</p> <p>Professor Jay L. Westbrook introduces the Duberstein Competition Teams.</p> <p><u>The University of Texas School of Law</u> Duberstein National Champions: Andrew Bates Elizabeth Blackford Emily Chang Grace Darrah Temi Fayiga Abby Rogers Coaches: Brian Cumings Debbie Langehennig Jay Ong Todd Headden An Nguyen</p>
<p>9:30 am 0.75 hr</p>	<p>Circuit Splits and Trends</p> <p>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.</p> <p>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</p>
<p>10:15 am</p>	<p>15-Minute Break</p>
<p>10:30 am 0.75 hr 0.25 hr ethics</p>	<p>Mass Torts and Existential Threats to Corporate Entities</p> <p>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?</p> <p>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</p>
<p>11:15 am 0.75 hr 0.25 hr ethics</p>	<p>What Exactly Does the U.S. Trustee Do?</p> <p>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.</p> <p>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</p>
<p>12:00 pm In Austin Only</p>	<p>Pick Up Lunch</p> <p>Included in registration.</p>

Thursday Afternoon, Nov. 21, 2024

Presiding Officer:

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

LUNCHEON PRESENTATION

Thank You to Our Luncheon Sponsor



12:30 pm
0.50 hr
0.25 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 pm

15-Minute Break

Thank You to Our Afternoon Coffee Bar Sponsor (1:00 p.m. - 3:30 p.m.)

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

HAYNES BOONE

1:15 pm
0.75 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

<p>2:00 pm 0.75 hr 0.25 hr ethics</p>	<p>Don't Just Survive, Thrive in Subchapter V</p> <p>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.</p> <p>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</p>
<p>2:45 pm 0.50 hr</p>	<p>Merchant Cash Advances: Purchase Agreements or Usurious Loans in Disguise? Analysis & Strategies</p> <p>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.</p> <p>Robert (Chip) Lane, The Lane Law Firm, LC - Houston, TX Chrystin Ondersma, Rutgers Law - Newark, NJ</p>
<p>3:15 pm</p>	<p>15-Minute Break</p>
<p>3:30 pm 1.00 hr ethics</p>	<p>Ethical Pitfalls in Bankruptcy</p> <p>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.</p> <p>Moderator: Jay L. Westbrook, The University of Texas School of Law - Austin, TX Panelists: Hon. Allan L. Gropper, U.S. Bankruptcy Judge, Retired - New York, NY Jonathan C. Lipson, Temple University - Beasley School of Law - Philadelphia, PA</p>
<p>4:30 pm 0.75 hr 0.25 hr ethics</p>	<p>Recent Developments - Part II</p> <p>If you thought Part I was entertaining, wait till you see what the RDII panel will do next.</p> <p>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</p>
<p>5:15 pm In Austin Only</p>	<p>Adjourn to Reception</p>
<p>In Austin Only</p>	<p>Jay L. Westbrook Bankruptcy Conference Reception (5:15 p.m. - 6:15 p.m.)</p> <p>Join program faculty and attendees for drinks and hors d'oeuvres.</p> <p>Thank You to Our Reception Sponsor</p> <p>Vinson & Elkins LLP</p>

Thursday Evening, Nov. 21, 2024

8:00 pm
In Austin Only

Young Lawyers Committee Annual Evening Reception (8:00 p.m. - 11:00 p.m.)

Please join the **Young Lawyers Committee of the Bankruptcy Law Section**. All are invited to join in the celebration!

[Moonshine](#), 303 Red River St, Austin, TX 78701

Friday Morning, Nov. 22, 2024

Presiding Officer:

Sean B. Davis, Winstead PC - Houston, TX

8:00 am

Conference Room Opens

Includes continental breakfast.

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Business Track

Presiding Officer:

Sean B. Davis, Winstead PC - Houston, TX

8:30 am
0.75 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 am
0.75 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 25th 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 am

10-Minute Break

10:10 am 0.75 hr 0.25 hr ethics	<p>Independent Directors</p> <p>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.</p> <p>Charles Persons, Paul Hastings 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</p>
10:55 am 0.75 hr	<p>Taking Stock After Purdue Pharma</p> <p>Discuss the state of third-party releases, channel injunctions, exculpations, and other issues in light of the Supreme Court’s ruling in Purdue Pharma.</p> <p>Charles A. Beckham Jr., Haynes Boone, LLP - Houston, TX Pamela Foohey, University of Georgia School of Law - Athens, GA</p>
11:40 am	<p>10-Minute Break to Plenary Sessions</p>

Consumer Track

Presiding Officer:

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

8:30 am 0.75 hr	<p>Brief Refresher/Update on Selling Avoidance Actions</p> <p>A review of the Fifth Circuit’s opinion in <i>Matter of South Coast Supply Co.</i>—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.</p> <p>Allison D. Byman, Byman & Associates PLLC - Pearland, TX An Nguyen, U.S. Bankruptcy Court, Western District of Texas - Austin, TX</p>
9:15 am 0.75 hr	<p>Difficult Valuations: How to Determine Value on Complex Assets?</p> <p>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?</p> <p>Catherine Stone Curtis, McGinnis Lochridge - McAllen, TX Stephen W. Sather, Barron & Newburger, P.C. - Austin, TX</p>
10:00 am	<p>10-Minute Break</p>

<p>10:10 am 0.75 hr 0.25 hr ethics</p>	<p>Who Appreciates the Increased Value of the Assets More, the Chapter 13 Debtor or a Chapter 7 Trustee After Conversion?</p> <p>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?</p> <p>Moderator: Todd Headden, Hayward PLLC - Austin, TX</p> <p>Panelists: Andrew Bates, Willkie Farr & Gallagher LLP - New York, NY Emily Chang, Law Clerk, U.S. Bankruptcy Court, Northern District of Texas - Dallas, TX</p>
<p>10:55 am 0.75 hr</p>	<p>Modular Bankruptcy - A Consumer Scheme of Arrangement</p> <p>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.</p> <p>John Pottow, University of Michigan Law School - Ann Arbor, MI</p>
<p>11:40 am</p>	<p>10-Minute Break to Plenary Sessions</p>
<p>11:50 am 0.75 hr 0.25 hr ethics</p>	<p>Liability Management Transactions</p> <p>Discuss trends and the implications for Chapter 11 cases.</p> <p>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</p>
<p>12:35 pm 0.75 hr 0.25 hr ethics</p>	<p>Views from the Bench</p> <p>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 or on-site at the conference registration desk.</p> <p>Moderator: Deborah D. Williamson, Dykema Gossett PLLC - San Antonio, TX</p> <p>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</p>
<p>1:20 pm</p>	<p>Adjourn</p>