

2006

# BANKRUPTCY LITIGATION: Advanced Pre-Trial Practice and Procedure Workshop

Earn Up to 12.50 Hours of Credit Including 2.25 Hours of Ethics Credit  
Specialization Expected for Bankruptcy and Civil Trial Law



February 2-3, 2006

InterContinental Stephen F. Austin Hotel, Austin, Texas

Major Sponsor:  
FTI Consulting, Inc

SPONSORED BY THE STATE BAR OF TEXAS BANKRUPTCY LAW SECTION  
AND THE UNIVERSITY OF TEXAS SCHOOL OF LAW

2006

# BANKRUPTCY LITIGATION:

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### THURSDAY MORNING, FEBRUARY 2, 2006

#### Presiding Officer:

Rhonda R. Chandler, Houston

#### 8:00 a.m. Registration Opens

Includes continental breakfast.

#### 8:50 a.m. Welcoming Remarks

#### 9:00 a.m. 1.25 hr including .75 hr ethics

#### Costly Snags—Casting into Uncharted Waters—Retention, Production and Destruction of Documents

A mock argument on a motion for sanctions arising from alleged spoliation of evidence, the ability to obtain documents from a reorganized debtor (when the cause of action is being prosecuted by a litigation trust) and ongoing jurisdiction of the bankruptcy court to order the discovery.

Hon. Russell F. Nelms, Fort Worth  
Richard M. Roberson, Dallas  
Lynnette R. Warman, Dallas

#### 10:15 a.m. 1.00 hr including 1.00 hr ethics

#### What Happens When We Stop Singing Kumbaya at the Fishing Camp?

A discussion regarding joint interest and joint prosecution agreements when the clients' interests diverge.

Harrel L. Davis III, El Paso  
Clifton R. Jessup, Jr. Dallas

#### 11:15 a.m. Break

#### 11:30 a.m. 1.25 hr including .50 hr ethics

#### Danger Lurks in Uncharted Waters of Expert Testimony—Use of a Prolific Financial Expert as Your Testifying Expert

A mock demonstration of an examination of a financial expert—what is discoverable, what is admissible, and how communications with counsel can make litigation interesting.

Hon. Wesley W. Steen, Houston  
Melanie Gray, Houston  
Kathy D. Patrick, Houston  
Louis E. Robichaux IV, Dallas

#### 12:45 p.m. Networking Box Luncheon

Included in registration fee.

### THURSDAY AFTERNOON

#### Presiding Officer:

Patrick L. Hughes, Houston

#### 2:00 p.m. 1.00 hr

#### When Can You Lead a Witness to Water? Leading on Both the Direct and Cross Examination

This demonstration of a direct and cross-examination of a fact witness will illustrate that, contrary to conventional wisdom, witnesses can be led (sometimes even on direct).

Hon. Jeff Bohm, Houston  
Raymond W. Battaglia, San Antonio  
Marcy E. Kurtz, Houston  
E. Lee Morris, Dallas

#### 3:00 p.m. 1.00 hr

#### Keeping the Catch—Post-Confirmation Jurisdiction and Jurisdiction Over Third Parties

Craig W. Budner, Dallas  
Allan B. Diamond, Houston

#### 4:00 p.m. Break

#### 4:15 p.m. .75 hr

#### Hooking the Catch—Top Ten Issues for the Texas Litigator in DIP/Cash Collateral

Zack A. Clement, Houston  
James J. Lee, Dallas  
William L. Wallander, Dallas

#### 5:00 p.m. .50 hr

#### Q & A Session

Question-and-answer session with today's presenters.

#### 5:30 p.m. Adjourn to Reception

### FRIDAY MORNING, FEBRUARY 3, 2006

#### Presiding Officer:

Allan B. Diamond, Houston

#### 8:30 a.m. .50 hr

#### A License to Fish? Top 5 or 10 Things to Consider about Proofs of Claim

Rhonda R. Chandler, Houston  
Patrick L. Hughes, Houston

#### 9:00 a.m. 1.25 hr

#### Catch and Release—Issues Relating to Approval of Compromises

Observe a client discussion on the process for getting a settlement approved.

Hon. Leif M. Clark, San Antonio  
Elizabeth M. Guffy, Austin  
David R. Jones, Houston

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

#### 10:30 a.m. .75 hr

#### Keeping the Fish on the Line

Drafting the plan and disclosure statement in order to retain and prosecute estate causes of action.

Deborah D. Williamson, San Antonio

#### 11:15 a.m. .75 hr

#### Who Should Be Casting? Third Party Prosecution of Claims via Assignment of Claims to Litigation Trusts, a Committee or Other Third Parties

Observe the arguments regarding a motion to prosecute claims by a committee and the debtor's opposition on the grounds, *inter alia*, that the plan will have a litigation trust or estate representative.

Hon. Steven A. Felsenthal, Dallas  
Robin Russell, Houston  
Eric J. Taube, Austin

#### 12:00 p.m. Lunch on Your Own

## FRIDAY AFTERNOON

### Presiding Officer:

Deborah Williamson, San Antonio

1:15 p.m. 1.00 hr

### When Do You Have to Stop Fishing and Begin Cooking? Proper Use of 2004

#### Examinations Against Potential Defendants

A mock argument on a motion to conduct a 2004 examination of a target defendant in potential litigation. Is a subpoena required and, if so, must it be issued by the target's home court or can it be issued by the bankruptcy judge hearing the bankruptcy case?

Hon. Harlin DeWayne "Cooter" Hale, Dallas  
Elizabeth Freeman, Houston  
Patrick J. Neligan Jr., Dallas

2:15 p.m. 1.00 hr

### Judges Panel

A panel of bankruptcy judges will discuss the following issues:

- Technology—when does it stop being effective and become distracting at trial?
- Rule 9011 in light of the new amendments.
- Handling of pre-trial matters where the reference has been withdrawn—how does it work in the various districts and divisions?
- Use of deposition testimony in trial—do judges want it read into the record, the entire deposition made available, or only excerpts?

Moderator: Charles A. Beckham, Jr., Houston  
Hon. Jeff Bohm, Houston  
Hon. Harlin DeWayne "Cooter" Hale, Dallas  
Hon. Frank R. Monroe, Austin  
Hon. Russell F. Nelms, Ft. Worth  
Hon. Wesley W. Steen, Houston

3:15 p.m. .50 hr

### Q & A Session

Question-and-answer session with today's presenters.

3:45 p.m. Adjourn

## ABOUT THE CONFERENCE

This workshop, brought to you by The University of Texas School of Law, in co-sponsorship with the Bankruptcy Law Section of the State Bar of Texas, includes participation by leading bankruptcy judges and practitioners, and uses a mix of lecture, case study, commentary and live demonstrations to teach optimal pre-trial litigation practice, procedure and decisions. Innovative and informative—you'll leave with tools, techniques and strategies that can help you practice more effectively—right away!

## REGISTRATION FOR BP06

### Mail this registration form to:

The University of Texas School of Law, Attn. BP06

P.O. Box 7759, Austin, TX 78713-7759 **or fax a copy to: (512) 475-6876**

PLEASE PRINT CLEARLY

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Registrant's Email (required) \_\_\_\_\_

Assistant's Email (optional) \_\_\_\_\_

Invoices, confirmations and receipts are emailed to these addresses.

### REGISTRATION

#### Includes Course Binder and Thursday Box Lunch

☐ Early Registration Fee due by Wed. January 25, 2006..... \$450.00

☐ Registration Fee after Wed. January 25, 2006 ..... \$500.00

### CONFERENCE PUBLICATIONS AND MEDIA

Allow 2-4 weeks from conference date for delivery.

☐ Course Binder WITHOUT Conference Registration ..... \$200.00

☐ Audio CD Set ..... \$175.00

☐ eBinder on CD (PDF format) ..... \$200.00/\$50.00

(\$200 purchased alone, \$50 with registration or purchase of Course Binder, Audio CD Set)

**IN-HOUSE CLE:** Bring the conference in-house and learn at your convenience.

Allow 2-4 weeks from conference date for delivery.

☐ In-House CLE for 2—Includes Course Binder ..... \$750.00

\_\_\_\_\_ Add participants (includes Course Binders) for \$200 each ..... \$ \_\_\_\_\_

TOTAL ENCLOSED ..... \$ \_\_\_\_\_

### METHOD OF PAYMENT

☐ Check (make checks payable to: **The University of Texas at Austin**)

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## AUSTIN

February 2-3, 2006

### CONFERENCE LOCATION



#### InterContinental Stephen F. Austin Hotel

701 Congress Avenue  
Austin, TX 78701  
512-457-8800

Special rate \$159

(subject to availability)

good through January 11, 2006

Parking:

Valet—\$8 day, \$17 overnight

Self parking lots nearby

### KEY DATES

#### Registration & Cancellation

January 25, 2006–5 p.m.

*last day for early registration*

add \$50 for registrations  
received after this time

January 27, 2006–5 p.m.

*last day for full refund*

January 30, 2006–5 p.m.

*last day for partial refunds*

\$50 processing fee applied

February 2, 2006–9 a.m.

*conference begins*

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### ABOUT THE COVER



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or call us at

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for more information