

2007

# BANKRUPTCY LITIGATION: Pretrial Practice and Procedure Workshop

*Tools, techniques and strategies for optimal pretrial practice*

Earn Up to 13.00 Hours of Credit Including 1.75 Hours of Ethics Credit  
Specialization Expected for Bankruptcy and Civil Trial Law



February 1-2, 2007

Center for American and International Law  
Plano, TX

Sponsored by:

State Bar of Texas Bankruptcy Law Section

Dallas-Fort Worth Association of Young Bankruptcy Lawyers (DAYBL)

The University of Texas School of Law

2007

# BANKRUPTCY LITIGATION:

## *Pretrial Practice and Procedure Workshop*

February 1-2, 2007 • Center for American and International Law • Plano, Texas

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*Once upon a time, in a land far far away known as Amarillo, Becki Assad opened a small store, catering to the population who believed that every home needed to follow the dictates of feng shui.*

*The concept became immediately successful and Becki quickly expanded into other sophisticated metropolitan areas throughout Texas and Louisiana. However, as time passed, harmony became elusive . . .*

### THURSDAY MORNING, FEBRUARY 1, 2007

#### Presiding Officer:

Charles A. Beckham, Jr., Houston, TX

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

Includes continental breakfast.

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

#### 9:00 a.m. 1.00 hr

##### Ling Energies

Experience a hearing on motion to approve a settlement.

Hon. Jeff Bohm, Houston, TX  
John F. Higgins, Houston, TX  
Henry J. Kaim, Houston, TX

#### 10:00 a.m. 1.00 hr

##### Going With the Flow

Experts—who can prove it up? What are the qualifications? *Daubert* motion to disqualify?

Raymond W. Battaglia, San Antonio, TX  
Hon. Ronald B. King, San Antonio, TX  
Eric B. Terry, San Antonio, TX

#### 11:00 a.m. Break

#### 11:15 a.m. 1.00 hr

##### Losing Qi

This presentation will include alternatives to a trustee including CRO, examiner, and examiner with expanded powers in the context of a motion for appointment of trustee.

Hon. Russell F. Nelms, Fort Worth, TX  
Holland N. O'Neil, Dallas, TX  
Samuel M. "Sam" Stricklin, Dallas, TX

#### 12:15 p.m. Networking Lunch

Included in registration fee.

### THURSDAY AFTERNOON

#### Presiding Officer: Bob Medlin, Dallas, TX

#### 1:30 p.m. 1.00 hr

##### Re-Direct Intrusive Energies

Series of interactive vignettes on exceptions to the hearsay rule, including prior inconsistent statements by a predecessor and hearsay used to impeach.

Rhonda R. Chandler, Houston, TX  
Hon. Leif M. Clark, San Antonio, TX  
Eric J. Taube, Austin, TX

#### 2:30 p.m. 1.00 hr

##### Yin and Yang: How Far Can We Go with Rule 2004?

While some courts restrict the use of Rule 2004 when litigation is pending, others have refused to embrace this judicially created limitation. How far can a debtor or other party in interest go with Rule 2004? Take a peek inside the conference room of debtor's counsel and watch two partners debate the issue and plan their discovery strategy.

Marcy E. Kurtz, Houston, TX  
Robin Russell, Houston, TX

#### 3:30 p.m. Break

#### 3:45 p.m. 1.00 hr

##### Avoid Sharp Angles: You Want Me to Hear What!!!?

Arguments on a motion to dismiss for lack of subject matter jurisdiction.

William R. Greendyke, Houston, TX  
E. Lee Morris, Dallas, TX  
Hon. Richard S. Schmidt, Corpus Christi, TX

#### 4:45 p.m. .50 hr

##### Q & A Session

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

#### 5:15 p.m. Adjourn to Reception

Sponsored by FTI Consulting, Inc honoring Vickie L. Driver, Inaugural President, Dallas-Ft Worth Association of Young Bankruptcy Lawyers (DAYBL).

### FRIDAY MORNING, FEBRUARY 2, 2007

#### Presiding Officer:

Kate Patrick, Dallas, TX

#### 8:30 a.m. 1.00 hr ethics

##### Eliminating Clutter

This presentation will address communications with attorneys on boards of directors, the question of whether outside counsel represented company, officers and/or directors, and the relevant legal and ethical issues.

M. David Bryant, Jr., Dallas, TX  
Hon. H. DeWayne "Cooter" Hale, Dallas, TX  
Lynnette R. Warman, Dallas, TX

#### 9:30 a.m. 1.00 hr including .50 hr ethics

##### Inner-Knowing

First day of hearings on motion to use cash collateral without discovery or a written report, including the ethical implications of the new discovery rules.

Stephanie Anderson, Dallas, TX  
Melanie Gray, Houston, TX  
Kathy D. Patrick, Houston, TX  
Hon. Eugene R. Wedoff, Chicago, IL

#### 10:30 a.m. Break

#### 10:45 a.m. 1.00 hr

##### The Expelling Madra

Rule 26 timing on disclosure of experts in preference actions/burden of proof vs. burden to come forward.

Allan B. Diamond, Houston, TX  
Berry D. Spears, Austin, TX

#### 11:45 a.m. Networking Lunch

Included in registration fee.

### FRIDAY AFTERNOON

#### Presiding Officer: Cheryl S. Camin, Dallas, TX

#### 1:00 p.m. 1.00 hr including .25 hr ethics

##### Reclamation and Other First Day Matters

Sensible and ethical use of first day motions—a toolkit for case solutions.

Hon. Stacey G. C. Jernigan, Dallas, TX  
Richard M. Roberson, Dallas, TX  
William L. Wallander, Dallas, TX

2:00 p.m. 1.00 hr

### Lingering Chi

It's not over yet! Motions for stay pending appeal and motion for leave to appeal.

Cliffon R. Jessup, Jr., Dallas, TX  
Hon. Brenda T. Rhoades, Plano, TX  
Frank J. Wright, Dallas, TX

3:00 p.m. Break

3:15 p.m. 1.00 hr

### Judges Panel

Moderator: Deborah D. Williamson,  
San Antonio, TX

Hon. Jeff Bohm, Houston, TX  
Hon. Leif M. Clark, San Antonio, TX  
Hon. H. DeWayne "Cooter" Hale, Dallas, TX  
Hon. Brenda T. Rhoades, Plano, TX

4:15 p.m. .50 hr

### Q & A Session

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

4:45 p.m. Adjourn

## ABOUT THE CONFERENCE

Cosponsored by the State Bar's Bankruptcy Section and the Dallas-Fort Worth Association of Young Bankruptcy Lawyers (DAYBL), the workshop includes participation by leading bankruptcy judges and practitioners. Using a unique fact pattern and commentary, conference presenters will teach optimal pretrial litigation practice, procedure, and decisions. Ideal for beginning and intermediate lawyers—you'll leave with tools and strategies that can help you practice more effectively right away!

DAYBL consists of bankruptcy practitioners who have less than 10 years of experience in the field or who are under 40 years of age. Activities include social events, mentoring law students, high school programs, and fundraising efforts for scholarships. For more information, email Julie Linares at [linaresj@gtlaw.com](mailto:linaresj@gtlaw.com).

The Bankruptcy Law Section has over 1,200 members in both the business and consumer areas, and includes pro bono activities, the bankruptcy bench/bar conference, the Elliot Cup Moot Court Competition, and many other events related to bankruptcy matters. Visit [www.texasbar.com/bankruptcy](http://www.texasbar.com/bankruptcy) for more information.

## REGISTRATION FOR BP07

### Mail this registration form to:

The University of Texas School of Law, Attn. BP07  
P.O. Box 7759, Austin, TX 78713-7759 **or fax a copy to: (512) 475-6876**

PLEASE PRINT CLEARLY

Bar Card# \_\_\_\_\_ ☐ TX ☐ Other State: \_\_\_\_\_ ☐ N/A

Name [ Mr. / Ms. ] \_\_\_\_\_

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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, Thursday / Friday Lunch and Reception**

☐ Early Registration Fee due by Wed. January 24, 2007 ..... \$475.00

☐ Registration Fee after Wed. January 24, 2007 ..... \$525.00

10% discount for four or more registrants from the same firm—please contact UTCLE at 512-475-6700.

### 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**)

☐ VISA or ☐ Mastercard (sorry, no AMEX or Discover)

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**X** \_\_\_\_\_  
Authorized Signature Exp. Date (mm/yy)

## PLANO

February 1-2, 2007

### CONFERENCE LOCATION



#### The Center for American and International Law

5201 Democracy Drive  
Plano, Texas 75024-3561  
972-244-3400

Parking: complimentary

#### Accommodations:

##### Embassy Suites Hotel

7600 John Q. Hammons Dr.  
Frisco, Texas 75034  
972-712-7200

\$ 169 special rate  
good through January 2, 2007  
Self-Parking: day \$6, overnight \$8  
Valet: day \$12; overnight valet \$14  
complimentary shuttle to conference site

### KEY DATES

#### Registration & Cancellation

January 24, 2007-5 p.m.

*last day for early registration*  
add \$50 for registrations  
received after this time

January 26, 2007-5 p.m.

*last day for full refund*

January 29, 2007-5 p.m.

*last day for partial refunds*  
\$50 processing fee applied

February 1, 2007-9 a.m.

*conference begins*

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is by David Kucko. For  
more information, email  
dkart@sbcglobal.net or  
call 512-331-4948.

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Committee on MCLE in the amount  
of 13.00 hours, of which 1.75 credit  
hours will apply to legal ethics/pro-  
fessional responsibility credit.

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**512-475-6700**  
for more information