

2009 Bankruptcy Litigation: Advanced Pre-Trial Practice and Procedure Workshop

February 5-6, 2009 • • Dallas,

Thursday Afternoon, Feb. 5, 2009

Presiding Officer:

Deborah D. Williamson, Cox Smith Matthews, Inc - San Antonio, TX

	All Thursday sessions will be held at Belo Mansion
12:30 pm	Registration Opens Includes refreshments.
	BANKRUPTCY FUN AND GAMES Presiding Officer: Deborah D. Williamson, Cox Smith Matthews Incorporated - San Antonio, TX
1:30 pm 1.00 hr	Evidence Jeopardy When evidence is the category, the question is always the same - why isn't it admissible? And Alex Trebek won't be the one giving the answers. Henry Flores, Haynes and Boone, LLP - Houston, TX James Jay Lee, Vinson & Elkins LLP - Dallas, TX
2:30 pm	Break
2:45 pm 1.00 hr ethics	Clue (or Clueless) Ethics as an unsolved mystery with the usual suspects (and perhaps a few new ones). Thomas S. Henderson III, Thomas S. Henderson, Attorney At Law - Houston, TX Randall A. Rios, Munsch Hardt Kopf & Harr - Houston, TX
3:45 pm	Break
4:00 pm 1.00 hr	Who Wants to be a Millionaire: Bankruptcy Class Actions Is that your final answer? Are class actions a viable option or just a passing fancy? additional panelist(s) TBA Marcy Hogan Greer, Fulbright & Jaworski LLP - Austin, TX
5:00 pm	Adjourn to Cocktail Reception Please join us at the Belo Mansion to celebrate the election of Honorable Barbara J. Houser as President-elect of the National Conference of Bankruptcy Judges.

Friday Morning, Feb. 6, 2009

Presiding Officers:

Edwin Paul Keiffer, Wright Ginsberg Brusilow PC - Dallas, TX

Deborah B. Langehennig, Chapter 13 Trustee - Austin, TX

Deborah D. Williamson, Cox Smith Matthews, Inc - San Antonio, TX

All Friday sessions will be held at the Cabell Federal Building and Courthouse

Mix and match your sessions! Each session is repeated for your convenience.
All sessions are included in conference registration.

7:30 am

Registration Opens

8:00 am

Courtrooms Open

Please no food or beverage allowed in courtrooms.

Session 1 Courtroom 1

Presiding Officer:

Edwin Paul Keiffer, Wright Ginsberg Brusilow PC - Dallas, TX

8:30 am
1.00 hr

First Day Hearings

Presenting "first day" motions in light of new Bankruptcy Rule 6003: what standard must be met to show immediate and irreparable harm? Is interim approval of employment still available? What about payments to critical vendors and employees? How is rule 6003 viewed by the U.S. Trustees? Does Rule 6003 completely change the playing field or just standardize the procedure already implemented in many courts?

Angela Blandino Degeyter, Vinson & Elkins - Dallas, TX
Hon. H. DeWayne "Cooter" Hale, U.S. Bankruptcy Court, Northern District of Texas - Dallas, TX
John E. Mitchell, Vinson & Elkins, LLP - Dallas, TX
Marcus F. Salitore, Office of the U.S. Trustee - Tyler, TX
Lynnette R. Warman, Hunton & Williams LLP - Dallas, TX

Session 1 Courtroom 2

Presiding Officer:

Deborah D. Williamson, Cox Smith Matthews, Inc - San Antonio, TX

8:30 am
1.00 hr

Plan Mediation

This presentation will solicit audience participation as panelists explore the use of mediation in resolving issues involving plan confirmation.

Vickie L. Driver, Pronske & Patel, P.C. - Dallas, TX
Ronald Hornberger, Plunkett & Gibson - San Antonio, TX
Cameron Winston Kinvig, Hunton & Williams - Dallas, TX
Christopher Marc Nolland, Law Offices Of Christopher Nolland - Dallas, TX
Rakhee Patel, Pronske & Patel, P.C. - Dallas, TX
Daniel J. Sherman, Sherman & Yaquinto - Dallas, TX

Session 1 Courtroom 3

Presiding Officer:

Deborah B. Langehennig, Chapter 13 Trustee - Austin, TX

8:30 am 1.00 hr	<p>Electronic Discovery</p> <p>Listen in as opposing counsel and their respective experts try to reach agreement on a protocol for electronic discovery. When no agreement is reached, follow those lawyers into the courtroom for a hearing on the protocol.</p> <p>Julie E. Grantham, Scarab Consulting - Austin, TX Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX Karon Macdaniel, Advanced Micro Devices, Inc. - Austin, TX Ryan Elliott Manns, Fulbright & Jaworski - Dallas, TX William K. Snyder, Corporate Revitalization Partners, LLC - Dallas, TX</p>
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9:30 am	Break
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Session 2 Courtroom 1

9:45 am 1.00 hr	<p>Credit Bid Issues</p> <p>The Debtor proposes a section 363 or 1123 sale of certain assets. The Lender proposes to make a credit bid. The Committee objects to the credit bid, but on what basis? Is there a bona fide lien contest or an equitable subordination claim? Is this Lender junior and/or undersecured and does that matter? Is there a 506(c) issue? Is skullduggery afoot? What else is in the Committee's kitchen sink? Can the Lender effectively counter and how? Why and when does the Debtor care? What options does the Bankruptcy Court possess? This scenario takes a look at the current substantive and procedural nuances of this timeless fight.</p> <p>Kenneth Stohner Jr., Jackson Walker, L.L.P. - Dallas, TX J. Michael Sutherland, Carrington Coleman Sloman & Blumenthal L - Dallas, TX</p>
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Session 2 Courtroom 2

9:45 am 1.00 hr	<p>Claims Under § 503(b)(9)</p> <p>Presentation to include: the strategic use of and defense against § 503(b)(9) claims, including the creation and valuation of such claims, the interplay between § 503(b)(9) claims and reclamation, and the impact of § 503(b)(9) claims on preference analyses.</p> <p>Michael P. Cooley, Gardere Wynne Sewell LLP - Dallas, TX Richard M. Roberson, Gardere Wynne & Sewell LLP - Dallas, TX</p>
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Session 2 Courtroom 3

9:45 am 1.00 hr	<p>Effective Use of Demonstratives in Opening Statements and Closing Arguments</p> <p>This session will cover techniques and style tips related to the presentation of demonstrative exhibits during opening and closing statements, as well as the use of such exhibits in evidentiary hearings.</p> <p>Ian Taylor Peck, Haynes And Boone, LLP - Fort Worth, TX Hon. Stacey G. C. Jernigan, U.S. Bankruptcy Court, Northern District of Texas - Dallas, TX Jeffrey M. Tillotson, Lynn Tillotson & Pinker LLP - Dallas, TX</p>
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10:45 am	Break
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Session 3 Courtroom 1

11:00 am
1.00 hr

First Day Hearings

Session 3 Courtroom 2

11:00 am
1.00 hr

Plan Mediation

Session 3 Courtroom 3

11:00 am
1.00 hr

Electronic Discovery

Friday Afternoon, Feb. 6, 2009

12:00 pm

Lunch on your Own

Session 4 Courtroom 1

1:30 pm
1.00 hr

Claims Under § 503(b)(9)

Session 4 Courtroom 2

1:30 pm
1.00 hr

Involuntary Bankruptcy (Business)

This program will offer a brief outline of current issues in involuntaries, followed by a presentation which will focus on argument on stipulated facts between counsel for petitioning creditors and counsel for the alleged debtor. Following the presentation of argument, there will be a brief discussion in a panel forum of litigation issues facing counsel when arguing an involuntary.

Mark E. Andrews, Cox Smith Matthews, Inc. - Dallas, TX

Hon. H. DeWayne "Cooter" Hale, U.S. Bankruptcy Court, Northern District of Texas - Dallas, TX

John N. Schwartz, Fulbright & Jaworski - Dallas, TX

Mark W. Wege, King & Spalding - Houston, TX

Session 4 Courtroom 3

1:30 pm 1.00 hr	Use of Deposition Testimony in Direct and Cross-Examination <p>The panel will combine a demonstration and lecture presentation on the effective use of depositions at trial and in hearings. The presentation will focus on common situations involving depositions used for impeachment and for affirmative case-in-chief testimony. Special situations, such as the optional completeness rules, objections, video depositions, editing for trial use, and strategic considerations, as well as the nuts and bolts of proper deposition usage will be covered and demonstrated. The panel will also address how to take a deposition so that it can effectively be used at trial.</p> <p>Patrick L. Hughes, Haynes and Boone, LLP - Houston, TX George H. Tarpley, Cox Smith Matthews Incorporated - Dallas, TX</p>
2:30 pm	Break
Session 5 Courtroom 1	
2:45 pm 1.00 hr	Credit Bid Issues
Session 5 Courtroom 2	
2:45 pm 1.00 hr	Valuation <p>A multimillion dollar fraudulent transfer suit has been filed by the Plan Trustee. The value of the debtor on the transfer date is hotly disputed. Today the Plaintiff's expert takes the stand where he must defend his valuation and valuation methods from attack by both defense counsel and the Judge. The Defendant's Daubert Motion and Plaintiff's Response will be available for your review prior to this afternoon's testimony.</p> <p>Allan B. Diamond, Diamond McCarthy, LLP - Houston, TX J. Michael Hill Jr., Hill Schwartz Spilker Keller LLC - Houston, TX Kyung S. Lee, Diamond McCarthy LLP - Houston, TX Hon. D. Michael Lynn, U.S. Bankruptcy Court, Northern District of Texas - Fort Worth, TX Robin Russell, Andrews Kurth, LLP - Houston, TX</p>
Session 5 Courtroom 3	
2:45 pm 1.00 hr	Effective Use of Demonstratives in Opening Statements and Closing Arguments
3:45 pm	Break
Session 6 Courtroom 1	
4:00 pm 1.00 hr	Valuation
Session 6 Courtroom 2	
4:00 pm 1.00 hr	Involuntary Bankruptcy (Business)

Session 6 Courtroom 3

4:00 pm
1.00 hr

Use of Deposition Techniques in Direct and Cross-Examination

5:00 pm

Conference Adjourns
