

**2006 Consumer Bankruptcy Practice**  
**June 22-23, 2006 • Moody Gardens • Galveston, TX**

**Thursday Morning, June 22, 2006**

**Presiding Officer:**

**Hon. Marvin Isgur**, United States Bankruptcy Court, Southern District of Texas - Houston, TX

8:30 am 0.00 hr 0.25 hr ethics	<p><b>Consumer Bankruptcy Case Law Update</b></p> <p>A review of the major national and Fifth Circuit cases issued in the last year, along with highlights of all significant cases issued by bankruptcy courts, including significant Texas decisions.</p> <p>Steve Jakubowski, The Coleman Law Firm - Chicago, IL</p>
9:15 am 0.75 hr	<p><b>5th Circuit's View of the Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA) and General Bankruptcy Issues</b></p> <p>Judge Jones is the Chief Judge of the Fifth Circuit Court of Appeals. She brings a unique perspective to any analysis of BAPCPA. Judge Jones' and other commissioners' dissents from the National Bankruptcy Review Commission's report supported efforts to reform bankruptcy that were included in the BAPCPA. Judge Jones is expected to provide an overview of the Fifth Circuit and insight with respect to direct appeals under BAPCPA. She has agreed to respond to questions following her talk.</p> <p>Edith Hollan Jones, Fifth Circuit Ct Of Appeals - Houston, TX</p>
10:15 am 1.00 hr	<p><b>Homestead Exemptions and Home Equity Loans</b></p> <p>This session opens with a presentation on the application of new bankruptcy rules to the homestead exemption, including recent judicial opinions. Judge Hale will discuss his recent opinion in the area and opinions from other bankruptcy courts from around the country. The session concludes with a practitioner's discussion on effective strategies dealing with home equity loans.</p> <p>Michael V. Baumer, Attorney at Law - Austin, TX Hon. H. DeWayne "Cooter" Hale, U.S. Bankruptcy Court, Northern District of Texas - Dallas, TX</p>
11:15 am 1.00 hr	<p><b>How to Get Evidence In...Cheaply</b></p> <p>How can a consumer practitioner get evidence admitted without the huge expense of bringing in an expert or other witnesses? This session opens with a presentation by Judge Leif M. Clark on techniques and strategies for avoiding hearsay issues and getting evidence in cheaply. The session follows with commentary and discussion by practitioners and Judge Clark.</p> <p>Diann M. Bartek, Cox &amp; Smith Incorporated - San Antonio, TX Hon. Leif M. Clark, U.S. Bankruptcy Court, Western District of Texas - San Antonio, TX Eduardo V. Rodriguez, Malaise Law Firm - Brownsville, TX</p>

**Thursday Afternoon, June 22, 2006**

**Presiding Officer:**

**Hon. John C. Akard**, US Bankruptcy Judge, Retired - Lubbock, TX

1:15 pm 0.50 hr	<p><b>Nuts and Bolts on What to Do When a New Client Walks In—Beginning a New Consumer Bankruptcy Case</b></p> <p>It's a new world. This session will provide a nuts and bolts description of how to prepare a new client to file a consumer bankruptcy case. The session will deal with a range of issues—from credit counseling, to means testing, to plan confirmation—that must be explained to every new client.</p> <p>Sammy C. Gregory, Lubbock, TX</p>
1:45 pm 1.00 hr	<p><b>Disposable Income, the Means Test, and Chapter 13 Plan Payments</b></p> <p>How do you calculate disposable income? How is disposable income used under BAPCPA? How do CMI and allowed expenses relate to Schedules I and J? How does official form B22 relate to the Chapter 7 Means Test and the calculation of Chapter 13 plan payments?</p> <p>Norma Hammes, GOLD and HAMMES, Attorneys - San Jose, CA</p>
3:00 pm 0.75 hr	<p><b>What Every Bankruptcy Practitioner Needs to Know about Consumer Protection Laws</b></p> <p>This session guides bankruptcy practitioners in spotting common consumer issues and possible remedies under various consumer protection statutes, including the FDCPA, Texas usury laws, TILA, HOEPA, DTPA, UCC, Magnuson-Moss Act, the federal Odometer Act, the federal and state credit repair laws, and others. Specifically issues such as payday loans, title loans, predatory mortgage loans, unfair collection practices, spot deliveries, sales out of trust, undisclosed wrecks, and odometer rollbacks will be discussed.</p> <p>Richard Tomlinson, Houston, TX</p>
3:45 pm 0.00 hr 0.50 hr ethics	<p><b>Barron v. Countryman: The Fifth Circuit's New Opinion on Consumer Bankruptcy Fees</b></p> <p>An academic analysis of the implications of Barron v. Countryman interpretations.</p> <p>Hon. Letitia Z. Clark, United States Bankruptcy Court - Souther - Houston, TX</p>
4:30 pm 0.50 hr	<p><b>New Exceptions to § 362</b></p> <p>There are a number of new exceptions from the § 362 stay. A review of the statutory changes and how they affect practice under BAPCPA. Mr. Turner will provide a detailed review of cases decided under BAPCPA applying the new § 362 exceptions.</p> <p>Steve P. Turner, Barrett Burke Wilson Castle Daffin &amp; Frappier, L.L.P. - Austin, TX</p>
5:00 pm 0.50 hr	<p><b>Technology</b></p> <p>Technology in the office; technology in the courtroom.</p> <p>John J. Durkay, Mehaffy Weber, P.C. - Beaumont, TX Dawn Allane Guilliams, Williams Birnberg &amp; Andersen - Houston, TX</p>

## Friday Morning, June 23, 2006

### Presiding Officer:

**Hon. Marvin Isgur**, United States Bankruptcy Court, Southern District of Texas - Houston, TX

8:30 am 0.00 hr 0.25 hr ethics	<b>Breakfast Breakout Sessions with the Judiciary: New Local Bankruptcy Rules</b>  What's right and what's wrong with our new local procedures, and how to adapt to the new world. Rules for each district will be covered in separate breakout sessions.  Hon. Leif M. Clark, U.S. Bankruptcy Court, Western District of Texas - San Antonio, TX Hon. H. DeWayne "Cooter" Hale, U.S. Bankruptcy Court, Northern District of Texas - Dallas, TX Hon. Marvin Isgur, United States Bankruptcy Court, Southern District of Texas - Houston, TX Bill Parker, United States Bankruptcy Court - Tyler, TX
9:45 am 1.00 hr	<b>Cars—Let Them Eat Steel</b>  Some of the most important changes in BAPCPA concern the treatment of loans secured by automobiles. This session will explore recent case law developments concerning cars, and how the car industry is responding to the dramatic changes in the law.  Lawrence J. Fallon, Semperian/GMAC - Roseville, MN Christopher Naylor, Devlin Naylor & Turbyfill, PLLC - Houston, TX Behrooz P. Vida, Attorney at Law - Bedford, TX
11:00 am 0.50 hr	<b>Federal Tax Issues in Consumer Cases</b>  Chapter 7 and 13 consumer cases are often driven by federal income tax claims. This session will include a case study to highlight practical tips on dealing with IRS.  Hon. John C. Akard, US Bankruptcy Judge, Retired - Lubbock, TX
11:30 am 0.75 hr	<b>Mortgage Payments to Trustee</b>  Benefits and detriments of paying ongoing mortgages through the Chapter 13 trustee. If a court mandates payments through the trustee, what are the appropriate exceptions? When should the trustee seek to require mortgages through the trustee?  Deborah B. Langehennig, Chapter 13 Trustee - Austin, TX Robert B. Wilson, Sims, Hubbert and Wilson - Lubbock, TX

## Friday Afternoon, June 23, 2006

### Presiding Officer:

**Hon. John C. Akard**, US Bankruptcy Judge, Retired - Lubbock, TX

12:30 pm 0.00 hr 1.00 hr ethics	<b>Luncheon Presentation: Ethical Implications Imposed by the New Bankruptcy Legislation</b>  What are the ethical implications of the new law? Can you advise your client to file a repeat bankruptcy case to "stay and delay" if there is not a reasonable chance of success under § 362(c)? What are the contours of completing the means test form? Can you put in deductions so that no presumption arises, and then check the appropriate box that says that you have done so in disagreement with the form's interpretation?  Nelson M. Jones III, Russell Senate Office - Washington, DC Kenneth P. Thomas, William Heitkamp, Ch. 13 Trustee - Houston, TX
---------------------------------------	---

1:45 pm 0.50 hr	<p><b>U.S. Trustee Enforcement Issues</b></p> <p>Law and order MTR (Means Testing Review), bankruptcy fraud, and abuse under sections 707(b)(3) and 727.</p> <p>Albert Loftus, Office of the U.S. Trustee - Dallas, TX</p>
2:15 pm 0.75 hr ethics	<p><b>Some Do's and Don'ts in the Practice of Bankruptcy</b></p> <p>The panel will present vignettes demonstrating practice tips and highlighting ethical issues.</p> <p>Hon. Jeff Bohm, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX  Debra L. Bradberry, Houston, TX  Magdalene Duchamp Conner, Akin Gump Strauss Hauer &amp; Feld LLP - Houston, TX</p>