

# 4<sup>th</sup> Annual Consumer Bankruptcy Practice

## June 19-20, 2008 • Moody Gardens • Galveston, TX

### Thursday Morning, June 19, 2008

**Presiding Officer:**

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

8:00 am	<p><b>Registration Opens</b></p> <p>Includes continental breakfast.</p>
8:30 am 1.25 hrs 0.50 hr ethics	<p><b>Consumer Bankruptcy Case Law Update</b></p> <p>A review of the major national and Fifth Circuit consumer cases in the last year, along with highlights of all significant cases issued by bankruptcy courts, including significant Texas decisions.</p> <p>Jean Braucher, University of Arizona, James E. Rogers College of Law - Tucson, AZ Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX</p>
9:45 am 0.75 hr	<p><b>Winning the Car Case—Moot Court Oral Argument Moot Court Drives to Galveston</b></p> <p>Experienced debtor and creditor attorneys will make appellate arguments dealing with major issues involving cars in consumer bankruptcy. The appellate issue will concern adequate protection and plan treatment of a 910-day car claim by a debtor that claims to be using the car for business purposes. Judge Gargotta will pepper the lawyers with questions during the session and render a surprise decision at the conclusion.</p> <p>Hon. Craig A. Gargotta, U.S. Bankruptcy Judge - W.D. Texas (Austin Division) - Austin, TX William H. Lively Jr., Attorney at Law - Tyler, TX Eduardo V. Rodriguez, Malaise Law Firm - Brownsville, TX</p>
10:30 am	<p><b>Break</b></p>
10:45 am 0.50 hr	<p><b>Cars In a BAPCPA World: Case Law Update and Review</b></p> <p>A summary of key car cases with creditor and debtor counsel highlighting some of their favorites. This won't be a simple case overview. Instead, Ridulfo and Rodriguez will provide an in-depth analysis of the most important car cases from Texas and around the nation.</p> <p>Michael P. Ridulfo, Brown McCarroll, LLP - Houston, TX Eduardo V. Rodriguez, Malaise Law Firm - Brownsville, TX</p>
11:15 am 0.33 hr	<p><b>How To Perfect a Direct Appeal from the Bankruptcy Court to the Fifth Circuit</b></p> <p>With BAPCPA came the potential to prosecute the District Court and file your appeal directly to the Fifth Circuit. This program will take you through the step-by-step procedures that need to be taken in your effort to obtain the Fifth Circuit's approval to take a direct appeal from the bankruptcy court.</p> <p>Aaron James Power, King &amp; Spalding - Houston, TX</p>

11:35 am  
0.75 hr

### **Chapter 13 Trustee Panel**

One Chapter 13 trustee from each of Texas' four districts will serve on this panel. They will discuss current issues in Chapter 13, and practical problems confronted by their offices. At least one-half of this session will be devoted to questions from the audience.

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

David G. Peake, Chapter 13 Trustee - Houston, TX

Moderator:

Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas - Plano, TX

Ronald E. Stadtmueller, Chapter 13 Trustee - Tyler, TX

Tim N. Truman, Chapter 13 Trustee - Fort Worth, TX

## **Thursday Afternoon, June 19, 2008**

### **Presiding Officer:**

**Hon. Marvin Isgur**, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX

12:20 pm

### **Lunch on your Own**

1:30 pm  
1.00 hr

### **Top 5 Practical Problems of B 22 Forms**

Form B22 was revised effective January 1, 2008. However, the revisions have not helped with many of the major problems lawyers confront in completing the form. This session will review the 5 most common errors found on B 22 Forms and how to avoid the errors.

Michael V. Baumer, Attorney at Law - Austin, TX

Dinorah Gonzalez, David G. Peake, Chapter 13 Trustee - Houston, TX

Timothy W. O'Neal, United States Department of Justice, US Trustee - Tyler, TX

2:30 pm  
0.50 hr

### **Exemptions and Exemption Planning**

Debtors need their exemptions. This session will focus on recent exemption decisions by the Fifth Circuit and by Texas State and Federal Courts. How can you claim (and keep) exemptions for your client. A trustee's lawyer talks about how he will attack your claimed exemptions.

David R. Jones, Porter & Hedges - Houston, TX

3:00 pm

### **Break**

3:15 pm  
0.75 hr

### **Discharge**

Why file bankruptcy and not get a discharge? This session will discuss the new requirements for obtaining a Chapter 13 discharge, problems with the new § 524 reaffirmation agreements and more.

Pamela Arnold Bassel, Bassel & Wilcox, P.L.L.C. - Fort Worth, TX

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

Alva Wesley-Thomas, Attorney at Law - Houston, TX

4:00 pm 0.50 hr	<p><b>Bankruptcy Practice for New Lawyers: Expectations, Surprises, Pitfalls and Successes</b></p> <p>This is a great, new session for great, new lawyers. What should a neophyte bankruptcy lawyer expect? Learn from a very capable panel of lawyers, each of whom has practiced bankruptcy for less than 5 years.</p> <p>Rob Colwell, U.S. Bankruptcy Court, Northern District of Texas - Dallas, TX  Layla D. Elzner, Office of the Chapter 13 Trustee - Austin, TX  Yolanda Gutierrez, Keeling Law Firm - Houston, TX  Timothy A. Million, Munsch Hardt Kopf &amp; Harr - Houston, TX  Moderator:  Hon. Bill G. Parker, U.S. Bankruptcy Court, Eastern District of Texas - Tyler, TX  Joshua P. Searcy, Searcy &amp; Searcy, P.C. - Longview, TX</p>
4:30 pm 1.00 hr ethics	<p><b>Bohm's Players on Ethical Issues in Bankruptcy Practice</b></p> <p>A perennial favorite. Judge Bohm and his Summer Interns, Jennifer Bell, Shayla Friesen, Zena Habal, Cameron Hatzel-Treat, Miesha Haynes, Marc Kaplan, Taylor Landry, John Strohmeyer, William Teten Jr., Lytch Turnow, Lyndsay Weber highlight various ethical issues in skit form that practitioners in the trenches actually confront. Always the top review of any seminar in the State!</p> <p>Hon. Jeff Bohm, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX</p>
5:30 pm	<b>Break</b>

## Thursday Evening, June 19, 2008

6:00 pm 2.00 hrs	<p><b>Reception and Buffet at Moody Gardens Aquarium</b></p> <p>All registrants and their families (kids welcome) are invited to a special reception and light buffet dinner with Bankruptcy Judges and other faculty members.</p> <p>Don't miss the unique opportunity to visit the spectacular Moody Gardens Aquarium without the large crowds of summer: the Aquarium will be closed to the public for this special private reception and buffet.</p> <p>This event is casual, fun and flexible: come for a half hour and quick drink, or stay on for two hours and enjoy a buffet dinner with seating throughout the Aquarium.</p> <p><b>RSVP REQUIRED:</b> No additional charge, but you MUST RSVP on the registration form for yourself and guests.</p>
8:00 pm	<b>Reception and Buffet Ends</b>

## Friday Morning, June 20, 2008

### Presiding Officer:

**Hon. Craig A. Gargotta**, U.S. Bankruptcy Judge - W.D. Texas (Austin Division) - Austin, TX

8:30 am 1.00 hr 0.25 hr ethics	<p><b>Breakfast Breakout Sessions with the Judiciary</b></p> <p>One or more judges from each of Texas' four judicial districts will meet and discuss problems of local concern.</p> <p>Hon. Jeff Bohm, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX  Hon. Craig A. Gargotta, U.S. Bankruptcy Judge - W.D. Texas (Austin Division) - Austin, TX  Hon. H. DeWayne "Cooter" Hale, U.S. Bankruptcy Court, Northern District of Texas - Dallas, TX  Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX  Hon. Bill G. Parker, U.S. Bankruptcy Court, Eastern District of Texas - Tyler, TX  Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas - Plano, TX  Hon. Wesley W. Steen, United States District Court, Southern District of Texas - Houston, TX</p>
9:30 am	<b>Break</b>
9:45 am 0.75 hr	<p><b>Houses: Unscrambling Mortgage Lenders and Servicers</b></p> <p>In this session, Judge Clark discusses how the pooling and syndication of mortgage securities has made it much more difficult to find the "holder in due course" of note obligations and work with servicers who are reluctant to make modifications in loan terms—as well as the ways practitioners' and courts' have attempted to deal with these problems. The session concludes with a discussion of the duties of creditors' counsel after the <i>Parsley decision</i>, including obligation of servicers to establish which months were default months, the correct use or application of suspense accounts and the like, the explanation for "additional charges" and the proper maintenance and application of escrow accounts.</p> <p>William R. Greendyke, Fulbright &amp; Jaworski L.L.P. - Dallas, TX  Mark A. Weibel, Fulbright &amp; Jaworski - Dallas, TX</p>
10:45 am 1.00 hr	<p><b>Houses: Key Issues and Case Law Developments In Bankruptcy</b></p> <p>This session provides an outline, analysis and commentary on key issues in case law developments involving houses in Chapter 13. Issues addressed include: 522 litigation involving capping the homestead exemption, state law and foreclosure, adjustable rate issues, fee collection by lenders, remedies and discovery. This session provides practical advice and strategies for effective discovery.</p> <p>Moderator:  Hon. Douglas D. Dodd, United States Bankruptcy Court, Middle District of Louisiana - Baton Rouge, LA  Gwendolyn E Hunt, Attorney at Law - Dallas, TX  Brendetta Anthony Scott, Hughes Watters &amp; Askanase - Houston, TX</p>
11:45 am 0.75 hr	<p><b>The Burden of Proof and Proof of Claim</b></p> <p>Just how prima facie is it? Developing case law and practical tips on what needs to be in a proof of claim to avoid challenges. What is the presumptive validity of an improperly filed proof of claim? How do you introduce the proof of claim into evidence?</p> <p>a. New Form  b. Documents to Attach  c. Fees  d. Who Signs?  e. Payment Histories</p> <p>Kelly Gill, McMahon Surovik Suttle P.C. - Abilene, TX  John D. Sheehan, Becket &amp; Lee LLP - Malvern, PA  Behrooz P. Vida, Attorney at Law - Bedford, TX</p>

## Friday Afternoon, June 20, 2008

### Presiding Officer:

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

12:30 pm	<b>Pick up Box Lunch</b>  Included in conference registration.
12:45 pm 0.50 hr	<b>View From the Bench: Effective Practice in Bankruptcy Court, What I See and What I'd Like to See</b>  Newly appointed Federal Bankruptcy Judge, who practiced for 17 years before his 2007 appointment as United States Bankruptcy Judge for the Western District of Texas, shares his insights on the behavior, strategies, and practices of lawyers who appear before him and what types of practices are effective in his courtroom.  Hon. Craig A. Gargotta, U.S. Bankruptcy Judge - W.D. Texas (Austin Division) - Austin, TX
1:15 pm	<b>Break</b>
1:30 pm 0.75 hr	<b>Representing and Dealing with Chapter 7 Trustees</b>  A panel of experienced Chapter 7 trustees discuss how to navigate through a Chapter 7. Discussion will include how to prepare for the § 341 meeting of creditors, how to obtain a Chapter 7 discharge, and how to preserve your exemptions.  Moderator: Rick Carter, Carter & James PLLC - Houston, TX Rhonda R. Chandler, Hughes Watters Askansasase - Houston, TX Kent Ries, Attorney at Law - Amarillo, TX Jason R. Searcy, Jason R. Searcy & Associates, P.C. - Longview, TX
2:15 pm	<b>Adjourn</b>