

5TH ANNUAL
**CONSUMER BANKRUPTCY
PRACTICE**

Practical solutions to the tough questions facing consumer bankruptcy practitioners



August 13 – 14, 2009
Moody Gardens Hotel ▪ Galveston, Texas

Summer Conference Series—Informal and Informative

Earn up to 14.25 Hours of Credit including 3.25 Hours of Ethics Credit
Specialization Credit Approved for Bankruptcy and Consumer Law

5TH ANNUAL
CONSUMER BANKRUPTCY PRACTICE

August 13–14, 2009 • Moody Gardens Hotel • Galveston, Texas

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THURSDAY MORNING, AUG. 13, 2009

Presiding Officer:
Hon. H. DeWayne "Cooter" Hale, Dallas, TX

7:30 a.m. Registration Opens

Includes continental breakfast.

8:15 a.m. Welcoming Remarks

8:30 a.m. 1.00 hr including .50 hr ethics

Consumer Bankruptcy Case Law Update

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.

Hon. William H. Brown, Carbondale, CO
Gerrit M. Pronske, Dallas, TX

9:30 a.m. .75 hr

Small Business Bankruptcies

Chapter 11 considerations for small business debtors whose debt is primarily consumer and exceeds 109(e).

Moderator:

Stephanie D. Curtis, Dallas, TX

Panelists:

Mark Adam Castillo, Dallas, TX
C.D. Shamburger Jr., Dallas, TX

10:15 a.m. Break

10:30 a.m. .50 hr

View from the Fifth Circuit: Consumer Bankruptcy and More

Chief Judge Edith Jones reviews direct appeals and recent bankruptcy decisions and informs us of the State of the Circuit.

Hon. Edith H. Jones, Houston, TX

11:00 a.m. .50 hr

Everything You Ever Wanted to Know About Reaffirmations... and Then Some

Coverage of when you should and shouldn't reaffirm, when are you required to reaffirm, whether there is a 4th option in the Fifth Circuit, reaffirming real v. personal property, undue hardship, reaffirming home equity loans, and more.

Edgar J. Borrego, El Paso, TX

11:30 a.m. .75 hr

Loan Modifications

Forget about a change in the statute. How can you get lenders to voluntarily modify a loan in Chapter 13?

Mary Adell Daffin, Addison, TX
Johnnie J. Patterson II, Houston, TX

THURSDAY AFTERNOON

Presiding Officer:
Hon. Marvin Isgur, Houston, TX

LUNCH WITH THE JUDGES

12:15 p.m. Pick up Box Lunch

Included in conference registration fee.

12:30 p.m. 1.00 hr including .50 hr ethics

What Judges Want to See from Lawyers

An interactive session between judges and lawyers in which one judge from each Texas district gives the real skinny on what judges need from you.

Moderator:

Hon. Jeff Bohm, Houston, TX

Panelists:

Hon. Craig A. Gargotta, Austin, TX
Hon. H. DeWayne "Cooter" Hale, Dallas, TX
Hon. Marvin Isgur, Houston, TX
Hon. Brenda T. Rhoades, Plano, TX

1:30 p.m. Break

1:45 p.m. .83 hr

Chapter 13 Trustee Panel

A panel comprised of Chapter 13 trustees from each of Texas' four districts reviews current issues in Chapter 13 and practical problems confronted by their offices. A minimum of twenty-five minutes devoted to questions from the audience.

Moderators:

Hon. Craig A. Gargotta, Austin, TX
Hon. Marvin Isgur, Houston, TX

Panelists:

Janna Countryman, Plano, TX
Stuart C. Cox, El Paso, TX
William E. Heitkamp, Houston, TX
Thomas D. Powers, Fort Worth, TX

2:35 p.m. .75 hr

The Intersection of Bankruptcy and Family Law

A renowned family law attorney and an equally capable debtor's attorney discuss with Judge Bohm various issues that overlap family law proceedings and bankruptcy.

Moderator:

Hon. Jeff Bohm, Houston, TX

Panelists:

J. D. Bucky Allshouse, Houston, TX
Matthew Brian Probus, Sugar Land, TX

3:20 p.m. Break

3:35 p.m. .50 hr

Intersection of Bankruptcy Law and Personal Injury Claims

Personal injury suits which are not mentioned in the Schedules create problems for the estate, trustee, the debtor, the personal injury attorney and the debtor's attorney, sometimes with very serious consequences. The panel discusses the importance of confirming whether the debtor has a personal injury claim, what can happen if it is not listed, and potential cures.

Moderator:

Hon. Jeff Bohm, Houston, TX

Panelists:

Deirdre Carey Brown, Houston, TX
Rodney Tow, The Woodlands, TX

4:05 p.m. 1.50 hrs ethics

Skits Regarding Ethical Issues in Bankruptcy

An entire cast of interns, practice lawyers, and a judge put on what will hopefully be an Oscar® winning performance.

Moderators:

Hon. Jeff Bohm, Houston, TX
Rick Carter, Houston, TX
Stephanie E. Kaiser, Austin, TX
Brendetta Anthony Scott, Houston, TX

Interns:

Amanda Bandini, South Texas College of Law
Gregory Bell, South Texas College of Law
Kyle Bryant, Texas Tech Law School
Jim Cole, University of Houston Law Center
Carey Hain, South Texas College of Law
Miesha Haynes, Thurgood Marshall School of Law
Gregory Lemack, South Texas College of Law
Aaron Longoria, South Texas College of Law
Blake Luecke, South Texas College of Law
Joseph Miller, University of Iowa
Brian Pidcock, South Texas College of Law
Robert Rhodes, Emory University School of Law
Megan Roark, South Texas College of Law
Margaret Tung, Texas Tech Law School
Aadaeze Ugwu, Vanderbilt Law School
Jameson Watts, University of Houston Law Center
Alyssia Woodward, University of Houston Law Center
Johnathan Yazdani, University of Houston Law Center

5:35 p.m. Adjourn

7:00 p.m.

Reception and Buffet Dinner at Moody Gardens Aquarium

9:00 p.m. Reception and Dinner Ends

RECEPTION AND
BUFFET DINNER AT
MOODY GARDENS
AQUARIUM

All registrants and their families (kids welcome) are invited to a special Reception and Buffet Dinner with bankruptcy judges and other faculty members. We will not run out of food this year!

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 Dinner.

This event is casual, fun and flexible—come for a half hour and a quick drink, or stay on for two hours and enjoy a Buffet Dinner with seating throughout the Aquarium. Food will be in abundance, we promise!

SEPARATE REGISTRATION REQUIRED: \$10 per person, please see registration form to purchase.



Presiding Officer:
Hon. Craig A. Gargotta, Austin, TX

Breakfast Breakout Sessions with the Judiciary

8:30 a.m. 1.00 hr including .25 hr ethics

Complaints Lawyers Have to Judges

One or more judges from each of Texas' four judicial districts meet with attendees and discuss problems of local concern.

- Hon. Jeff Bohm, Houston, TX
- Hon. Craig A. Gargotta, Austin, TX
- Hon. H. DeWayne "Cooter" Hale, Dallas, TX
- Hon. Marvin Isgur, Houston, TX
- Hon. Brenda T. Rhoades, Plano, TX

9:30 a.m. Break

9:45 a.m. .75 hr

Do Notice and Payment Application Provisions for Mortgage Creditors in a Chapter 13 Plan Violate the Anti-Modification Provision of §1322(b)(2)?

An oral argument between Tara Twomey and Bill Greendyke: Ms. Twomey argues that plan provisions and local rules related to how mortgage creditors apply plan payments and notice post-petition fees are not only permissible, but necessary to the effective administration of the case. Mr. Greendyke argues that the anti-modification of §1322 prohibits bankruptcy courts from requiring mortgage creditors to notice fees or apply plan payments in a manner inconsistent with the mortgage loan documents and the lender's discretion under those documents.

- William R. Greendyke, Dallas, TX
- Tara Twomey, Boston, MA

10:30 a.m. Break

10:45 a.m. .50 hr

Intake

So, you wanna file bankruptcy, do you?

- Lisa A. Cockrell, Houston, TX
- Yolanda Gutierrez, Houston, TX

11:15 a.m. 1.00 hr

Means Test: The 150 Most Common Violations

How do you do it right?

- Michael V. Baumer, Austin, TX

Presiding Officer:
Hon. Brenda T. Rhoades, Plano, TX

LUNCHEON PRESENTATION

12:15 p.m. Pick up Box Lunch

Included in conference registration fee.

12:30 p.m. .50 hr ethics

Ethical Issues in Consumer Bankruptcy Cases

A bankruptcy judge and law clerk discuss some common ethical issues which arise in consumer bankruptcy cases and offer practical solutions.

- Hon. H. DeWayne "Cooter" Hale, Dallas, TX
- Rob Colwell, Dallas, TX

1:00 p.m. Break

1:15 p.m. .50 hr

Hanging Paragraph Issues

Negative equity, personal use of the debtor and surrender in satisfaction.

- Michael P. Ridulfo, Houston, TX

1:45 p.m. .83 hr

Representing and Dealing with Chapter 7 Trustees

A panel of experienced Chapter 7 trustees discuss how to navigate through a Chapter 7. Discussion includes top 10 Chapter 7 issues and the ways to get the Chapter 7 trustees to pay unwanted attention to your case.

Moderators:

- Hon. Craig A. Gargotta, Austin, TX
- Hon. Brenda T. Rhoades, Plano, TX

Panelists:

- Christopher J. Moser, Dallas, TX
- C. Daniel Roberts, Austin, TX
- Daniel J. (Corky) Sherman, Dallas, TX
- Ronald J. Sommers, Houston, TX

2:35 p.m. .50 hr

Homestead Case Law Review

On the home front: recent Texas homestead case law with a discussion of the practical concerns debtors, creditors and trustees should consider regarding exemptions, extraterritorial issues, homestead sale proceeds, home equity loans and more.

- Deirdre Carey Brown, Houston, TX

3:05 p.m. .50 hr

Hale v. Isgur: Homestead Appellate Argument

Isgur is appellant's counsel challenging a Hale homestead opinion. Hale represents the appellee. Gargotta and Rhoades serve as Fifth Circuit judges. Rhoades and Gargotta may need some big gavels to keep control of this smackdown in Galveston.

- Hon. H. DeWayne "Cooter" Hale, Dallas, TX
- Hon. Marvin Isgur, Houston, TX

Commentators:

- Hon. Craig A. Gargotta, Austin, TX
- Hon. Brenda T. Rhoades, Plano, TX

3:35 p.m. Adjourn

CONFERENCE FACULTY

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Chapter 13 Trustee
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Southern District of Texas
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National Consumer Law Center
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ABOUT THE COVER



Shrimp Boat Reflections, 16" x 12" oil on panel, is by Laurel Daniel. For more information, contact the Davis Gallery at www.davisgalleryaustin.com or the artist at www.laureldaniel.com

HOW TO REGISTER

Mail your registration to:

The University of Texas
School of Law
Attn. CLE—CK09
P.O. Box 7759
Austin, TX 78713-7759

Or fax to:
512-475-6876

Or register online:
www.utcle.org

Questions? Call us at 512-475-6700

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Mail this registration form to:

The University of Texas School of Law, Attn. CLE—CK09
P.O. Box 7759, Austin, TX 78713-7759 or fax a copy to: (512) 475-6876

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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 and Friday Box Lunch Presentations

- Early Registration Fee due by August 5, 2009 \$515.00
- Registration Fee after August 5, 2009..... \$565.00

THURSDAY RECEPTION AND BUFFET DINNER AT AQUARIUM: SEPARATE REGISTRATION REQUIRED

All registrants and families (kids welcome) are invited to a special Reception and Buffet Dinner.

\$10 per person. Please RSVP for yourself. Circle the number of guests:

- [] I will attend the Reception and Buffet Dinner \$10.00
- [] Add guests: 1 2 3 4 5 x \$10/each \$_____

CONFERENCE PUBLICATIONS AND MEDIA

Allow 2-4 weeks from the conference date for delivery.

- Course Binder Without Conference Registration \$250.00
Note: Conference registration includes Course Binder.
- Audio CD Set \$175.00
- eBinder on CD (PDF format) \$250.00/\$50.00
(\$250 purchased alone, \$50 with registration or purchase of Course Binder or Audio CD Set)

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

Allow 2-4 weeks from the conference date for delivery.

- In-House CLE for 2—Includes Audio CD Set and Course Binder \$800.00
- _____ Add participants (includes Course Binder) for \$250 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)

Card number - - -

X _____
Authorized Signature

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Conference registrants with online accounts have access to all

- PowerPoint presentations and
- late papers

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School of Law

E-mail us at

utcle@law.utexas.edu

or call us at

512-475-6700

for more information

GALVESTON

August 13–14, 2009

CONFERENCE LOCATION



Moody Gardens Hotel
Seven Hope Blvd.
Galveston, TX 77554
888-388-8484

Special Room Rate: \$160
good through July 22, 2009
(subject to availability)

Rooms sell out quickly—please reserve early!

Free Self-Parking

KEY DATES

August 5, 2009, 5 p.m.
last day for early registration
add \$50 for registrations
received after this time

August 7, 2009, 5 p.m.
last day for full refund

August 10, 2009, 5 p.m.
last day for partial refunds
\$50 processing fee applied

August 13, 2009, 8:30 a.m.
conference begins

August 13, 2009, 7 p.m.
Reception and Buffet Dinner at Aquarium

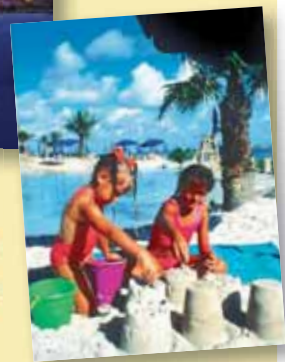


MOODY GARDENS AND GALVESTON

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as hotel rooms sell out quickly!



**MOODY GARDENS
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PRIVATE AQUARIUM RECEPTION AND BUFFET DINNER

All conference registrants have 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 a special Reception and Buffet Dinner on Thursday evening.

And, enjoy the many other attractions of Moody Gardens and Galveston Island: the Discovery and Rainforest pyramids, IMAX 3D theater, the Strand, Schlitterbahn Water Park, and great seafood restaurants.

**M
C
L
E**

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 14.25 hours, of which 3.25 credit hours will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944).