

5th Annual Consumer Bankruptcy Practice

August 13-14, 2009 • Moody Gardens • Galveston, TX

Thursday Morning, Aug. 13, 2009

Presiding Officer:

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

7:30 am	Registration Opens Includes continental breakfast.
8:15 am	Welcoming Remarks
8:30 am 1.00 hr 0.50 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, U.S. Bankruptcy Court (Ret.) - Carbondale, CO Gerrit M. Pronske, Pronske & Patel, P.C. - Dallas, TX
9:30 am 0.75 hr	Small Business Bankruptcies Chapter 11 considerations for small business debtors whose debt is primarily consumer and exceeds 109(e). Moderator: Stephanie D. Curtis, The Curtis Law Firm PC - Dallas, TX Panelists: Mark Adam Castillo, The Curtis Law Firm PC - Dallas, TX Panelists: C.D. Shamburger Jr., XIT Solution, LLC - Dallas, TX
10:15 am	Break
10:30 am 0.50 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, Fifth Circuit Court of Appeals - Houston, TX
11:00 am 0.50 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 5th Circuit, reaffirming real v. personal property, undue hardship, reaffirming home equity loans, and more. Edgar J. Borrego, Tanzy & Borrego - El Paso, TX Stephen G. Wilcox, Bassel & Wilcox, P.L.L.C. - Fort Worth, TX

11:30 am 0.75 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, Barrett Burke Wilson Castle Daffin & Frappier, L.L.P. - Addison, TX Johnie J. Patterson II, Walker & Patterson - Houston, TX
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Thursday Afternoon, Aug. 13, 2009

Presiding Officer:

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

	LUNCH WITH THE JUDGES
12:15 pm	Pick up Box Lunch Included in conference registration fee.
12:30 pm 1.00 hr 0.50 hr ethics	What Judges Want to See from Lawyers An interactive session between lawyers and judges in which one judge from each Texas district gives the real skinny on what judges need from you. Moderator: Hon. Jeff Bohm, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX Panelists: Hon. Craig A. Gargotta, U.S. Bankruptcy Court, Western District of Texas - Austin, TX Panelists: Hon. H. DeWayne "Cooter" Hale, U.S. Bankruptcy Court, Northern District of Texas - Dallas, TX Panelists: Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX Panelists: Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas - Plano, TX
1:30 pm	Break
1:45 pm 0.83 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, U.S. Bankruptcy Court, Western District of Texas - Austin, TX Moderators: Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX Panelists: Janna Countryman, Chapter 13 Trustee - Plano, TX Panelists: Stuart C. Cox, Chapter 13 Trustee - El Paso, TX Panelists: William E. Heitkamp, Chapter 13 Trustee - Houston, TX Panelists: Thomas D. Powers, Harris Finley & Bogle - Fort Worth, TX

2:35 pm 0.75 hr	<p>The Intersection of Bankruptcy and Family Law</p> <p>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.</p> <p>Moderator: Hon. Jeff Bohm, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX</p> <p>Panelists: J. D. Bucky Allshouse, J.D. Bucky Allshouse, P.C. - Houston, TX</p> <p>Panelists: Matthew Brian Probus, Wauson Probus - Sugar Land, TX</p>
3:20 pm	<p>Break</p>
3:35 pm 0.50 hr	<p>Intersection of Bankruptcy Law and Personal Injury Claims</p> <p>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.</p> <p>Moderator: Hon. Jeff Bohm, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX</p> <p>Panelists: Deirdre Carey Brown, McGinnis, Lochridge & Kilgore, L.L.P. - Houston, TX</p> <p>Panelists: Rodney Tow, Tow & Koenig PLLC - The Woodlands, TX</p>

4:05 pm 1.50 hrs ethics	<p>Skits Regarding Ethical Issues in Bankruptcy</p> <p>An entire cast of interns, practice lawyers, and a judge put on what will hopefully be an Oscar-winning performance.</p> <p>Interns:</p> <p>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 Caroline Maida, 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 Adaeze 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</p> <p>Moderators:</p> <p>Hon. Jeff Bohm, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX</p> <p>Moderators:</p> <p>Rick Carter, Carter & James PLLC - Houston, TX</p> <p>Moderators:</p> <p>Stephanie E. Kaiser, McGinnis, Lochridge & Kilgore, L.L.P. - Austin, TX</p> <p>Moderators:</p> <p>Brendetta Anthony Scott, Hughes Watters & Askanase - Houston, TX</p>
5:35 pm	Adjourn

Thursday Evening, Aug. 13, 2009

7:00 pm 2.00 hrs	<p>Reception/Dinner at Aquarium-RSVP for yourself and guests (Not included in Conference Registration)</p> <p>All registrants and their families (kids welcome) are invited to a special reception and 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. Food will be in abundance, we promise!</p> <p>RSVP REQUIRED: \$10 per person, please RSVP on the registration form for yourself and guests.</p>
9:00 pm	Reception and Dinner Ends

Friday Morning, Aug. 14, 2009

Presiding Officer:

Hon. Craig A. Gargotta, U.S. Bankruptcy Court, Western District of Texas - Austin, TX

	Breakfast Breakout Sessions with the Judiciary
8:30 am 1.00 hr 0.25 hr ethics	Complaints Lawyers Have to Judges One or more judges from each of Texas' four judicial districts will meet with attendees and discuss problems of local concern. Hon. Jeff Bohm, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX Hon. Craig A. Gargotta, U.S. Bankruptcy Court, Western District of Texas - 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. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas - Plano, TX
9:30 am	Break
9:45 am 0.75 hr	Do Notice and Payment Application Provisions for Mortgage Creditors in a Chapter 13 Plan Violate the Anti-Modification Provision of Section 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 Section 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, Fulbright & Jaworski L.L.P. - Dallas, TX Katherine Porter, University of Iowa College of Law - Iowa City, IA
10:30 am	Break
10:45 am 0.50 hr	Intake So, you wanna file bankruptcy, do you? Lisa A. Cockrell, Codilis & Stawiarski, PC - Houston, TX Yolanda Gutierrez, Keeling Law Firm - Houston, TX
11:15 am 1.00 hr	Means Test—The 150 Most Common Violations How do you do it right? Michael V. Baumer, Attorney at Law - Austin, TX

Friday Afternoon, Aug. 14, 2009

Presiding Officer:

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

	LUNCHEON PRESENTATION
12:15 pm	Pick up Box Lunch Included in conference registration fee.
12:30 pm 0.50 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. Rob Colwell, U.S. Bankruptcy Court, Northern District of Texas - Dallas, TX Hon. H. DeWayne "Cooter" Hale, U.S. Bankruptcy Court, Northern District of Texas - Dallas, TX
1:00 pm	Break
1:15 pm 0.50 hr	Hanging Paragraph Issues Negative equity, personal use of the debtor and surrender in satisfaction. Michael P. Ridulfo, Brown McCarroll, LLP - Houston, TX
1:45 pm 0.83 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 the top ten ways to get the Chapter 7 Trustee to pay unwanted attention to your case and top ten Chapter 7 issues. Moderators: Hon. Craig A. Gargotta, U.S. Bankruptcy Court, Western District of Texas - Austin, TX Moderators: Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas - Plano, TX Panelists: Christopher J. Moser, Quilling Selander Cummiskey & Lownds - Dallas, TX Panelists: C. Daniel Roberts, C.Daniel Roberts & Associates - Austin, TX Panelists: Daniel J. (Corky) Sherman, Sherman & Yaquinto - Dallas, TX Panelists: Ronald J. Sommers, Nathan Sommers Jacobs - Houston, TX
2:35 pm 0.50 hr	Homestead Case Law Review On the home front. Recent case law you want to know about Texas homesteads 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, McGinnis, Lochridge & Kilgore, L.L.P. - Houston, TX

3:05 pm
0.50 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.

Commentators:

Hon. Craig A. Gargotta, U.S. Bankruptcy Court, Western District of Texas - 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

Commentators:

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

3:35 pm

Adjourn