

6TH ANNUAL

CONSUMER BANKRUPTCY PRACTICE

Practical solutions to the tough questions facing consumer bankruptcy practitioners



August 12–13, 2010
Moody Gardens Hotel ▪ Galveston, Texas

Summer Conference Series: Informal and Informative

Earn up to 13.75 Hours of Credit including 3.25 Hours of Ethics Credit
Specialization Credit Approved for Bankruptcy Law, and Consumer and Commercial Law

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THURSDAY MORNING, AUG. 12, 2010

Presiding Officer:

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

7:30 a.m. Registration Opens

Includes continental breakfast.

8:20 a.m. Welcoming Remarks

8:30 a.m. .67 hr

The Big Four: 2010 U.S. Supreme Court Consumer Bankruptcy Cases

An outline and analysis of four key bankruptcy cases, including the Supreme Court's initial encounters with BAPCPA.

Jean Braucher, University of Arizona, James E. Rogers College of Law, Tucson, AZ

9:10 a.m. 1.00 hr

2010 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.

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

10:10 a.m. Break

10:25 a.m. 1.00 hr

Hearsay Heresy: Understanding How to Get Your Evidence Admitted

Skilled practitioners argue over the admission of evidence under exceptions to the hearsay rule, the audience calls the shots on admissibility by voting with transponders, and Judge Hale explains the errors made by all. A great interactive session on how consumer lawyers can utilize the business records exception to get evidence into the record—and how to keep it out. A valuable, real-time argument which exposes the differences between authenticity and admissibility under the hearsay rule. Other tips—all in the 800 series of the Federal Rules of Evidence.

Moderators:

Hon. H. Dewayne "Cooter" Hale, U.S. Bankruptcy Court, Northern District of Texas, Dallas, TX
Gerald R. Powell, Baylor Law School, Waco, TX

Panelists:

Layla D. Milligan, Office of Deborah B. Langehennig, Chapter 13 Trustee, Austin, TX
Joshua P. Searcy, Searcy & Searcy, P.C., Longview, TX

Commentator:

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

11:25 a.m. .67 hr

Chapter 11 Cases for Individuals

Individual and small business bankruptcies under Chapter 11—too much income for 7, too much debt for 13. Special emphasis on chapter comparisons as well as financial forms and analysis to be provided to the court.

Moderator:

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

Panelists:

Mark Adam Castillo, The Curtis Law Firm PC, Dallas, TX
Kell C. Mercer, Brown McCarroll, LLP, Austin, TX

THURSDAY AFTERNOON

Presiding Officer:

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

LUNCHEON PRESENTATION

12:05 p.m. Pick up Box Lunch

Included in conference registration fee.

12:20 p.m. .67 hr including .25 hr ethics

Chapter 13 Panel

A panel of Chapter 13 trustees from each of Texas' four districts reviews current issues in Chapter 13 and practical problems confronted by their offices, with time devoted to questions from the audience.

Moderator:

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

Panelists:

David G. Peake, Chapter 13 Trustee, Houston, TX
John J. Talton, Chapter 13 Trustee, Tyler, TX
Mary K. Viegelaahn, Chapter 13 Trustee, San Antonio, TX
Alice L. Whitten, Chapter 13 Trustee, Fort Worth, TX

1:00 p.m. Break

1:15 p.m. .83 hr

Mortgage Issues, Part 1

Panelists Keeling and Engel argue an actual case to Judge Rhoades. In the case, the debtor objects to a mortgage lender's proof of claim. Keeling argues that there are not adequate documents, that the lender is not the transferee, and that the lender has imposed unreasonable pre- and post-petition charges. Engel valiantly defends the claim and argues that Keeling's arguments are dilatory and not meant to find the true amount owed on the mortgage. At the end of the session, Judge Rhoades announces her decision.

Moderator:

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

Panelists:

Brian Scott Engel, Barrett Daffin Frappier Turner & Engel, LLP, Austin, TX
Kenneth Alan Keeling, Keeling Law Firm, Houston, TX

Commentator:

Hon. Elizabeth W. Wagner, U.S. Bankruptcy Court, Eastern District of Louisiana, New Orleans, LA

2:05 p.m. .50 hr

Mortgage Issues, Part 2

A debtor's lawyer and a creditor's lawyer face off: problems, pitfalls and possible solutions to mortgage-related disputes.

Moderator:

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

Panelists:

Scott A. Ritcheson, Ritcheson Lauffer Vincent & Dukes PC, Tyler, TX
Judith A. Swift, Judith A. Swift PC, Dallas, TX

2:35 p.m. .50 hr

Dealing with Student Loan Debt

The Obama Administration has just changed the game on student loans. Learn the ins and outs of hardship discharges under the just-passed 2010 law.

Judy A. Robbins, U.S. Attorney's Office, Houston, TX

3:05 p.m. Break

3:20 p.m. .67 hr including .25 hr ethics

Chapter 7 Panel

The panel discusses assets, exemptions and attorney's fees (both practical and legal).

Moderator:

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

Panelists:

Areya E. Holder, Law Office of Areya Holder, P.C., Irving, TX
Nancy L. Holley, U.S. Trustee's Office, Houston, TX

4:00 p.m. .67 hr including .25 hr ethics

A Checklist for Checking Homestead Issues

This annual presentation provides a comprehensive checklist covering how to methodically evaluate homestead issues under Texas and bankruptcy law.

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

4:40 p.m. .75 hr ethics

Skits Regarding Ethical Issues in Bankruptcy

Judge Bohm challenges the audience: Learn about ethics, trial preparation and evidence through a series of fun vignettes with audience participation—maybe more participation than you want!

Moderator:

Hon. Jeff Bohm, U.S. Bankruptcy Court, Southern District of Texas, Houston, TX

5:25 p.m. Adjourn

6:15 p.m.

Reception and Buffet Dinner at Moody Gardens Hotel

8:00 p.m. Reception and Dinner Ends

THURSDAY EVENING

RECEPTION AND BUFFET DINNER AT HOTEL

All registrants and their families (kids welcome) are invited to a special Reception and Buffet Dinner with bankruptcy judges and other faculty members.

This event is casual, fun and flexible—come for a quick drink or stay and enjoy a Buffet Dinner at the Moody Gardens Hotel.

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



FRIDAY MORNING, AUG. 13, 2010

Presiding Officer:

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

8:00 a.m. 1.00 hr

Breakfast Breakout Sessions with the Judiciary

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

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

9:00 a.m. Break

9:15 a.m. 1.00 hr

When Does Jurisdiction End? When Is the Case Over?

When can the Court decide issues that arise after the case is closed? When does the Court lose jurisdiction? How to preserve jurisdiction and reopen a case that has been closed.

Edgar J. Borrego, Tanzy & Borrego, El Paso, TX
John J. Worley, South Texas College of Law, Houston, TX

10:15 a.m. Break

10:30 a.m. .75 hr

Change in Circumstances: An Oral Argument on Stipulated Facts

What to do when there has been a change in circumstances under the means test. A talented trustee's lawyer argues against a talented debtor's lawyer. If there has been a change in circumstances, should the Court rely on Schedule I and J or on a revised Form B22? At the end of the session, Judge Gargotta gives a ruling.

Moderator:

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

Panelists:

Dinorah Gonzalez, Office of David G. Peake, Chapter 13 Trustee, Houston, TX
Yolanda Gutierrez, Keeling Law Firm, Houston, TX

11:15 a.m. .50 hr including .25 hr ethics

The Biggest Pitfall of Them All: How to Avoid Subjecting Your Client to Criminal Prosecution

Judges are now statutorily mandated to make criminal referrals. The presentation examines possible bankruptcy crimes and how to avoid unwanted attention from the federal authorities.

Sarah Mary Frazier, Berg & Androphy, Houston, TX

11:45 a.m. .33 hr ethics

Providing Guidance and Counsel to Emotionally-Depressed Clients

Insight and suggestions on how to handle clients who suffer from more than economic depression.

Timothy Webb, Houston, TX

FRIDAY AFTERNOON

Presiding Officer:

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

LUNCH WITH THE JUDGES

12:05 p.m. Pick up Box Lunch

Included in conference registration fee.

12:20 p.m. .83 hr including .50 hr ethics

Attendees are invited to submit questions for the judges, in writing, to the conference registration desk in advance.

Moderators:

Michael P. Ridulfo, Brown McCarroll, LLP, Houston, TX
Stephen G. Wilcox, Bassel & Wilcox, P.L.L.C., Fort Worth, TX

Panelists:

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

1:10 p.m. Break

1:25 p.m. .67 hr ethics

The Responsibilities under 9011

Bankruptcy Rule 9011, a rule every bankruptcy lawyer should know about and not be its target.

Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas, Plano, TX
Behrooz P. Vida, Attorney at Law, Bedford, TX

2:05 p.m. .75 hr

Hale v. Isgur, Round 2

"Must a home mortgage lender obtain bankruptcy court approval before charging a debtor post-petition attorneys fees?" Hale and Isgur act as appellate lawyers arguing a hypothetical case before the Fifth Circuit. Fifth Circuit Judge Haynes joins the two bankruptcy judges and peppers Hale and Isgur with challenges regarding this controversial and timely topic.

Moderator:

Hon. Catharina J.H.D. Haynes, U.S. Court of Appeals, Fifth Circuit, Dallas, TX

Panelists:

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

2:50 p.m. Adjourn

CONFERENCE FACULTY

MICHAEL V. BAUMER
Attorney at Law
Austin, TX

HON. JEFF BOHM
U.S. Bankruptcy Court
Southern District of Texas
Houston, TX

EDGAR J. BORREGO
Tanzy & Borrego
El Paso, TX

JEAN BRAUCHER
University of Arizona
James E. Rogers College of Law
Tucson, AZ

MARK ADAM CASTILLO
The Curtis Law Firm PC
Dallas, TX

BRIAN SCOTT ENGEL
Barrett Daffin Frappier Turner &
Engel, LLP
Austin, TX

SARAH MARY FRAZIER
Berg & Androphy
Houston, TX

HON. CRAIG A. GARGOTTA
U.S. Bankruptcy Court
Western District of Texas
Austin, TX

DINORAH GONZALEZ
Office of David G. Peake
Chapter 13 Trustee
Houston, TX

YOLANDA GUTIERREZ
Keeling Law Firm
Houston, TX

HON. H. DEWAYNE "COOTER" HALE
U.S. Bankruptcy Court
Northern District of Texas
Dallas, TX

HON. CATHARINA J.H.D. HAYNES
U.S. Court of Appeals
Fifth Circuit
Dallas, TX

AREYA E. HOLDER
Law Office of Areya Holder, P.C.
Irving, TX

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U.S. Trustee's Office
Houston, TX

HON. MARVIN ISGUR
U.S. Bankruptcy Court
Southern District of Texas
Houston, TX

KENNETH ALAN KEELING
Keeling Law Firm
Houston, TX

HON. ELIZABETH W. MAGNER
U.S. Bankruptcy Court
Eastern District of Louisiana
New Orleans, LA

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Brown McCarroll, LLP
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Office of Deborah B. Langehennig
Chapter 13 Trustee
Austin, TX

DAVID G. PEAKE
Chapter 13 Trustee
Houston, TX

GERALD R. POWELL
Baylor Law School
Waco, TX

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U.S. Bankruptcy Court
Eastern District of Texas
Plano, TX

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Houston, TX

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Ritcheson Lauffer Vincent &
Dukes PC
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Houston, TX

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Searcy & Searcy, P.C.
Longview, TX

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Chapter 13 Trustee
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Attorney at Law
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Chapter 13 Trustee
San Antonio, TX

TIMOTHY WEBB
Houston, TX

ALICE L. WHITTEN
Chapter 13 Trustee
Fort Worth, TX

STEPHEN G. WILCOX
Bassel & Wilcox, P.L.L.C.
Fort Worth, TX

JOHN J. WORLEY
South Texas College of Law
Houston, TX

PLANNING COMMITTEE

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CO-CHAIR
U.S. Bankruptcy Court
Western District of Texas
Austin, TX

HON. H. DEWAYNE "COOTER" HALE—
CO-CHAIR
U.S. Bankruptcy Court
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U.S. Bankruptcy Court
Southern District of Texas
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Eastern District of Texas
Plano, TX

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Lubbock, TX

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TIMOTHY WEBB
Houston, TX

STEPHEN G. WILCOX
Bassel & Wilcox, P.L.L.C.
Fort Worth, TX

ABOUT THE COVER



Just Because 2, 24" x 24", oil with palette knife on wrapped canvas, is by Maxine Price. For more information on this piece, visit www.maxineprice.com. Image acquisition by Sandra Gregor, art consultant, 512-477-2827.

HOW TO REGISTER

Mail your registration to:

The University of Texas
School of Law
Attn. CLE—CK10
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

REGISTRATION FOR CK10

Mail this registration form to:

The University of Texas School of Law, Attn. CLE—CK10
P.O. Box 7759, Austin, TX 78713-7759 or fax a copy to: 512-475-6876

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Telephone _____ Fax _____

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 Luncheon Presentations

☐ Early Registration Fee due by Wednesday, August 4, 2010\$525

☐ Registration Fee after Wednesday, August 4, 2010.....\$575

THURSDAY EVENING RECEPTION AND BUFFET DINNER AT HOTEL 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 3–5 weeks from the conference date for delivery.

☐ Course Binder WITHOUT Conference Registration.....\$250
Note: Conference registration includes Course Binder.

☐ Audio CD Set.....\$200

☐ Audio MP3 Speeches on CD\$130

☐ eBinder on CD (PDF format).....\$250/\$50
(\$250 purchased alone, \$50 with registration or purchase of Course Binder or Audio CD Set or Audio MP3 Speeches on CD)

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

Allow 3–5 weeks from the conference date for delivery.

☐ In-House CLE for 1—Includes Audio CD Set and Course Binder\$475

_____ 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

/
Exp. Date (mm/yy)

MATERIALS, AUDIO CDS AND IN-HOUSE CLE

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Add the electronic version of the conference materials to your course registration or purchase of the Course Binder or Audio CD Set or Audio MP3 Speeches on CD for only \$50. eBinders are distributed 3–5 weeks after the conference and include searchable versions of printed materials in PDF format.

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Listen to Consumer Bankruptcy Practice on the go. Informative, topical and entertaining presentations recorded from UT Law's other live CLE programs are also available.

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CONSUMER BANKRUPTCY PRACTICE

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utcle@law.utexas.edu

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512-475-6700

for more information

GALVESTON

August 12–13, 2010

CONFERENCE LOCATION



Moody Gardens Hotel
7 Hope Blvd.
Galveston, TX 77554
409-741-8484

Special Room Rate: \$174
good through July 21, 2010
(subject to availability)

Rooms sell out quickly—please reserve early!

Complimentary Self-Parking

KEY DATES

August 4, 2010, 5 p.m.
last day for early registration
add \$50 for registrations
received after this time

August 6, 2010, 5 p.m.
last day for full refund

August 9, 2010, 5 p.m.
last day for partial refunds
\$50 processing fee applied

August 12, 2010, 8:30 a.m.
conference begins

**M
C
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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 13.75 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).

MOODY GARDENS AND GALVESTON

Bring the family! Reserve early
as hotel rooms sell out quickly.



 **MOODY
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GALVESTON ISLAND

Bring the Family! Enjoy the many attractions of Moody Gardens and Galveston Island: the Aquarium, Rainforest and Discovery Pyramids; IMAX 3D theater, the Strand, Schlitterbahn Water Park and great restaurants.