

6th Annual Consumer Bankruptcy Practice

August 12-13, 2010 • Moody Gardens • Galveston, TX

Thursday Morning, Aug. 12, 2010

Presiding Officer:

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

7:30 am	<p>Registration Opens</p> <p>Includes continental breakfast.</p>
8:20 am	<p>Welcoming Remarks</p>
8:30 am 0.67 hr	<p>The Big Four: 2010 U.S. Supreme Court Consumer Bankruptcy Cases</p> <p>An outline and analysis of four key bankruptcy cases, including the Supreme Court's initial encounters with BAPCPA.</p> <p>Jean Braucher, University of Arizona, James E. Rogers College of Law - Tucson, AZ</p>
9:10 am 1.00 hr	<p>2010 Consumer Bankruptcy Case Law Update</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>
10:10 am	<p>Break</p>
10:25 am 1.00 hr	<p>Hearsay Heresy: Understanding How to Get Your Evidence Admitted</p> <p>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 to expose the differences between authenticity and admissibility under the hearsay rule. Other tips—all in the 800 series of the Federal Rules of Evidence.</p> <p>Moderators: Hon. H. DeWayne (Cooter) Hale, U.S. Bankruptcy Court, Northern District of Texas - Dallas, TX Moderators: Gerald R. Powell, Baylor Law School - Waco, TX Commentator: Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX Panelists: Layla D. Milligan, Office of Deborah B. Langehennig, Chapter 13 Trustee - Austin, TX Panelists: Joshua P. Searcy, Searcy & Searcy, P.C. - Longview, TX</p>

11:25 am
0.67 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

Panelists:

Kell C. Mercer, Brown McCarroll, LLP - Austin, TX

Thursday Afternoon, Aug. 12, 2010

Presiding Officer:

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

12:05 pm

LUNCHEON PRESENTATION

Pick up Box Lunch

Included in conference registration fee.

12:20 pm
0.67 hr
0.25 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

Panelists:

John J. Talton, Chapter 13 Trustee - Tyler, TX

Panelists:

Mary K. Viegelahn, Chapter 13 Trustee - San Antonio, TX

Panelists:

Alice L. Whitten, Chapter 13 Trustee - Fort Worth, TX

1:00 pm

Break

1:15 pm 0.83 hr	<p>Mortgage Issues, Part 1</p> <p>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.</p> <p>Moderator: Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas - Plano, TX</p> <p>Commentator: Hon. Elizabeth W. Magner, U.S. Bankruptcy Court, Eastern District of Louisiana - New Orleans, LA</p> <p>Panelists: Brian Scott Engel, Barrett Daffin Frappier Turner & Engel, LLP - Austin, TX</p> <p>Panelists: Kenneth Alan Keeling, Keeling Law Firm - Houston, TX</p>
2:05 pm 0.50 hr	<p>Mortgage Issues, Part 2</p> <p>A debtor's lawyer and a creditor's lawyer face off: problems, pitfalls and possible solutions to mortgage-related disputes.</p> <p>Moderator: Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas - Plano, TX</p> <p>Panelists: Scott A. Ritcheson, Ritcheson Lauffer Vincent & Dukes PC - Tyler, TX</p> <p>Panelists: Judith A. Swift, Judith A. Swift PC - Dallas, TX</p>
2:35 pm 0.50 hr	<p>Dealing with Student Loan Debt</p> <p>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.</p> <p>Judy A. Robbins, US Attorney's Office - Houston, TX</p>
3:05 pm	<p>Break</p>
3:20 pm 0.67 hr 0.25 hr ethics	<p>Chapter 7 Panel</p> <p>The panel discusses assets, exemptions and attorney's fees (both practical and legal).</p> <p>Moderator: Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX</p> <p>Panelists: Areya E. Holder, Law Office of Areya Holder, P.C. - Irving, TX</p> <p>Panelists: Nancy L. Holley, U. S. Trustee's Office - Houston, TX</p>
4:00 pm 0.67 hr 0.25 hr ethics	<p>A Checklist for Checking Homestead Issues</p> <p>This annual presentation provides a comprehensive checklist covering how to methodically evaluate homestead issues under Texas and bankruptcy law.</p> <p>Michael V. Baumer, Attorney at Law - Austin, TX</p>

4:40 pm 0.75 hr ethics	<p>Skits Regarding Ethical Issues in Bankruptcy</p> <p>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!</p> <p>Moderator: Hon. Jeff Bohm, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX David Aaron Desoto, Mann & Stevens, P.C. - Houston, TX Brendetta Anthony Scott, Hughes Watters & Askanase - Houston, TX</p>
	Adjourn to Reception

Thursday Evening, Aug. 12, 2010

6:15 pm 2.00 hrs	Reception/Buffer Dinner at Moody Gardens-RSVP for yourself and guests (not included in conference registration)
6:15 pm	<p>Reception and Dinner at Hotel</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>This event is casual, fun and flexible—come for a quick drink or stay and enjoy a Buffet Dinner at the Moody Gardens Hotel.</p> <p>SEPARATE REGISTRATION REQUIRED: \$10 per person, please see registration form to purchase.</p>
8:00 pm	Reception and Dinner Ends

Friday Morning, Aug. 13, 2010

Presiding Officer:

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

8:00 am 1.00 hr	<p>Breakfast Breakout Sessions with the Judiciary</p> <p>One or more judges from each of Texas' four judicial districts meet with attendees and discuss problems of local concern.</p> <p>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</p>
9:00 am	Break

9:15 am 1.00 hr	<p>When Does Jurisdiction End? When Is the Case Over?</p> <p>When can the Court decide on 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.</p> <p>Edgar J. Borrego, Tanzy & Borrego - El Paso, TX John J. Worley, South Texas College Of Law - Houston, TX</p>
10:15 am	Break
10:30 am 0.75 hr	<p>Change in Circumstances: An Oral Argument on Stipulated Facts</p> <p>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.</p> <p>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 Panelists: Yolanda Gutierrez, Keeling Law Firm - Houston, TX</p>
11:15 am 0.50 hr 0.25 hr ethics	<p>The Biggest Pitfall of Them All: How to Avoid Subjecting Your Client to Criminal Prosecution</p> <p>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.</p> <p>Sarah Mary Frazier, Berg & Androphy - Houston, TX</p>
11:45 am 0.33 hr ethics	<p>Providing Guidance and Counsel to Emotionally-Depressed Clients</p> <p>Insight and suggestions on how to handle clients who suffer from more than economic depression.</p> <p>Michael Arambula M.D., North Central Psychiatric Associates - San Antonio, TX Timothy Webb, Houston, TX</p>

Friday Afternoon, Aug. 13, 2010

Presiding Officer:

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

12:05 pm	<p>LUNCHEON PRESENTATION</p> <p>Pick up Box Lunch</p> <p>Included in conference registration fee.</p>
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12:20 pm 0.83 hr 0.50 hr ethics	<p>Lunch with the Judges</p> <p>Attendees are invited to submit questions for the judges, in writing, to the conference registration desk in advance.</p> <p>Moderators: Michael P. Ridulfo, Brown McCarroll, LLP - Houston, TX</p> <p>Moderators: Stephen G. Wilcox, Bassel & Wilcox, P.L.L.C. - Fort Worth, TX</p> <p>Panelists: Hon. Craig A. Gargotta, U.S. Bankruptcy Court, Western District of Texas - Austin, TX</p> <p>Panelists: Hon. H. DeWayne (Cooter) Hale, U.S. Bankruptcy Court, Northern District of Texas - Dallas, TX</p> <p>Panelists: Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX</p> <p>Panelists: Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas - Plano, TX</p>
1:10 pm	Break
1:25 pm 0.67 hr ethics	<p>The Responsibilities under 9011</p> <p>Bankruptcy Rule 9011, a rule every bankruptcy lawyer should know about and not be its target.</p> <p>Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas - Plano, TX Behrooz P. Vida, Attorney at Law - Bedford, TX</p>
2:05 pm 0.75 hr	<p>Hale v. Isgur, Round 2</p> <p>"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.</p> <p>Moderator: Hon. Catharina Haynes, U.S. Court of Appeals, Fifth Circuit - Dallas, TX</p> <p>Panelists: Hon. H. DeWayne (Cooter) Hale, U.S. Bankruptcy Court, Northern District of Texas - Dallas, TX</p> <p>Panelists: Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX</p>
2:50 pm	Adjourn