

7<sup>TH</sup> ANNUAL

# CONSUMER BANKRUPTCY PRACTICE

Practical solutions to the tough questions facing consumer bankruptcy practitioners



August 11–12, 2011  
Moody Gardens Hotel ▪ Galveston, Texas

---

Summer Conference Series: Informal and Informative

---

Earn up to 13.00 Hours of Credit including 3.25 Hours of Ethics Credit  
Specialization Credit Approved for Bankruptcy Law, and Consumer and Commercial Law

# CONSUMER BANKRUPTCY PRACTICE

August 11–12, 2011 ▪ Moody Gardens Hotel ▪ Galveston, Texas

Earn up to 13.00 Hours of Credit including 3.25 Hours of Ethics Credit  
Specialization Credit Approved for Bankruptcy Law, and Consumer and Commercial Law

## THURSDAY MORNING, AUG. 11, 2011

### Presiding Officer:

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

### 8:00 a.m. Registration Opens

Includes continental breakfast.

### 8:50 a.m. Welcoming Remarks

### 9:00 a.m. 1.00 hr

#### 2011 Consumer Bankruptcy Case Law Update

A review of Supreme Court and Fifth Circuit consumer bankruptcy cases in the last year, along with highlights of all significant cases issued by Texas bankruptcy courts.

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

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

Allison D. Byman, Attorney at Law, Houston, TX

### 10:00 a.m. .50 hr including .25 hr ethics

#### Starting Out Right: Recognizing Errors and Omissions in Schedules and Financials

The panelists discuss steps you can take to avoid common pitfalls while preparing your schedules and financials, and planning for filing, including ways to manage your client's expectations and stay in control of your client and your case.

Corey L. Mills, Mills Law Group, PLLC, Houston, TX  
Phillip H. Trueba, Attorney at Law, Houston, TX

### 10:30 a.m. Break

### 10:45 a.m. .75 hr including .50 hr ethics

#### Bankruptcy Planning after Ransom

A discussion of key issues, best practices and common pitfalls involving bankruptcy planning and attorney advice (pre-filing), including how to calculate disposable income, plus *Lanning*.

##### Moderator:

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

##### Panelists:

Diane S. Barron-Carter, Barron & Barron LLP, Plano, TX

Marcus F. Salitore, Office of the U.S. Trustee, Tyler, TX

### 11:30 a.m. .75 hr including .25 hr ethics

#### Homes and Homestead Exemptions: Current Developments and Practice Tips

Topics discussed include residency, caps, lien stripping, and whether or not your golf course qualifies as a homestead.

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

### 12:15 p.m. Break to Pick Up Box Lunch

Included in conference registration fee.

## THURSDAY AFTERNOON

### Presiding Officer:

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

### LUNCHEON PRESENTATION

### 12:30 p.m. .50 hr

#### Lunch with David Jones, Bankruptcy Judge-Designate

David R. Jones, Bankruptcy Judge-Designate, Houston, TX

### 1:00 p.m. Break

### 1:15 p.m. .75 hr including .25 hr ethics

#### Burden of Proof: Claims Objections and Objections to Exemptions

This session opens with a short overview of the key legal issues involving claims objections and objections to exemptions, followed by two skits illustrating how these issues arise and are handled in practice, with opportunities for audience voting on various issues.

##### Moderator:

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

##### Panelists:

Kadra D. Alexander, Barrett Daffin Frappier Turner & Engel, LLP, Addison, TX

Angela N. Offerman, Kane Russell Coleman & Logan PC, Houston, TX

Joshua L. Shepherd, Curtis | Castillo PC, Dallas, TX

### 2:00 p.m. .75 hr including .25 hr ethics

#### Planning for Personal Exemptions: The Choice between Federal and State

Implementing *Schwab v. Riley*: After several months of experience, what is the best way to claim and challenge exemptions when property has an unknown value?

##### Moderator:

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

##### Panelists:

Edgar J. Borrego, Tanzy & Borrego, El Paso, TX

Rodney Tow, Tow & Koenig PLLC, The Woodlands, TX

### 2:45 p.m. .50 hr

#### Handling Litigation Claims Owned by the Debtor in Consumer Bankruptcy Cases, with a Focus on Judicial Estoppel

Proper and non-binding disclosure, valuation and exemption, retention of counsel, and approval of the settlement.

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

### 3:15 p.m. Break

### 3:30 p.m. .75 hr

#### Automatic Stay Litigation

What you need to know to handle claims in bankruptcy court for violations of the automatic stay, including a discussion on proving liability and damages.

H. Anthony Hervol, Law Office of H. Anthony Hervol, San Antonio, TX

### 4:15 p.m. 1.00 hr including .25 hr ethics

#### Law and Practice Skills: Preparing Witnesses for a 341 Hearing and Motion to Extend Stay

This session includes skits and practical instruction in preparing for 341 meetings and establishing cause or good faith at stay extension hearings.

##### Moderators:

Deirdre Carey Brown, McGinnis, Lochridge & Kilgore, L.L.P., Houston, TX

Carey D. Ebert, Ebert Law Offices PC, Hurst, TX

##### Panelists:

Kadra D. Alexander, Barrett Daffin Frappier Turner & Engel, LLP, Addison, TX

Angela N. Offerman, Kane Russell Coleman & Logan PC, Houston, TX

Joshua L. Shepherd, Curtis | Castillo PC, Dallas, TX

##### Commentator:

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

### 5:15 p.m. Adjourn

## THURSDAY EVENING

5:45 p.m. Reception and Dinner Begins

### 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.



8:00 p.m. Reception and Dinner Ends

## FRIDAY MORNING, AUG. 12, 2011

### Presiding Officer:

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

8:00 a.m. 1.00 hr

### Breakfast Breakout Sessions with the Judiciary and Trustees

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

#### Judges:

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  
David R. Jones, Bankruptcy Judge-Designate, Houston, TX

#### Trustees:

Deborah B. Langehennig, Chapter 13 Trustee, Austin, TX  
Judy A. Robbins, Office of the U.S. Trustee, Houston, TX  
Marcus F. Salitore, Office of the U.S. Trustee, Tyler, TX  
Alice L. Whitten, Chapter 13 Trustee, Fort Worth, TX

9:00 a.m. Break

9:15 a.m. .25 hr

### Meet the New Trustee

Judy A. Robbins, Office of the U.S. Trustee, Houston, TX

9:30 a.m. .75 hr

### How to Counsel Your Debtor to Reduce Their Lifestyle: Practical Suggestions and Financing Alternatives to Maximize Plan Success

Debtor's counsel, a judge and a Chapter 13 Trustee discuss the challenges of counseling debtors to reduce lifestyle spending, including car expenses and homes, and distinguishing between niceties and necessities. An auto finance representative joins the panel to take a practical look at available options to downsize into reliable, but less expensive, transportation.

#### Moderator:

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

#### Panelists:

Behrooz P. Vida, The Vida Law Firm, Bedford, TX  
Alice L. Whitten, Chapter 13 Trustee, Fort Worth, TX  
Jay Lassetter, Freeman Auto Group, Fort Worth, TX

10:15 a.m. .50 hr ethics

### Identifying and Coping with Stressed-Out Debtors: The Lawyer's Perspective

Insight and recommendations for handling debtors who suffer from more than financial woes.

Timothy Webb, Attorney at Law, Houston, TX

10:45 a.m. Break

11:00 a.m. .50 hr

### Income Taxes in 13s: Discharges and Dischargeability

Practical suggestions on how best to ensure obtaining a discharge of income taxes in consumer cases.

Hon. Craig A. Gargotta, U.S. Bankruptcy Court, Western District of Texas, Austin, TX  
David B. Coffin, David Coffin, PLLC, Grapevine, TX

11:30 a.m. .50 hr including .25 hr ethics

### Current Developments and Practice Tips: Discharge Violations and Violations of the Confirmation Order

Chapter 7 discharge, Chapter 13 discharge and related violations are discussed.

Michael P. Ridulfo, Kane Russell Coleman & Logan PC, Houston, TX

12:00 p.m. Break to Pick Up Buffet Lunch

Included in conference registration fee.

## FRIDAY AFTERNOON

### Presiding Officer:

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

### LUNCH WITH THE JUDGES

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

12:20 p.m. .83 hr

### Ask the Judges

This always-popular and informative panel offers the opportunity to ask questions, get answers and express concerns to bankruptcy judges from Houston, Dallas, Austin and Plano.

#### Moderator:

Alice L. Whitten, Chapter 13 Trustee, 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  
David R. Jones, Bankruptcy Judge-Designate, Houston, TX

1:10 p.m. Break

1:25 p.m. .50 hr

### Staying Awake at the Wheel: Post-Confirmation Issues in Chapter 13 Cases

Get your cup of java! Just when you were getting comfortable with your confirmed Chapter 13 case, things go bump in the night. This is a must-attend presentation for Chapter 13 practitioners for taking your client's case to a successful discharge.

David G. Peake, Chapter 13 Trustee, Houston, TX  
Eduardo V. Rodriguez, Malaise Law Firm, Brownsville, TX

1:55 p.m. .75 hr ethics

### Hale v. Isgur, Round 3: Privilege Issues in Bankruptcy Cases

Judges Hale and Isgur renew their annual bout, this time over privilege issues in consumer bankruptcy cases. At issue: Does an individual's attorney-client privilege pass to the Chapter 7 Trustee?

#### Moderator:

Hon. Jennifer Walker Elrod, U.S. Court of Appeals, Fifth Circuit, Houston, 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

2:40 p.m. Adjourn

## CONFERENCE FACULTY

---

KADRA D. ALEXANDER  
Barrett Daffin Frappier Turner &  
Engel, LLP  
Addison, TX

DIANE S. BARRON-CARTER  
Barron & Barron LLP  
Plano, TX

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

DEIRDRE CAREY BROWN  
McGinnis, Lochridge & Kilgore, L.L.P.  
Houston, TX

ALLISON D. BYMAN  
Attorney at Law  
Houston, TX

DAVID B. COFFIN  
David Coffin, PLLC  
Grapevine, TX

CAREY D. EBERT  
Ebert Law Offices PC  
Hurst, TX

HON. JENNIFER WALKER ELROD  
U.S. Court of Appeals  
Fifth Circuit  
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

H. ANTHONY HERVOL  
Law Office of H. Anthony Hervol  
San Antonio, TX

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

DAVID R. JONES  
Bankruptcy Judge-Designate  
Houston, TX

DEBORAH B. LANGEHENNIG  
Chapter 13 Trustee  
Austin, TX

JAY LASSETTER  
Freeman Auto Group  
Fort Worth, TX

COREY L. MILLS  
Mills Law Group, PLLC  
Houston, TX

ANGELA N. OFFERMAN  
Kane Russell Coleman & Logan PC  
Houston, TX

DAVID G. PEAKE  
Chapter 13 Trustee  
Houston, TX

HON. BRENDA T. RHOADES  
U.S. Bankruptcy Court  
Eastern District of Texas  
Plano, TX

MICHAEL P. RIDULFO  
Kane Russell Coleman & Logan PC  
Houston, TX

JUDY A. ROBBINS  
Office of the U.S. Trustee  
Houston, TX

EDUARDO V. RODRIGUEZ  
Malaise Law Firm  
Brownsville, TX

MARCUS F. SALITORE  
Office of the U.S. Trustee  
Tyler, TX

JOSHUA L. SHEPHERD  
Curtis | Castillo PC  
Dallas, TX

RODNEY TOW  
Tow & Koenig PLLC  
The Woodlands, TX

PHILLIP H. TRUEBA  
Attorney at Law  
Houston, TX

BEHROOZ P. VIDA  
The Vida Law Firm  
Bedford, TX

TIMOTHY WEBB  
Attorney at Law  
Houston, TX

ALICE L. WHITTEN  
Chapter 13 Trustee  
Fort Worth, TX

## PLANNING COMMITTEE

---

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

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

HON. MARVIN ISGUR—CO-CHAIR  
U.S. Bankruptcy Court  
Southern District of Texas  
Houston, TX

HON. BRENDA T. RHOADES—  
CO-CHAIR  
U.S. Bankruptcy Court  
Eastern District of Texas  
Plano, TX

MICHAEL V. BAUMER  
Attorney at Law  
Austin, TX

DEIRDRE CAREY BROWN  
McGinnis, Lochridge & Kilgore, L.L.P.  
Houston, TX

MARK A. CASTILLO  
Curtis | Castillo PC  
Dallas, TX

CAREY D. EBERT  
Ebert Law Offices PC  
Hurst, TX

MICHAEL J. ESPOSITO  
University of Texas School of Law  
Austin, TX

H. ANTHONY HERVOL  
Law Office of H. Anthony Hervol  
San Antonio, TX

DEBORAH B. LANGEHENNIG  
Chapter 13 Trustee  
Austin, TX

MICHAEL P. RIDULFO  
Kane Russell Coleman & Logan PC  
Houston, TX

EDUARDO V. RODRIGUEZ  
Malaise Law Firm  
Brownsville, TX

MARCUS F. SALITORE  
Office of the U.S. Trustee  
Tyler, TX

BEHROOZ P. VIDA  
The Vida Law Firm  
Bedford, TX

## ABOUT THE COVER



*Just Because 1*, 24" x 24", oil on canvas, is by Maxine Price. For more information on this piece, visit [www.maxineprice.com](http://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—CK11  
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**

## MATERIALS, AUDIO AND IN-HOUSE CLE

### Printed Materials in Course Binder

Leading practitioners and academics provide the definitive set of materials.

### eBinder on CD

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

### Audio MP3 Speeches on CD or Audio CD Set

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.

### In-House CLE

In-House CLE for two or more participants—as many as you want! Receive full MCLE credit. We'll accredit the course for you\* and provide one Audio CD Set plus a Course Binder for each participant.

\*Texas MCLE credit only.

## REGISTRATION FOR CK11

Mail this registration form to:

The University of Texas School of Law, Attn. CLE—CK11  
P.O. Box 7759, Austin, TX 78713-7759 or fax a copy to: 512-475-6876

### PLEASE PRINT CLEARLY

Bar Card# \_\_\_\_\_ ☐ TX ☐ Other State: \_\_\_\_\_ ☐ N/A

Name [ Mr. / Ms. ] \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

Registrant's Email (required) \_\_\_\_\_

Assistant's Email (optional) \_\_\_\_\_

*Invoices, confirmations and receipts are emailed to these addresses.*

### STANDARD REGISTRATION—Includes Printed Course Binder (only) and Thursday and Friday Luncheon Presentations

- ☐ Early Registration Fee due by Wednesday, August 3, 2011 .....\$535  
☐ Registration Fee after Wednesday, August 3, 2011 .....\$585

### GREEN REGISTRATION—Includes Electronic Materials on USB Key (only) and Thursday and Friday Luncheon Presentations

- ☐ Early Registration Fee due by Wednesday, August 3, 2011 .....\$530  
☐ Registration Fee after Wednesday, August 3, 2011 .....\$580

### THURSDAY EVENING RECEPTION AND 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  
[ ] 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 MP3 Speeches on CD .....\$130  
☐ Audio CD Set .....\$210  
☐ eBinder on CD (PDF format) .....\$250/\$50  
(\$250 purchased alone, \$50 with Registration or purchase of Course Binder or Audio MP3 Speeches on CD or Audio CD Set)

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

*Allow 3–5 weeks from the conference date for delivery. Approved for Texas MCLE credit.*

- ☐ In-House CLE for 2—Includes Audio CD Set and Course Binders .....\$850  
\_\_\_\_\_ 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)





The University of Texas at Austin  
THE UNIVERSITY OF TEXAS SCHOOL OF LAW  
P.O. Box 7759 • Austin, TX 78713-7759

*This program is not printed or mailed at state expense.*

7<sup>TH</sup> ANNUAL

## CONSUMER BANKRUPTCY PRACTICE

August 11–12, 2011 ■ Moody Gardens Hotel ■ Galveston, Texas

NON-PROFIT-ORG

U.S. Postage  
PAID

U T School of Law

E-mail us at

**utcle@law.utexas.edu**

or call us at

**512-475-6700**

for more information

### GALVESTON

August 11–12, 2011

#### CONFERENCE LOCATION



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

**Special Room Rate: \$165**  
good through July 20, 2011  
(subject to availability)

*Rooms sell out quickly—please reserve early!*

**Complimentary Self-Parking**  
(subject to change; restrictions may apply)

#### KEY DATES

**August 3, 2011, 5 p.m.**  
*last day for early registration*  
add \$50 for registrations  
received after this time

**August 5, 2011, 5 p.m.**  
*last day for full refund*

**August 8, 2011, 5 p.m.**  
*last day for partial refunds*  
\$50 processing fee applied

**August 11, 2011, 9 a.m.**  
*conference begins*



## MOODY GARDENS AND GALVESTON

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



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 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 13.00 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), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).