

# 7<sup>th</sup> Annual Consumer Bankruptcy Practice

## August 11-12, 2011 • Moody Gardens • Galveston, TX

### Thursday Morning, Aug. 11, 2011

**Presiding Officer:**

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

8:00 am	<b>Registration Opens</b>  Includes continental breakfast.
8:50 am	<b>Welcoming Remarks</b>
9:00 am 1.00 hr	<b>2011 Consumer Bankruptcy Case Law Update</b>  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 Allison Davison Byman, Attorney at Law - Houston, TX Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX
10:00 am 0.50 hr 0.25 hr ethics	<b>Starting Out Right: Recognizing Errors and Omissions in Schedules and Financials</b>  Panelists discuss steps you can take to avoid common pitfalls while preparing your schedules and financials, and planing 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 Henry Trueba, Attorney at Law - Houston, TX
10:30 am	<b>Break</b>
10:45 am 0.75 hr 0.50 hr ethics	<b>Bankruptcy Planning after Ransom</b>  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 <i>Lanning</i> .  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 Panelists: Marcus F. Salitore, Office of the U.S. Trustee - Tyler, TX
11:30 am 0.75 hr 0.25 hr ethics	<b>Homes and Homestead Exemptions: Current Developments and Practice Tips</b>  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 pm	<b>Break to Pick Up Box Lunch</b>  Included in conference registration fee.
----------	---

## Thursday Afternoon, Aug. 11, 2011

### Presiding Officer:

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

	<b>Luncheon Presentation</b>
12:30 pm 0.50 hr	<b>Lunch with David Jones, Bankruptcy Judge-Designate</b>  David R. Jones, Porter Hedges LLP - Houston, TX
1:00 pm	<b>Break</b>
1:15 pm 0.75 hr 0.25 hr ethics	<b>Burden of Proof: Claims Objections and Objections to Exemptions</b>  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 Damour Alexander, Barrett Daffin Frappier Turner & Engel, LLP - Addison, TX Panelists: Angela N. Offerman, Kane Russell Coleman & Logan PC - Houston, TX Panelists: Joshua L. Shepherd, Curtis   Castillo PC - Dallas, TX
2:00 pm 0.75 hr 0.25 hr ethics	<b>Planning for Personal Exemptions: The Choice between Federal and State</b>  Implementing <i>Schwab v. Riley</i> : 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 Panelists: Rodney Tow, Tow & Koenig, PLLC - The Woodlands, TX
2:45 pm 0.50 hr	<b>Handling Litigation Claims Owned by the Debtor in Consumer Bankruptcy Cases, with a Focus on Judicial Estoppel</b>  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 pm	<b>Break</b>

3:30 pm 0.75 hr	<p><b>Automatic Stay Litigation</b></p> <p>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.</p> <p>H. Anthony Hervol, Law Office of H. Anthony Hervol - San Antonio, TX</p>
4:15 pm 1.00 hr 0.25 hr ethics	<p><b>Law and Practice Skills: Preparing Witnesses for a 341 Hearing and Motion to Extend Stay</b></p> <p>This session includes skits and practical instruction in preparing for 341 meetings and establishing cause or good faith at stay extension hearings.</p> <p>Moderators: Deirdre Carey Brown, McGinnis, Lochridge &amp; Kilgore, L.L.P. - Houston, TX</p> <p>Moderators: Carey D. Ebert, Ebert Law Offices PC - Hurst, TX</p> <p>Commentator: Hon. Craig A. Gargotta, U.S. Bankruptcy Court, Western District of Texas - Austin, TX</p> <p>Panelists: Kadra Damour Alexander, Barrett Daffin Frappier Turner &amp; Engel, LLP - Addison, TX</p> <p>Panelists: Angela N. Offerman, Kane Russell Coleman &amp; Logan PC - Houston, TX</p> <p>Panelists: Joshua L. Shepherd, Curtis   Castillo PC - Dallas, TX</p>
5:15 pm	<b>Adjourn</b>
5:45 pm 2.00 hrs	<b>Reception/Buffer Dinner at Moody Gardens-RSVP for yourself and guests (not included in conference registration)</b>
5:45 pm	<b>Reception and Buffet Dinner at Moody Gardens Hotel</b>

## Thursday Evening, Aug. 11, 2011

	<p><b>Reception and Buffet Dinner at Hotel</b></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	<b>Reception and Dinner Ends</b>

## Friday Morning, Aug. 12, 2011

### Presiding Officer:

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

8:00 am 1.00 hr	<p><b>Breakfast Breakout Sessions with the Judiciary and Trustees</b></p> <p>One or more judges and trustees from each of Texas's 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  David R. Jones, Porter Hedges LLP - Houston, TX  Deborah B. Langehennig, Chapter 13 Trustee - Austin, TX  Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas - Plano, 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</p>
9:00 am	<b>Break</b>
9:15 am 0.25 hr	<p><b>Meet the New Trustee</b></p> <p>Judy A. Robbins, Office of the U.S. Trustee - Houston, TX</p>
9:30 am 0.75 hr	<p><b>How to Counsel Your Debtor to Reduce Their Lifestyle: Practical Suggestions and Financing Alternatives to Maximize Plan Success</b></p> <p>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.</p> <p>Moderator:  Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas - Plano, TX  Panelists:  Stephen E. Levine, Arlington, TX  Panelists:  Behrooz P. Vida, Attorney at Law - Bedford, TX  Panelists:  Alice L. Whitten, Chapter 13 Trustee - Fort Worth, TX</p>
10:15 am 0.50 hr ethics	<p><b>Identifying and Coping with Stressed-Out Debtors: The Lawyer's Perspective</b></p> <p>Insight and recommendations for handling debtors who suffer from more than financial woes.</p> <p>Timothy Webb, Attorney At Law - Houston, TX</p>
10:45 am	<b>Break</b>
11:00 am 0.50 hr	<p><b>Income Taxes in 13s: Discharges and Dischargeability</b></p> <p>Practical suggestions on how best to ensure obtaining a discharge of income taxes in consumer cases.</p> <p>David B. Coffin, David Coffin, PLLC - Grapevine, TX  Hon. Craig A. Gargotta, U.S. Bankruptcy Court, Western District of Texas - Austin, TX</p>

11:30 am 0.50 hr 0.25 hr ethics	<p><b>Current Developments and Practice Tips: Discharge Violations and Violations of the Confirmation Order</b></p> <p>Chapter 7 discharge, Chapter 13 discharge and related violations are discussed.</p> <p>Michael P. Ridulfo, Kane Russell Coleman &amp; Logan PC - Houston, TX</p>
12:00 pm	<p><b>Break to Pick Up Buffet Lunch</b></p> <p>Included in conference registration fee.</p>

## Friday Afternoon, Aug. 12, 2011

### Presiding Officer:

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

	<p><b>LUNCH WITH THE JUDGES</b></p> <p>Attendees are invited to submit questions for the judges, in writing, to the conference registration desk in advance.</p>
12:20 pm 0.83 hr	<p><b>Ask the Judges</b></p> <p>This always popular and informative panel offers you an opportunity to ask questions, get answers, and express concerns to Bankruptcy Judges from Houston, Dallas, Austin and Plano.</p> <p>Moderator: Alice L. Whitten, Chapter 13 Trustee - 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: David R. Jones, Porter Hedges LLP - Houston, TX</p> <p>Panelists: Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas - Plano, TX</p>
1:10 pm	<p><b>Break</b></p>
1:25 pm 0.50 hr	<p><b>Staying Awake at the Wheel: Post-Confirmation Issues in Chapter 13 Cases</b></p> <p>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.</p> <p>David G. Peake, Chapter 13 Trustee - Houston, TX Eduardo V. Rodriguez, Malaise Law Firm - Brownsville, TX</p>

1:55 pm 0.75 hr 0.50 hr ethics	<p><b>Hale v. Isgur, Round 3: <i>Stern v. Marshall</i></b></p> <p>Judges Hale and Isgur renew their annual bout and turn their focus to the hottest bankruptcy case of the twelve months, <i>Stern v. Marshall</i>, covering what may be the important open issue of the opinion: to what extent may litigants consent to a trial before the bankruptcy court?</p> <p>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</p>
2:40 pm	<b>Adjourn</b>