

8<sup>TH</sup> ANNUAL  
**CONSUMER BANKRUPTCY  
PRACTICE**

Practical solutions to the tough questions facing consumer bankruptcy practitioners



*Raised House, Veer/Spots Illustrations*

August 9–10, 2012  
Moody Gardens Hotel ▪ Galveston, Texas

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Summer Conference Series: Informative and Informal

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Earn up to 12.75 Hours of Credit Including 2.25 Hours of Ethics Credit  
Specialization Credit Approved for Bankruptcy Law, and Consumer and Commercial Law

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**CONSUMER BANKRUPTCY PRACTICE**  
August 9–10, 2012 ▪ Moody Gardens Hotel ▪ Galveston, Texas

Earn up to 12.75 Hours of Credit Including 2.25 Hours of Ethics Credit

**THURSDAY MORNING, AUG. 9, 2012**

**Presiding Officer:**  
Hon. Marvin Isgur, Houston, TX

**7:30 a.m. Registration Opens**  
Includes continental breakfast.

**8:30 a.m. Welcoming Remarks**

**8:45 a.m. 1.25 hrs**

**Case Review**

An update of Fifth Circuit consumer bankruptcy cases from the past year.

Hon. Craig A. Gargotta, U.S. Bankruptcy Court,  
Western District of Texas, Austin, TX  
Angela Littwin, The University of Texas School of Law,  
Austin, TX

**10:00 a.m. .75 hr**

**Consumer Roundtable Discussion**

Come one, come all to the first ever Consumer Roundtable Discussion. No judges. No Trustees. Just consumer lawyers exchanging ideas, sharing war stories and connecting with colleagues. This is an open discussion for suggesting improvements in services for the consumer bankruptcy Bar and provide best practices advice in consumer bankruptcy law as a whole. Both debtor and creditor lawyers are welcome.

**Moderator:**  
Eduardo V. Rodriguez, Malaise Law Firm, Brownsville, TX

**10:45 a.m. Break**

**Break-Out Sessions**

**11:00 a.m. 1.25 hrs**

**Individual Chapter 11 Case v. Chapter 13 and also Cases Absolute Priority Rule**

This topic considers the interplay between individual Chapter 11s and Chapter 13. Also offered on Thursday at 3:15 p.m.

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

**Panelists:**  
Shad M. Robinson, Haley & Olson, P.C., Waco, TX  
Eduardo V. Rodriguez, Malaise Law Firm, Brownsville, TX

**11:00 a.m. 1.25 hrs including .25 hr ethics**

**Repeat Filers, Bankruptcy Fraud, Mortgage Assistors and Other Problem Cases**

An examination of current problems in consumer cases and some practical advice. Also offered on Thursday at 3:15 p.m. and Friday at 11:15 a.m.

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

**Panelists:**  
Shawn Ivan Carter, Barrett Daffin Frappier Turner & Engel, Addison, TX  
Cedric L. Joubert, Department of Justice Offices of the U.S. Attorneys, Houston, TX  
Kenneth Alan Keeling, Keeling Law Firm, Houston, TX  
Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas, Plano, TX  
Robert B. Wilson, Chapter 13 Trustee, Lubbock, TX

**11:00 a.m. 1.25 hrs including .25 hr ethics**

**To Sign or Not To Sign a Proof of Claim**

A discussion of the issues now applicable to the person signing the new national Proof of Claim form that changed effective December 2011. Coverage of the issues surrounding who can sign a claim and what your signature now encompasses under the new form. What does FRBP 9011 mean when signing a claim? Issues concerning whether or not a lawyer becomes a witness if the lawyer signs the claim on behalf of his client, with a focus on evidentiary issues concerning the person signing the claim when taking the stand are explored. Also offered on Friday at 11:15 a.m.

**Moderator:**  
Lisa L. Cockrell, Codilis & Stawiarski, P.C., Houston, TX

**Panelists:**  
Kathryn Buza Davis, Codilis & Stawiarski, P.C., Houston, TX  
Hon. David R. Jones, U.S. Bankruptcy Court, Southern District of Texas, Houston, TX  
Jason Laas-Sughrue, Sughrue Law Firm, Houston, TX  
Marcus F. Salitore, Department of Justice Office of the U.S. Trustee, Tyler, TX

**12:15 p.m. Lunch on Your Own**

**THURSDAY AFTERNOON**

**Presiding Officer:**  
Hon. H. DeWayne "Cooter" Hale, Dallas, TX

**1:30 p.m. .50 hr**

**Stop on a Dime Lest You Commit a Crime and End Up Doing Time**

A discussion about the bankruptcy issues that may trigger criminal exposure for you and your clients, what actions can lead to an indictment, and what every bankruptcy lawyer should know when working with criminal counsel.

Hon. Jeff Bohm, U.S. Bankruptcy Court,  
Southern District of Texas, Houston, TX  
Ashley L. Gargour, Berg & Androphy, Houston, TX

**2:00 p.m. 1.00 hr including .25 hr ethics**

**Avoiding Evidentiary Pitfalls in Bankruptcy Litigation**

Various evidentiary issues are highlighted including making a record, judicial notice, business records and opinion testimony to increase your chances of a successful outcome in litigation.

Hon. Barry Russell, U.S. Bankruptcy Court, Central District of California, Los Angeles, CA

**3:00 p.m. Break**



**HON. BARRY RUSSELL**

**Chief Judge Emeritus,  
U.S. Bankruptcy Court  
Judge, Central District  
of California**

The Honorable Barry Russell was appointed to the Court in 1974 by the Judges of the District Court and was reappointed in 1986 and 2000 by the United States Court of Appeals for the Ninth Circuit.

In 1988 he became the first American invited by the Supreme People's Court, People's Republic of China to lecture on bankruptcy law. Judge Russell has authored the Bankruptcy Evidence Manual, West Publishing Co., since 1987 with a new edition published annually.

Judge Russell is currently a Faculty Member of the Federal Judicial Center, Washington, D.C., a position he has held since 1977.

## Break-Out Sessions

3:15 p.m. 1.25 hrs

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Cedric L. Joubert, Department of Justice Offices of the U.S. Attorneys, Houston, TX  
Kenneth Alan Keeling, Keeling Law Firm, Houston, TX  
Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas, Plano, TX  
Robert B. Wilson, Chapter 13 Trustee, Lubbock, TX

3:15 p.m. 1.25 hrs including .25 hr ethics

### Student Loan Issues in Bankruptcy

How to deal with student loans in consumer bankruptcy cases including separate classification, hardship discharge and special circumstances. Offered only at this time.

**Moderator:**

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

**Panelists:**

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  
Layla D. Milligan, Office of Deborah B. Langehennig, Chapter 13 Trustee, Austin, TX  
Behrooz P. Vida, Attorney at Law, Bedford, TX

4:30 p.m. Break

4:45 p.m. .75 hr

### Judges Panel Q&A Budgetary Issues

Budgetary issues—the judges are ready to take the challenge and tackle some of your toughest questions.

**Panelists:**

Hon. Craig A. Gargotta, Western District, Austin, TX  
Hon. H. DeWayne "Cooter" Hale, Northern District, Dallas, TX  
Hon. Marvin Isgur, Southern District of Texas, Houston, TX  
Hon. Brenda T. Rhoades, Eastern District, Plano, TX  
Hon. Barry Russell, U.S. Bankruptcy Court, Central District of California, Los Angeles, CA

5:30 p.m. Adjourn

## THURSDAY EVENING

7:00 p.m. Reception and Dinner Begins

### NIGHT OUT AT THE AQUARIUM

All registrants and their families (kids welcome) are invited to a special reception and buffet dinner with bankruptcy judges and conference faculty members.

Visit the spectacular Moody Gardens Aquarium without the large crowds of summer: the Aquarium is closed to the public for this special private reception and buffet.

This event is casual, fun and flexible: come for a half hour and quick drink, or stay for two hours, and enjoy a buffet dinner with seating throughout the Aquarium.

SEPARATE REGISTRATION REQUIRED: Tickets are \$10 per person and are NOT included in conference registration. Please see registration form to purchase.



9:00 p.m. Reception and Dinner Ends

## FRIDAY MORNING, AUG. 10, 2012

Presiding Officer:  
Hon. Brenda T. Rhoades, Plano, TX

8:00 a.m. 1.00 hr

### Breakfast Breakout Sessions with the Judiciary and Chapter 13 and 7 Trustees

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

9:00 a.m. .75 hr including .25 hr ethics

### Hot Topics in Discharge and Dischargeability

From a debtor's point of view, the discharge of debts is what bankruptcy is all about. There are, however, some significant roadblocks a debtor can face on the path to discharge. Learn what you might encounter.

Sally McDonald Henry, Texas Tech University School of Law, Lubbock, TX

9:45 a.m. Break

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

### Home Mortgage Lien Stripping

Home Mortgage Lien Stripping is the process of stripping or converting a secured second mortgage, deed of trust, or junior lien from a property and converting such debt into an unsecured debt. Methods for lien stripping and potential issues from the perspective of the debtor, creditor and the bench are explored.

**Panelists:**

Rick Carter, Carter Law PLLC, Houston, TX  
Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas, Houston, TX  
Michael P. Ridulfo, Kane Russell Coleman & Logan PC, Houston, TX

10:30 a.m. .50 hr

### Home Mortgage Proof of Claim Rules

Discussion of Rules 3001 and 3002.1 as they relate to home mortgages.

Hon. Jeff Bohm, U.S. Bankruptcy Court, Southern District of Texas, Houston, TX  
Brendetta Anthony Scott, Offices of David G. Peake, Chapter 13 Trustee, Houston, TX  
Alice L. Whitten, Chapter 13 Trustee, Fort Worth, TX

11:00 a.m. Break

## Break-Out Sessions

11:15 a.m. 1.25 hrs including .25 hr ethics

### Love and Money: When Bankruptcy and Family Law Collide

Dealing with family law issues in bankruptcy. Offered only at this time.

**Moderator:**

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

**Panelists:**

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

Layla D. Milligan, Office of Deborah B. Langehennig, Chapter 13 Trustee, Austin, TX

Behrooz P. Vida, Attorney at Law, Bedford, TX

11:15 a.m. 1.25 hrs including .25 hr ethics

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**Panelists:**

Shawn Ivan Carter, Barrett Daffin Frappier Turner & Engel, Addison, TX

Cedric L. Joubert, Department of Justice Offices of the U.S. Attorneys, Houston, TX

Kenneth Alan Keeling, Keeling Law Firm, Houston, TX

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

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Lisa L. Cockrell, Codilis & Stawiarski, P.C., Houston, TX

**Panelists:**

Kathryn Buza Davis, Codilis & Stawiarski, P.C., Houston, TX

Hon. David R. Jones, U.S. Bankruptcy Court, Southern District of Texas, Houston, TX

Jason Laas-Sughrue, Sughrue Law Firm, Houston, TX

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

12:30 p.m. Pick Up Lunch

Included in conference registration.

## FRIDAY AFTERNOON

**Presiding Officer:**

Hon. Craig A. Gargotta, Austin, TX

### LUNCHEON PRESENTATION

12:45 p.m. .75 hr

#### A View from a Fifth Circuit Judge

1:30 p.m. Break

1:45 p.m. .50 hr

### Better Bankruptcy Practice Using No and Low Cost Technology

Are you tech-savvy? A brief primer on the use and availability of low and no cost eResources to aid in legal research, general consumer practice, debtor due diligence and the use of technology in the Courtroom.

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

Joshua P. Searcy, Searcy & Searcy, P.C., Longview, TX

**Author:**

Elaine D. Balagia, McGinnis, Lochridge & Kilgore, LLP, Houston, TX

2:15 p.m.

.75 hr ethics

### Smackdown Round 4: Ethics in Individual Chapter 11 Cases

Judges Hale and Isgur continue their annual bout and turn their focus on ethics in individual Chapter 11 cases. This annual matchup has become a highlight of the conference.

**Moderators:**

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

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

3:00 p.m. Adjourn

## CONFERENCE FACULTY AND 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

HON. JOHN C. AKARD\*  
U.S. Bankruptcy Judge, Retired  
Lubbock, TX

MICHAEL V. BAUMER\*  
Attorney at Law  
Austin, TX

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

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

RICK CARTER\*  
Carter Law PLLC  
Houston, TX

SHAWN IVAN CARTER\*  
Barrett Daffin Frappier  
Turner & Engel  
Addison, TX

LISA L. COCKRELL\*  
Codilis & Stawiarski, P.C.  
Houston, TX

KATHRYN BUZA DAVIS  
Codilis & Stawiarski, P.C.  
Houston, TX

EVA SHAFIR ENGELHART\*  
Ross Bank May Cron & Cavin, PC  
Houston, TX

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

ASHLEY L. GARGOUR  
Berg & Androphy  
Houston, TX

SALLY MCDONALD HENRY  
Texas Tech University School of Law  
Lubbock, TX

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

HON. DAVID R. JONES  
U.S. Bankruptcy Court, Southern  
District of Texas  
Houston, TX

CEDRIC L. JOUBERT  
Department of Justice Offices of  
the U.S. Attorneys  
Houston, TX

KENNETH ALAN KEELING\*  
Keeling Law Firm  
Houston, TX

JASON LAAS-SUGHRUE  
Sughrue Law Firm  
Houston, TX

ANGELA LITWIN  
The University of Texas School of Law  
Austin, TX

LAYLA D. MILLIGAN\*  
Office of Deborah B. Langehennig,  
Chapter 13 Trustee  
Austin, TX

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

SHAD M. ROBINSON\*  
Haley & Olson, P.C.  
Waco, TX

EDUARDO V. RODRIGUEZ\*  
Malaise Law Firm  
Brownsville, TX

HON. BARRY RUSSELL  
U.S. Bankruptcy Court, Central  
District of California  
Los Angeles, CA

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

BRENDETTA ANTHONY SCOTT  
Offices of David G. Peake, Chapter  
13 Trustee  
Houston, TX

JOSHUA P. SEARCY\*  
Searcy & Searcy, P.C.  
Longview, TX

BEHROOZ P. VIDA\*  
Attorney at Law  
Bedford, TX

ALICE L. WHITTEN\*  
Chapter 13 Trustee  
Fort Worth, TX

ROBERT B. WILSON\*  
Chapter 13 Trustee  
Lubbock, TX

\* Planning Committee Member



## HOW TO REGISTER

**Register online:**  
www.utcle.org

**Or mail your registration to:**  
The University of Texas  
School of Law  
Attn. Registration  
P.O. Box 7759  
Austin, TX 78713-7759

**Or fax to:**  
512-475-6876

**Questions? Call us at 512-475-6700**

## MATERIALS, AUDIO AND IN-HOUSE CLE

### Printed Materials in Course Binder

Leading judges, practitioners and academics provide the definitive set of materials.

### eBinder on CD

Add an eBinder on CD to your course registration or materials purchase for only \$50. This electronic file includes searchable, indexed PDF versions of all printed materials. Allow 3-5 weeks from the conference date for fulfillment.

### 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

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 FORM

Mail this registration form to: **CK12**  
The University of Texas School of Law, Attn. Registration  
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.*

### GREEN REGISTRATION

**Includes Electronic Materials on USB Key (only) and Friday Luncheon Presentation**

- Early Registration Fee due by Wednesday, August 1, 2012 .....\$535  
 Registration Fee after Wednesday, August 1, 2012.....\$585

### STANDARD REGISTRATION

**Includes Printed Course Binder (only) and Friday Luncheon Presentation**

- Early Registration Fee due by Wednesday, August 1, 2012 .....\$565  
 Registration Fee after Wednesday, August 1, 2012.....\$615

### NIGHT OUT AT THE AQUARIUM RECEPTION AND BUFFET DINNER— Thursday Evening

All registrants and families (kids welcome) are invited to a private 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  
 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)

E-mail us at

[service@utcle.org](mailto:service@utcle.org)

or call us at

**512-475-6700**

or go to

[www.utcle.org](http://www.utcle.org)

for more information

## GALVESTON

August 9–10, 2012

### CONFERENCE LOCATION



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

**Special Room Rate: \$167**  
good through July 18, 2012  
(subject to availability)

*Rooms sell out quickly—please reserve early!*

#### Parking

Complimentary self-parking  
Overnight valet parking \$18

#### KEY DATES

**August 1, 2012**

*last day for early registration*  
add \$50 for registrations  
received after this time

**August 3, 2012**

*last day for full refund*

**August 6, 2012**

*last day for partial refunds*  
\$50 processing fee applied

**August 9, 2012, 8:30 a.m.**

*conference begins*



## MOODY GARDENS AND GALVESTON

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



 **MOODY  
GARDENS  
HOTEL**  
SPA & CONVENTION CENTER  
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 seafood restaurants.