

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

## August 9-10, 2012 • Moody Gardens • Galveston, TX

### Thursday Morning, Aug. 9, 2012

**Presiding Officer:**

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

7:30 am	<p><b>Registration Opens</b></p> <p>Includes continental breakfast.</p>
8:30 am	<p><b>Welcoming Remarks</b></p>
8:45 am 1.25 hrs	<p><b>Case Review</b></p> <p>An update of Fifth Circuit consumer bankruptcy cases from the past year.</p> <p>Hon. Craig A. Gargotta, U.S. Bankruptcy Court, Western District of Texas - Austin, TX Angela Littwin, University of Texas School of Law - Austin, TX</p>
10:00 am 0.75 hr	<p><b>Consumer Roundtable Discussion</b></p> <p>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.</p> <p>Moderator: Eduardo V. Rodriguez, Malaise Law Firm - Brownsville, TX</p>
10:45 am	<p><b>Break</b></p>

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### Thursday morning Breakout Sessions

11:00 am 1.25 hrs 0.25 hr ethics	<p><b>Repeat Filers, Bankruptcy Fraud, Mortgage Assistors and Other Problem Cases</b></p> <p>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.</p> <p>Moderator: Hon. H. DeWayne (Cooter) Hale, U.S. Bankruptcy Court, Northern District of Texas - Dallas, TX</p> <p>Panelists: Shawn Ivan Carter, Barrett Daffin Frappier Turner &amp; Engel - Addison, TX</p> <p>Panelists: Cedric LaRue Joubert, Department of Justice, Office of the U.S. Attorney, Southern District of Texas - Houston, TX</p> <p>Panelists: Kenneth Alan Keeling, Keeling Law Firm - Houston, TX</p> <p>Panelists: Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas - Plano, TX</p> <p>Panelists: Robert B. Wilson, Chapter 13 Trustee - Lubbock, TX</p>
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11:00 am  
1.25 hrs

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

This topic compares and contrasts individual Chapter 11 cases versus Chapter 13 cases and discusses application of the absolute priority rule in individual Chapter 11 cases. 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

Panelists:

Eduardo V. Rodriguez, Malaise Law Firm - Brownsville, TX

11:00 am  
1.25 hrs  
0.25 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

Panelists:

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

Panelists:

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

Panelists:

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

Panelists:

Brendetta Anthony Scott, Offices of David G. Peake, Chapter 13 Trustee - Houston, TX

**Break-out Sessions**

12:15 pm

**Lunch on Your Own**

**Thursday Afternoon, Aug. 9, 2012**

**Presiding Officer:**

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

1:30 pm  
0.50 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 pm 1.00 hr 0.25 hr ethics	<p><b>Avoiding Evidentiary Pitfalls in Bankruptcy Litigation</b></p> <p>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.</p> <p>Hon. Barry Russell, U.S. Bankruptcy Court, Central District of California - Los Angeles, CA</p>
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3:00 pm	<p><b>Break</b></p>
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**Thursday afternoon Breakout Sessions**

3:15 pm 1.25 hrs 0.25 hr ethics	<p><b>Repeat Filers, Bankruptcy Fraud, Mortgage Assistors and Other Problem Cases</b></p> <p>An examination of current problems in consumer cases and some practical advice. Also offered on Thursday at 11:00 a.m. and Friday at 11:15 a.m.</p> <p>Moderator:  Hon. H. DeWayne (Cooter) Hale, U.S. Bankruptcy Court, Northern District of Texas - Dallas, TX</p> <p>Panelists:  Shawn Ivan Carter, Barrett Daffin Frappier Turner &amp; Engel - Addison, TX</p> <p>Panelists:  Cedric LaRue Joubert, Department of Justice, Office of the U.S. Attorney, Southern District of Texas - Houston, TX</p> <p>Panelists:  Kenneth Alan Keeling, Keeling Law Firm - Houston, TX</p> <p>Panelists:  Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas - Plano, TX</p> <p>Panelists:  Robert B. Wilson, Chapter 13 Trustee - Lubbock, TX</p>
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3:15 pm 1.25 hrs	<p><b>Individual Chapter 11 Case v. Chapter 13 and also Cases Absolute Priority Rule</b></p> <p>This topic compares and contrasts individual Chapter 11 cases versus Chapter 13 cases and discusses application of the absolute priority rule in individual Chapter 11 cases. Also offered on Thursday at 11:00 a.m.</p> <p>Moderator:  Hon. Craig A. Gargotta, U.S. Bankruptcy Court, Western District of Texas - Austin, TX</p> <p>Panelists:  Shad M. Robinson, Haley &amp; Olson, P.C. - Waco, TX</p> <p>Panelists:  Eduardo V. Rodriguez, Malaise Law Firm - Brownsville, TX</p>
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3:15 pm 1.25 hrs 0.25 hr ethics	<p><b>Student Loan Issues in Bankruptcy</b></p> <p>How to deal with student loans in consumer bankruptcy cases including separate classification, hardship discharge and special circumstances. Offered only at this time.</p> <p>Moderator:  Michael V. Baumer, Law Office of Michael Baumer - Austin, TX</p> <p>Panelists:  H. Anthony Hervol, Law Office of H. Anthony Hervol - San Antonio, TX</p> <p>Panelists:  Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX</p> <p>Panelists:  Layla D. Milligan, Office of Deborah B. Langehennig, Chapter 13 Trustee - Austin, TX</p> <p>Panelists:  Behrooz P. Vida, Attorney at Law - Bedford, TX</p>
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4:30 pm	<b>Break</b>
4:45 pm 0.75 hr	<p><b>Judges Panel Q&amp;A Budgetary Issues</b></p> <p>Budgetary issues-the judges are ready to take the challenge and tackle some of your toughest questions.</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. David R. Jones, 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> <p>Panelists: Hon. Barry Russell, U.S. Bankruptcy Court, Central District of California - Los Angeles, CA</p>
5:30 pm	<b>Adjourn</b>

## Thursday Evening, Aug. 9, 2012

7:00 pm 0.00 hr ethics	<p><b>Night Out at the Aquarium</b></p> <p>All registrants and their families (kids welcome) are invited to a special reception and buffet dinner with bankruptcy judges and conference faculty members.</p> <p>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.</p> <p>This event is casual, fun and flexible: come for a half hour and quick drink, or stay on for two hours, and enjoy a buffet dinner with seating throughout the Aquarium.</p> <p>Separate registration required: Tickets are \$10 per person and are NOT included in Conference registration - Please see registration form to purchase.</p>
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## Friday Morning, Aug. 10, 2012

### 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 Chapter 13 and 7 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. Includes continental breakfast.</p>
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9:00 am 0.75 hr 0.25 hr ethics	<p><b>Hot Topics in Discharge and Dischargeability</b></p> <p>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.</p> <p><b>THIS SESSION HAS MOVED TO 2:15 P.M.</b></p> <p>Sally McDonald Henry, Texas Tech University School of Law - Lubbock, TX</p>
9:45 am	<b>Break</b>
10:00 am 0.50 hr 0.25 hr ethics	<p><b>Home Mortgage Lien Stripping</b></p> <p>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.</p> <p>Panelists: Rick Carter, Carter Law PLLC - Houston, TX</p> <p>Panelists: Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX</p> <p>Panelists: Michael P. Ridulfo, Kane Russell Coleman &amp; Logan PC - Houston, TX</p>
10:30 am 0.50 hr	<p><b>Home Mortgage Proof of Claim Rules</b></p> <p>Discussion of Rules 3001 and 3002.1 as they relate to home mortgages.</p> <p>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</p>
11:00 am	<b>Break</b>

**Friday morning Breakout Sessions**

11:15 am 1.25 hrs 0.25 hr ethics	<p><b>To Sign or Not To Sign a Proof of Claim</b></p> <p>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.</p> <p>Also offered on Thursday at 11:00 a.m.</p> <p>Moderator: Lisa L. Cockrell, Codilis &amp; Stawiarski, P.C. - Houston, TX</p> <p>Panelists: Kathryn Buza Davis, Codilis &amp; Stawiarski, P.C. - Houston, TX</p> <p>Panelists: Hon. David R. Jones, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX</p> <p>Panelists: Jason Delmar Laas-Sughrue, Sughrue Law Firm - Houston, TX</p> <p>Panelists: Marcus F. Salitore, Department of Justice Office of U.S. Trustee - Tyler, TX</p> <p>Panelists: Brendetta Anthony Scott, Offices of David G. Peake, Chapter 13 Trustee - Houston, TX</p>
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<p>11:15 am 1.25 hrs 0.25 hr ethics</p>	<p><b>Repeat Filers, Bankruptcy Fraud, Mortgage Assistors and Other Problem Cases</b></p> <p>An examination of current problems in consumer cases and some practical advice. Also offered on Thursday at 11:00 a.m. and 3:15 p.m.</p> <p>Moderator: Hon. H. DeWayne (Cooter) Hale, U.S. Bankruptcy Court, Northern District of Texas - Dallas, TX</p> <p>Panelists: Shawn Ivan Carter, Barrett Daffin Frappier Turner &amp; Engel - Addison, TX</p> <p>Panelists: Cedric LaRue Joubert, Department of Justice, Office of the U.S. Attorney, Southern District of Texas - Houston, TX</p> <p>Panelists: Kenneth Alan Keeling, Keeling Law Firm - Houston, TX</p> <p>Panelists: Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas - Plano, TX</p> <p>Panelists: Robert B. Wilson, Chapter 13 Trustee - Lubbock, TX</p>
<p>11:15 am 1.25 hrs 0.25 hr ethics</p>	<p><b>Love and Money: When Bankruptcy and Family Law Collide</b></p> <p>Dealing with family law issues in bankruptcy. Offered only at this time.</p> <p>Moderator: Michael V. Baumer, Law Office of Michael Baumer - Austin, TX</p> <p>Panelists: H. Anthony Hervol, Law Office of H. Anthony Hervol - San Antonio, TX</p> <p>Panelists: Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX</p> <p>Panelists: Layla D. Milligan, Office of Deborah B. Langehennig, Chapter 13 Trustee - Austin, TX</p> <p>Panelists: Behrooz P. Vida, Attorney at Law - Bedford, TX</p>

## Friday Afternoon, Aug. 10, 2012

### Presiding Officer:

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

<p>12:30 pm</p>	<p><b>Pick Up Lunch</b></p> <p>Included in conference registration.</p>
	<p><b>Luncheon Presentation</b></p>
<p>12:45 pm 0.75 hr</p>	<p><b>A View from the Fifth Circuit</b></p> <p>Hon. Jennifer Walker Elrod, U.S. Court of Appeals, Fifth Circuit - Houston, TX</p>
<p>1:30 pm</p>	<p><b>Break</b></p>

1:45 pm  
0.50 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.

Materials By:

Elaine D. Balagia, McGinnis, Lochridge & Kilgore, LLP - Houston, TX  
Deirdre Carey Brown, McGinnis, Lochridge & Kilgore, L.L.P. - Houston, TX  
Joshua P. Searcy, Searcy & Searcy, P.C. - Longview, TX

2:15 pm  
0.75 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.

**THIS SESSION HAS MOVED TO 9:00 A.M.**

Moderators:

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

Moderators:

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

Moderators:

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

Panelists:

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

3:00 pm

**Adjourn**