

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

## July 24-25, 2014 • Moody Gardens • Galveston, TX

### Thursday Morning, July 24, 2014

#### Presiding Officer:

**Hon. Tony M. Davis**, U.S. Bankruptcy Court, Western District of Texas - Austin, TX

7:30 am	<b>Registration Opens</b>  Includes continental breakfast.
8:25 am	<b>Welcoming Remarks</b>
8:30 am 1.50 hrs	<b>Case Law Review</b>  An update of Fifth Circuit consumer bankruptcy cases from the past year.  Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas - Plano, TX Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX Hon. Craig A. Gargotta, U.S. Bankruptcy Court, Western District of Texas - San Antonio, TX Hon. Tony M. Davis, U.S. Bankruptcy Court, Western District of Texas - Austin, TX
10:00 am 0.75 hr	<b>Sink or Swim? Traps and Tips Treading through Chapter 7</b>  Chapter 7 trustees from each Texas district focus on recent decisions and issues arising in each district and identify traps and tips to avoid treading water.  Moderator: Allison D. Byman, Hughes Watters Askanase, LLP - Houston, TX Panelists: Areya E. Holder, Law Office of Areya Holder, P.C. - Irving, TX C. Daniel Roberts, C. Daniel Roberts & Associates, P.C. - Austin, TX Jason R. Searcy, Searcy & Searcy Attorneys - Longview, TX
10:45 am	<b>Break</b>

#### Thursday Morning Breakout Sessions

11:00 am 0.75 hr	<b>Topic A: Case Review: A Deeper Dive</b>  <i>Frost, Kim, Asarco</i> and more.  Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX Eduardo V. Rodriguez, Malaise Law Firm - Brownsville, TX
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11:00 am 0.75 hr	<p><b>Topic B: It's Not Over 'til It's Over: Chapter 13 Post-Confirmation Issues</b></p> <p>In a Chapter 13 case, complications often arise after the entry of the Chapter 13 confirmation order: incomes change, cars break down or are wrecked, plan payments are not made, etc. What do you do when such issues come up post-confirmation?</p> <p>Moderator: Hon. Craig A. Gargotta, U.S. Bankruptcy Court, Western District of Texas - San Antonio, TX</p> <p>Panelists: Famose T. Garner, Garner Scott, PLLC - Houston, TX Layla D. Milligan, Office of Deborah B. Langehennig, Chapter 13 Trustee - Austin, TX Stephen G. Wilcox, Wilcox Law PLLC - Fort Worth, TX</p>
11:00 am 0.75 hr	<p><b>Topic C: Bankruptcy 101: Tips from the Bench and Bar</b></p> <p>Dos and don'ts for those who are just starting out.</p> <p>Moderator: Théda W. Page, The Page Law Firm - Frisco, TX</p> <p>Panelists: Hon. John C. Akard, U.S. Bankruptcy Judge, Retired - Houston, TX Hon. David R. Jones, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX</p> <p>Materials By: Hon. H. DeWayne "Cooter" Hale, U.S. Bankruptcy Court, Northern District of Texas - Dallas, TX</p>
11:00 am 0.75 hr	<p><b>Topic D: Dealing with the State of Texas</b></p> <p>A discussion of hot-button issues when dealing with the State of Texas in bankruptcy cases: the anatomy of a Domestic Support Obligation (DSO) claim and how to make it work in a Chapter 13—including interest that accrues on the DSO post-filing and priority treatment of the claim, the police and regulatory power exception to the automatic stay, discharging student loans under the <i>Brunner</i> and <i>Gerhardt</i> tests, and notifying the State of Texas.</p> <p>Moderator: Hon. Tony M. Davis, U.S. Bankruptcy Court, Western District of Texas - Austin, TX</p> <p>Panelists: Ashley B. Carroll, Child Support Division, Office of the Attorney General - Dallas, TX Hal F. Morris, Office of the Attorney General - Austin, TX</p>
11:45 am	<p><b>Pick Up Lunch</b></p> <p>Included in registration.</p>

## Thursday Afternoon, July 24, 2014

### Presiding Officer:

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

### LUNCHEON PRESENTATION

12:05 pm 1.00 hr	<p><b>Stingy or Generous toward Consumers, the Circuits Are Split</b></p> <p>Insight on trends and major consumer cases in U.S. Bankruptcy Court.</p> <p>Bill Rochelle, Bloomberg News - New York, NY</p>
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1:05 pm	<b>Break</b>
1:20 pm 0.75 hr	<p><b>Exemptions Issues: That's Mine and I Wanna Keep It!</b></p> <p>The usual focus is on homestead, but not for this presentation! A discussion on personal property exemptions—because everyone wants to keep their stuff.</p> <p>Moderator: Pamela A. Bassel, Chapter 13 Trustee - Fort Worth, TX</p> <p>Panelists: Michael V. Baumer, Law Office of Michael Baumer - Austin, TX Janet S. Northrup, Hughes Watters Askanase, LLP - Houston, TX</p>
2:05 pm 0.75 hr	<p><b>Requirements for Confirmation of a Chapter 13 Plan</b></p> <p>There is more than meets the casual eye to Section 1325 and the requirements for confirmation of Chapter 13 plans. Hear pointers and practical advice from a Chapter 13 trustee, a debtor attorney and a creditor attorney about the ins and outs of confirmation.</p> <p>Diane S. Carter, Barron &amp; Barron LLP - Plano, TX David G. Peake, Chapter 13 Trustee - Houston, TX Joshua P. Searcy, Searcy &amp; Searcy Attorneys - Longview, TX</p>
2:50 pm	<b>Break</b>
3:00 pm 0.75 hr	<p><b>Tips for Effective Adversary Proceedings</b></p> <p>So you have decided to sue. What next? Tips and tricks for effective adversary proceedings in U.S. Bankruptcy Court, including rules, forms, collateral estoppel and <i>res judicata</i>.</p> <p>Hon. David R. Jones, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX Charles E. Lauffer Jr., Ritcheson, Lauffer &amp; Vincent, P.C. - Tyler, TX Behrooz P. Vida, The Vida Law Firm - Bedford, TX</p>
3:45 pm 0.50 hr	<p><b>Post-Filing Duties of Disclosure in Chapters 7 and 13 Cases</b></p> <p>Do I really have to tell? Post-filing disclosure requirements for debtors and attorneys.</p> <p>Judy A. Robbins, U.S. Trustee for Regions 4 and 7, Office of the U.S. Trustee, U.S. Department of Justice - Houston, TX Shelly K. Terrill, Office of Janna L. Countryman, Standing Chapters 12 and 13 Trustee - Plano, TX</p>
4:15 pm	<b>Break</b>

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#### Thursday Afternoon Breakout Sessions

4:30 pm 0.75 hr	<p><b>Topic A: Case Review: A Deeper Dive</b></p> <p><i>Frost, Kim, Asarco</i> and more.</p> <p>Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX Eduardo V. Rodriguez, Malaise Law Firm - Brownsville, TX</p>
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4:30 pm 0.75 hr	<p><b>Topic B: It's Not Over 'til It's Over: Chapter 13 Post-Confirmation Issues</b></p> <p>In a Chapter 13 case, complications often arise after the entry of the Chapter 13 confirmation order: incomes change, cars break down or are wrecked, plan payments are not made, etc. What do you do when such issues come up post-confirmation?</p> <p>Moderator: Hon. Craig A. Gargotta, U.S. Bankruptcy Court, Western District of Texas - San Antonio, TX</p> <p>Panelists: Famose T. Garner, Garner Scott, PLLC - Houston, TX Layla D. Milligan, Office of Deborah B. Langehennig, Chapter 13 Trustee - Austin, TX Stephen G. Wilcox, Wilcox Law PLLC - Fort Worth, TX</p>
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4:30 pm 0.75 hr	<p><b>Topic E: Small Chapter 11s and Big Chapter 13s</b></p> <p>No, the Absolute Priority Rule does not mean lawyers get served first at lunch. A range of Chapters 11 and 13 topics from two guys who are certain their clients wouldn't need them if they already knew how to prepare Monthly Operating Reports and live within Cash Collateral Budgets.</p> <p>Mark A. Castillo, Curtis   Castillo PC - Dallas, TX John Akard Jr., Of Counsel, Coplen &amp; Banks, P.C., John Akard Jr., P.C. - Cypress, TX</p>
5:15 pm	<p><b>Adjourn</b></p>
7:00 pm	<p><b>Night Out at the Aquarium Reception and Dinner 10<sup>th</sup> Anniversary Celebration</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 to celebrate the 10th Anniversary of the Consumer Bankruptcy Practice program.</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 dinner.</p> <p>This event is casual, fun and flexible: drop in for a quick drink, or stay and enjoy dinner with seating throughout the Aquarium.</p> <p>Separate registration required: Tickets are \$15 per person and are NOT included in Conference registration. Please see registration form to purchase.</p>

## Friday Morning, July 25, 2014

### Presiding Officer:

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

7:45 am	<b>Conference Room Opens</b>  Includes continental breakfast.
8:00 am 1.00 hr	<b>Breakfast Breakout Sessions with the Judiciary and Chapter 13 Trustees</b>  Judges and trustees from each of Texas's four judicial districts meet with attendees and moderate discussion on problems of local concern.
9:00 am 0.50 hr	<b>The Hazards of Homesteads: Challenges with Homestead Exemptions in Texas Bankruptcies</b>  This presentation canvases several complications presented by Texas homestead law that consumer bankruptcy lawyers should be aware of. These issues include the Texas homestead proceeds rule, exempting non-fee simple interests, so-called "sham transfers" and home equity loans.  Hon. Tony M. Davis, U.S. Bankruptcy Court, Western District of Texas - Austin, TX Materials By: Sarah Darnell Wood, U.S. Bankruptcy Court, Western District of Texas - Austin, TX
9:30 am 0.75 hr	<b>Claim Warfare</b>  The battle is on! A dissection of various proofs of claim and how to apply them to your practice. Topics covered include mortgage claims and the interplay of loan modifications with confirmed plan, trustee distributions, termination of the automatic stay and Rule 3002; baseless claim objections filed by debtors for claims filed by "debt buyers" and the use of discovery in the claim objection process; plus late-filed and amended deficiency claims and how they affect the bankruptcy process.  Shawn I. Carter, Barrett Daffin Frappier Turner & Engel, LLP - Addison, TX Miriam Goott, Walker & Patterson PC - Houston, TX Jason P. Miller, Office of Pam Bassel, Chapter 13 Trustee - Fort Worth, TX
10:15 am 0.50 hr	<b>The CFPB, Loan Modifications and Bankruptcy—Some Practical Thoughts</b>  An overview of CFPB servicing regulations and their intersection with bankruptcy and the loan modification process.  Brian S. Engel, Barrett Daffin Frappier Turner & Engel, LLP - Austin, TX
10:45 am	<b>Break</b>

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11:00 am 0.75 hr	<p><b>Topic F: Preparing for a Hearing 101</b></p> <p>"Judge, I swear I told my client to be here for this hearing, and I think the marked exhibits are on their way!" (<i>cue collar pull</i>) Fundamental tips and tricks when preparing for a hearing.</p> <p>Mark A. Castillo, Curtis   Castillo PC - Dallas, TX Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas - Plano, TX</p>
11:45 am	<p><b>Pick Up Lunch</b></p> <p>Included in registration.</p>

## Friday Afternoon, July 25, 2014

### Presiding Officer:

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

### LUNCHEON PRESENTATION

12:05 pm 1.00 hr ethics	<p><b>Contemporary Ethics Problems for Consumer Bankruptcy Lawyers</b></p> <p>How far can you go? A look at hypothetical situations derived from real life illustrating the ethical issues that arise for consumer bankruptcy lawyers with practical tips on maintaining professionalism and ethics in trying situations with counsel, clients and judges.</p> <p>Hon. Douglas D. Dodd, U.S. Bankruptcy Court, Middle District of Louisiana - Baton Rouge, LA</p>
1:05 pm	<p><b>Break</b></p>

1:20 pm 0.50 hr	<p><b>The Dissipating Consumer Discharge: How to Maximize the Broadest Discharge Possible</b></p> <p>Learn ways to challenge the non-dischargeability of student loans, including practical insights on dealing with post-discharge violations and how to ensure your client receives the broadest discharge in consumer cases.</p> <p>Hon. Craig A. Gargotta, U.S. Bankruptcy Court, Western District of Texas - San Antonio, TX Brendetta Anthony Scott, Garner Scott, PLLC - Houston, TX</p>
1:50 pm 0.50 hr	<p><b>Dealing with Ripoff Companies That Get to Your Clients before You Do</b></p> <p>Identifying, exposing and eliminating mortgage rescue scams: How your clients can recover their money.</p> <p>Thomas D. Powers, Chapter 13 Trustee - Dallas, TX Tracie M. Shelby, The Shelby Law Firm - Dallas, TX Elizabeth A. Ziegler, Office of the U.S. Trustee, U.S. Department of Justice - Dallas, TX</p>
2:20 pm 0.50 hr	<p><b>Life Improves When the Brain Moves</b></p> <p>Do some of your clients, worrying about their financial woes, find themselves in a mental jam? For them (and you, as their legal counsel), is there little or no light at the end of the tunnel? The problem from a neuroscience perspective is that these individuals are energizing brain networks that cause them to get stuck, diverting their brain's mental energy away from the networks best able to find solutions. The same mental habits that may have brought your clients to bankruptcy in the first place may prevent them, and you, from reaching a positive outcome in bankruptcy proceedings. Learn tips and tricks to train your brain for better performance and simple solutions you can share with your clients to allow you to better represent them and their case.</p> <p>Kevin L. Leahy, The University of Texas School of Law - Austin, TX</p>
2:50 pm 0.75 hr	<p><b>Mini-Trials: They Always Think They Can Try It Better than You</b></p> <p>The judges talk about strategy, evidence and things that really matter during trial.</p> <p>Moderator: Hon. David R. Jones, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX Panelists: Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas - Plano, TX Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX Hon. Craig A. Gargotta, U.S. Bankruptcy Court, Western District of Texas - San Antonio, TX Hon. Tony M. Davis, U.S. Bankruptcy Court, Western District of Texas - Austin, TX</p>
3:35 pm	<p><b>Adjourn</b></p>