

2005

BANKRUPTCY LITIGATION: Advanced Pre-Trial Practice and Procedure Workshop

Earn up to 10.5 Hours of Credit Including 2.25 Hours of Ethics Credit

Specialization Expected for Bankruptcy and Civil Trial Law

Register Early: Attendance Limited to 125



January 20-21, 2005

The University of Texas School of Law
Eidman Courtroom
Austin, Texas

2005

BANKRUPTCY LITIGATION:

Advanced Pre-Trial Practice and Procedure Workshop

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THURSDAY MORNING, JANUARY 20, 2005

Presiding Officer:
Jeff Bohm

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

Deborah D. Williamson, San Antonio

9:00 a.m. .75 hr

Developing and Pleading Effective Causes of Action in Bankruptcy Cases

The Facts: As Recited by Lamont A. Jefferson

Strategically selecting causes of action can sometimes win or lose your case! This will include an analysis not only of potentially available causes of action to plead, but those most likely to advance and efficiently streamline your client's case. From client interviews and investigative analysis to choice of law, limitations and anticipating defenses, this will focus on selecting and pleading effective causes of action.

The voice of Lamont A. Jefferson, San Antonio
Allan B. Diamond, Houston
Jason S. Brookner, Dallas
Lewis T. LeClair, Dallas

9:45 a.m. .5 hr

Bankruptcy Court Jurisdiction—The Far Side of the World

Navigational tips for exploring many of the uncharted waters of the Bankruptcy Court jurisdictional seas.

H. Christopher Mott, El Paso

10:15 a.m. Break

10:30 a.m. 1.25 hr

You Must Let Me Out!: Developing, Pleading and Presenting Effective Defenses Using Fed. R. Civ. P. 12(b) and Fed. R. Civ. P. 9

The panel will present pleadings and a demonstrative argument to illustrate how defendants can use a carefully crafted motion pursuant to Fed. R. Civ. P. 12(b) and Fed. R. Civ. P. 9 to exit litigation early in the proceeding.

Lynette R. Warman, Dallas
Clifton R. Jessup, Jr., Dallas
Josiah M. Daniel III, Dallas
Hon. Harlin D. "Cooter" Hale, Dallas

11:45 a.m. Networking Round Table Luncheon

Select in advance on registration form. \$10

An informal luncheon gathering of registrants, faculty and judiciary.

THURSDAY AFTERNOON

Presiding Officer:
Charles A. Beckham

1:00 p.m. 1.0 hr

Problems and Pitfalls in Obtaining Injunctive Relief

Your client really needs that TRO, but can you get there from here? This presentation will address how to put together the affidavit and other paperwork that will cover the bases for injunctive relief and survive a challenge in court.

Elizabeth M. Guffy, Houston
Henry J. Kaim, Houston
Hon. Marvin Isgur, Houston

2:00 p.m. .5 hr

Choice of Law and Conflicts of Law

What can you do to influence the most favorable selection of substantive law in adversary or other proceedings? What traps may face you if the least favorable substantive law is selected?

John J. (Mike) McKetta III, Austin

2:30 p.m. .75 hr

Civil Discovery when there are Parallel Criminal Proceedings

A discussion of the strategies implemented when representing individuals or corporations being sued as well as investigated or charged with criminal activity.

Alfredo R. Perez, Houston
Joel M. Androphy, Houston

3:15 p.m. Break

3:30 p.m. 1.25 hr ethics

Ethics by Example

Do you know it when you see it? Consider some behavior by lawyers in the movies—and then ask, "What's wrong with this picture?"

Rhonda R. Chandler, Houston
Harrel L. Davis III, El Paso
Hon. Ronald B. King, San Antonio

4:45 p.m. .5 hr

Q&A Session with Afternoon Speakers

Moderator: Deborah D. Williamson, San Antonio

5:15 p.m. Adjourn to Reception

FRIDAY, JANUARY 21, 2005

Presiding Officer:
Russ Nelms

8:00 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. 1.25 hr, includes .5 hr ethics

Useful Strategies in the Battle of Experts

Winning the battle of experts often depends on employing savvy pretrial strategies. We explore the arcane world of testifying and consulting experts, what counts as a "report," disqualification, and other fun tactics, played out in the context of bankruptcy litigation.

Moderator: Hon. Leif M. Clark, San Antonio
J. Michael Sutherland, Ft. Worth
Nicholas A. Foley, Dallas

9:45 a.m. 1.0 hr, .25 hr ethics

"Give It to Me Now—or Else": Obtaining and Compelling Discovery, including Privilege Issues

Tips and rules for the conduct of discovery in complex bankruptcy litigation matters, including practical methods for streamlining the discovery process and managing discovery requests.

Patrick L. Hughes, Houston
John F. Higgins, Houston
William Greendyke, Houston

10:45 a.m. Break

11:00 a.m. .5 hr

Foreign Depositions

An exploration of formal and informal procedures for obtaining discovery in foreign jurisdictions.

Stephen A. Goodwin, Dallas

11:30 a.m. 1.25 hr, .25 hr ethics

Judges Panel—Case Management

Three leading bankruptcy judges discuss their approaches to case management.

Moderator: Hon. Leif M. Clark, San Antonio
Hon. Harlin D. "Cooter" Hale, Dallas
Hon. Ronald B. King, San Antonio

12:45 p.m. Adjourn

ABOUT THE CONFERENCE

The University of Texas School of Law, in co-sponsorship with the Bankruptcy Law Section of the State Bar of Texas, is pleased to present an innovative, skills-training course in The Law School's Eidman Courtroom.

This workshop, which includes participation by leading bankruptcy judges and practitioners, uses a mix of lecture, case study, commentary and live demonstrations to teach optimal pre-trial litigation practice, procedure and decisions. Innovative and informative—you'll leave with tools, techniques and strategies that can help you practice more effectively—right away!

CONFERENCE PUBLICATIONS AND MEDIA

Course Binder

Conference registration includes a course binder of articles, sample forms and planning strategies—a resource guide you'll refer to all year.

Audio CD Set

Conference presentations are available on CD. Listen to the entire conference or individual sessions at your convenience.

Group CLE

Would your firm like to run an in-house version of this conference, with full participatory MCLE credit? Order Group CLE and we'll accredit the course for you; we'll also provide an Audio CD Set for the group and a Course Binder for each participant.

PLANNING COMMITTEE

Jeff Bohm
McGinnis, Lochridge & Kilgore, L.L.P.
Austin

Rhonda R. Chandler
Munsch Hardt Kopf & Harr, P.C.
Houston

Allan B. Diamond
Diamond McCarthy Taylor Finley
Bryant & Lee, L.L.P.
Houston

Patrick L. Hughes
Haynes and Boone, LLP
Houston

Deborah D. Williamson
Cox Smith Matthews Incorporated
San Antonio

Michael Esposito
The University of Texas School of Law
Austin

REGISTRATION FOR BP05

Mail this registration form to:

The University of Texas School of Law, attn. BP05
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 _____

E-mail Address _____

REGISTRATION

Includes Course Binder.

- Early Registration Fee due by Wed., Jan. 12, 2005 \$450.00
- Registration Fee after Wed., Jan. 12, 2005 \$500.00
- Optional Round Table Luncheon with Morning Speakers \$10.00

CONFERENCE PUBLICATIONS AND MEDIA

Allow 2-3 weeks from the conference date for delivery.

- Course Binder \$200.00
Note: Conference registration includes Course Binder.
- Audio CD Set \$175.00
- eBinder on CD (PDF format) \$200.00/\$50.00
(\$200 purchased alone, \$50 with registration or purchase of Course Binder or Audio CD Set)

GROUP CLE: Bring the conference in-house and learn at your convenience.

Allow 2-3 weeks from the conference date for delivery.

- Group CLE for 2—Includes Audio CD Set and Course Binder \$750.00
_____ Add participants (includes Course Binder) for \$200 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 # - - -

X _____
Authorized Signature

/
Exp. Date (mm/yy)

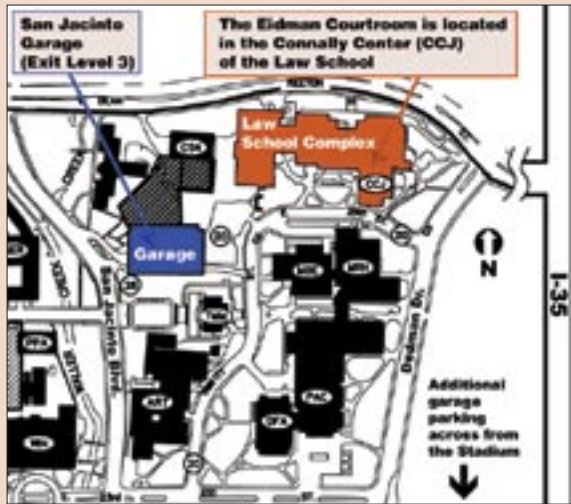
**M
C
L
E**

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 10.5 hours, of which 2.25 credit hours will apply to legal ethics/professional responsibility credit.

AUSTIN
January 20-21, 2005

CONFERENCE LOCATION

The University of Texas School of Law • Eidman Courtroom
727 East Dean Keeton Street, Austin, Texas
Parking available in the San Jacinto Garage—\$7 per day.



ACCOMMODATIONS

Mansion at Judges' Hill
1900 Rio Grande, Austin, Texas • 800-311-1619
SPECIAL RATE: \$80 through January 5, 2005
(Subject to availability.)

Early hotel and workshop registration is highly recommended, as rooms are limited at the Mansion at Judges' Hill and courtroom space at the The Law School limits registration to 125 maximum.

KEY DATES: Registration and Cancellation

- January 12, 2005, 5 p.m. • last day for early registration**
add \$50 for registrations received after this time
- January 14, 2005, 5 p.m. • last day for full refund**
- January 18, 2005, 5 p.m. • last day for partial refunds** (\$50 processing fee)
- January 20, 2004, 9:00 a.m. • conference begins**

CONFERENCE FACULTY

- | | |
|---|--|
| Joel M. Androphy
Berg & Androphy
Houston | Patrick L. Hughes
Haynes and Boone, LLP
Houston |
| Jason S. Brookner
Andrews Kurth LLP
Dallas | Hon. Marvin Isgur
Bankruptcy Court for the
Southern District of Texas
Houston |
| Rhonda R. Chandler
Munsch Hardt Kopf & Harr, P.C.
Houston | Lamont A. Jefferson
Haynes and Boone, LLP
San Antonio |
| Hon. Leif M. Clark
United States Bankruptcy Court
San Antonio | Clifton R. Jessup, Jr.
Greenberg Traurig, LLP
Dallas |
| Josiah M. Daniel III
Vinson & Elkins L.L.P.
Dallas | Henry J. Kaim
Bracewell & Patterson LLP
Houston |
| Harrel L. Davis III
Gordon & Mott, P.C.
El Paso | Hon. Ronald B. King
US Bankruptcy Court
San Antonio |
| Allan B. Diamond
Diamond McCarthy Taylor Finley
Bryant & Lee, L.L.P.
Houston | Lewis T. LeClair
McKool Smith, P.C.
Dallas |
| Nicholas A. Foley
Nelligan, Tarpley, Andrews
& Foley, L.L.P.
Dallas | John J. (Mike) McKetta III
Graves, Dougherty, Hearon
& Moody, P.C.
Austin |
| Stephen A. Goodwin
Carrington, Coleman, Sloman
& Blumenthal, L.L.P.
Dallas | H. Christopher Mott
Gordon & Mott P.C.
El Paso |
| William Greendyke
Fulbright & Jaworski L.L.P.
Houston | Alfredo R. Perez
Weil, Gotshal & Manges LLP
Houston |
| Elizabeth M. Guffy
Dewey Ballantine LLP
Houston | J. Michael Sutherland
Winstead Sechrest & Minick P.C.
Fort Worth |
| Hon. Harlin D. "Cooter" Hale
United States Bankruptcy Court
Dallas | Lynnette R. Warman
Jenkins & Gilchrist, P.C.
Dallas |
| John F. Higgins
Porter & Hedges, L.L.P.
Houston | Deborah D. Williamson
Cox Smith Matthews Incorporated
San Antonio |

Continuous shuttle service from Mansion on Judges' Hill to The University of Texas will be available on Thursday and Friday morning from 7:30-9:30 a.m.; Thursday afternoon from 4:30-6:45 p.m.; and Friday at the conclusion of the conference.



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.

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School of Law

E-mail us at
utcle@mail.law.utexas.edu
or call us at
512-475-6700
for more information