

33RD ANNUAL JAY L. WESTBROOK
BANKRUPTCY CONFERENCE



November 20–21, 2014
Four Seasons Hotel
Austin, Texas

Earn up to 13.00 Hours of Credit Including 2.50 Hours of Ethics Credit; and 15.50 Hours of CPE Credit

TX Legal Specialization Credit Approved for Bankruptcy Law

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THURSDAY MORNING, NOV. 20, 2014

Presiding Officer:

**Michael P. Cooley, Akin Gump Strauss
 Hauer & Feld LLP, Dallas, TX**

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:00 a.m. 1.25 hrs | .50 hr ethics

Recent Developments

The Fab Five kick things off under the leadership of the incomparable Professor Westbrook to discuss this year's cases.

Moderator:

Jay L. Westbrook, The University of Texas
 School of Law, Austin, TX

Panelists:

R. Byrn "Byrnie" Bass Jr., Attorney at Law, Lubbock, TX
 Deborah B. Langehennig, Chapter 13 Trustee, Austin, TX
 Bill Rochelle, Bloomberg News, New York, NY
 Deborah D. Williamson, Cox Smith Matthews
 Incorporated, San Antonio, TX

Materials By:

Brian T. Cumings, Graves, Dougherty, Hearon &
 Moody, Austin, TX
 Aaron M. Kaufman, Cox Smith Matthews
 Incorporated, Dallas, TX

10:15 a.m. Break

10:30 a.m. .75 hr

**Slip Sliding Away:
 Contracting and Legislating the Bankruptcy
 Code Out of Existence or Relevance**

It's not your imagination—learn how parties and Congress are nibbling away at protections and provisions of the Bankruptcy Code.

Charles A. Beckham Jr., Haynes and Boone, LLP,
 Houston, TX
 Edward L. Ripley, King & Spalding, Houston, TX

11:15 a.m. .50 hr

**Developing a Workable Solution for Small
 and Medium Sized Insolvencies**

Case development, client relations and the tool box of skills, pleadings, forms and contacts are all components necessary for the successful reorganization of small to medium sized business and individual debtors under Chapter 11.

Hon. Leif M. Clark, Mediator/Arbitrator/Consultant,
 San Antonio, TX
 William R. Davis Jr., Langley & Banack, Inc.,
 San Antonio, TX

11:45 a.m. .50 hr

Recent Developments in Student Loans

From new bills in Congress to new trends in "undue hardship," student loans are everywhere. Catch the latest developments in this fast-moving and important part of the bankruptcy world.

Angela Littwin, The University of Texas School of Law,
 Austin, TX

12:15 p.m. Lunch On Your Own

“Nice variety of topics with great and knowledgeable speakers.
 Excellent program!
 High quality speakers, leading edge topics and I like the networking opportunities.
 Topics are very informative and relevant to my practice.”

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 Chapter 13 Trustee
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 Cox Smith Matthews Incorporated
 San Antonio, TX

ROBERT B. WILSON
 Chapter 13 Trustee
 Lubbock, TX

WILLIAM A. "TREY" WOOD III
 Bracewell & Giuliani LLP
 Houston, TX

Concurrent Sessions

BUSINESS TRACK

Presiding Officer:

Demetra L. Liggins, Thompson & Knight LLP, Houston, TX

1:30 p.m. 1.00 hr

Law Firm Insolvencies and Bankruptcies

Law firm financial management and planning has always been tricky. But what happens when the firm finds that it has waded into insolvent waters, or worse, is forced to seek bankruptcy protection? Learn strategies to navigate myriad legal developments in the world of law firm insolvencies.

Allan B. Diamond, Diamond McCarthy LLP, Houston, TX
Andrew E. Jillson, Hayse LLC, Dallas, TX
E. Lee Morris, Munsch Hardt Kopf & Harr, P.C., Dallas, TX

2:30 p.m. 1.00 hr

Healthcare Provider Bankruptcies

Issues in the transferability of healthcare assets under Section 363 are uncovered in an analysis of recent healthcare bankruptcy cases. The effect on healthcare insolvency work raised by changes to the economics of healthcare delivery systems and recent healthcare regulatory reform are addressed.

Mark E. Andrews, Cox Smith Matthews Incorporated, Dallas, TX
J. Casey Roy, Office of the Attorney General, Austin, TX
Robin Russell, Andrews Kurth LLP, Houston, TX
Hon. Richard Schmidt, U.S. Bankruptcy Court, Southern District of Texas, Corpus Christi, TX

3:30 p.m. Break

3:45 p.m. .75 hr | .50 hr ethics

Insolvent Corporate Affiliates

Legal, ethical and fiduciary issues arising when one member of an otherwise healthy corporate group becomes insolvent.

Hon. Tony M. Davis, U.S. Bankruptcy Court, Western District of Texas, Austin, TX
Gregory G. Hesse, Hunton & Williams LLP, Dallas, TX

4:30 p.m. .50 hr

It's Not Easy Being Green!

An analysis of the recent wave of restructurings in the renewable energy industry.

Jay H. Ong, Munsch Hardt Kopf & Harr, P.C., Austin, TX
Roderick E. Wetsel, Wetsel, Carmichael & Allen, LLP, Sweetwater, TX

5:00 p.m. Adjourn

CONSUMER TRACK

Presiding Officer:

Hon. John C. Akard (Retired),
U.S. Bankruptcy Judge, Houston, TX

1:30 p.m. 1.00 hr

IRS Debt: Before and After Discharge

Want to discharge IRS tax debts in the aftermath of the McCoy decision? Will your client's Chapter 13 discharge escape the Section 1328(a)(2) exceptions to discharge for IRS taxes? A look at current IRS litigation in both areas and cases concerning IRS tax debts and discharge in bankruptcy.

Miguel A. Flores, Tanzy & Borrego, El Paso, TX
Manuel P. Lena Jr., U.S. Department of Justice, Dallas, TX

2:30 p.m. .50 hr

Affable Affirmations of the Fresh Start or a Trapdoor Back to Financial Hell?

An overview of the law and practical considerations governing the process whereby bankruptcy practitioners breathe life back into dead debts.

June A. Mann, Mann Law Firm PLLC, Bellaire, TX

Materials By:

David Aaron DeSoto, Mann Law Firm PLLC, Bellaire, TX

3:00 p.m. Break

3:15 p.m. .75 hr

Current Issues in Chapter 13

An update on the MERS mortgage settlement in Texas, including an examination of high income families in Chapter 13.

Robert B. Wilson, Chapter 13 Trustee, Lubbock, TX

4:00 p.m. .50 hr

Introduction to Chapter 12

The differences and highlights of Chapter 12—the “family farmer” or “fisherman” with regular annual income.

Ray Hendren, Attorney at Law, Austin, TX

4:30 p.m. .50 hr ethics

From Bear Traps to Bear Hugs: How to Make Consumer Clients Love You

Tips for consumer lawyers on avoiding malpractice claims and other ethical problems.

Hon. Russell F. Nelms, U.S. Bankruptcy Court, Northern District of Texas, Fort Worth, TX
Laurie D. Babich, U.S. Bankruptcy Court, Northern District of Texas, Fort Worth, TX

Presiding Officer:

Rebecca A. Roof, AlixPartners LLP,
New York, NY

8:00 a.m. Conference Room Opens
Includes continental breakfast.

8:45 a.m. .50 hr

Issues Facing the ABI Chapter 11 Reform Commission

The 40th anniversary of the enactment of the Bankruptcy Code is approaching in 2018 and the American Bankruptcy Institute's Commission to Study the Reform of Chapter 11 will soon issue its report. A summary of the issues and topics under consideration including some of the most difficult questions to be addressed by the ABI Commission report.

Donald S. Bernstein, Davis Polk & Wardwell LLP,
New York, NY

9:15 a.m. .50 hr

Supreme Court Update

Coverage of recent pronouncements on bankruptcy law in opinions from the United States Supreme Court's October 2013 Term focusing on *Clark v. Rameker*, and *Law v. Siegel*, relating to exemptions of property under Bankruptcy Code Section 522, and a new opinion in the *Stern v. Marshall* line of cases—*Executive Benefits Insurance Agency v. Arkison*. Highlights from other opinions that are relevant to bankruptcy practice and pending petitions for certiorari to watch in the upcoming Term.

Katie Drell Grissel, Vinson & Elkins LLP, Dallas, TX
Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas, Plano, TX

9:45 a.m. Break

10:00 a.m. .75 hr

The (Il)Legitimacy of Bankruptcies for the Benefit of Secured Creditors: Are Secured Creditors In Charge?

Explore the legitimacy—or illegitimacy—of filing and maintaining a case under the Bankruptcy Code when the sole or principal beneficiary or beneficiaries of the case would be a secured creditor(s).

Charles W. Mooney Jr., University of Pennsylvania Law School, Philadelphia, PA

10:45 a.m. .75 hr ethics

When It Comes to Ethics, Bankruptcy Is Harder

This interactive presentation addresses a series of hypotheticals (not all limited to bankruptcy practice) which lawyers face on a regular basis.

Lawrence J. Fox, Drinker Biddle & Reath LLP, Philadelphia, PA
G. James Landon, Streusand, Landon & Ozburn, LLP, Austin, TX

11:30 a.m. Pick Up Lunch

Included in registration.

THANK YOU TO OUR RECEPTION SPONSOR



JAY L. WESTBROOK BANKRUPTCY CONFERENCE RECEPTION

FRIDAY AFTERNOON**Presiding Officer:**

**Sabrina L. Streusand, Streusand,
Landon & Ozburn, LLP, Austin, TX**

LUNCHEON PRESENTATION

11:50 a.m. .75 hr

Play Ball! Bankruptcy and Professional Sports

A look into the reasons professional sports teams and sports media may file for bankruptcy protection.

Hon. Joseph J. Farnan Jr., Farnan LLP,
Wilmington, DE
William K. Snyder, Deloitte Financial Advisory
Services, LLP, Dallas, TX
Rafael Ali Stone, Houston Rockets, Houston, TX

Materials By:

Arsalan Muhammad, Haynes and Boone, LLP,
Houston, TX

12:35 p.m. Break

12:50 p.m. .50 hr ethics

The Other Disclosure—Section 329

An overview on how to apply the right standard for fee disclosures under Section 329, the time period for evaluation, and the standards for review.

Lisa L. Lambert, Office of the U.S. Trustee, Dallas, TX

1:20 p.m. .75 hr

Future of Fraudulent Transfer Litigation

The number and size of highly leveraged transactions and Ponzi schemes in recent years has led to an increase in fraudulent transfer litigation. The issues unique to this new wave of litigation, including the safe harbors of Section 546(e) and preemption, the collapsing transactions doctrine, the good faith defense, damage limitations and how such issues have been interpreted in recent cases and their implications in future litigation.

Melanie Gray, Winston & Strawn LLP, Houston, TX
Stephen A. McCartin, Gardere & Wynne, Dallas, TX
Lydia T. Protopapas, Winston & Strawn LLP,
Houston, TX

2:05 p.m. .50 hr

Sections of the Code You Don't Know but Probably Should

Esoterica of the Bankruptcy Code: Fun with Sections 108, 505, 525, 726 and more!

Patricia Baron Tomasco, Jackson Walker L.L.P., Austin, TX

2:35 p.m. Break

2:45 p.m. .75 hr

Consumer Financial Protection Bureau: An Overview

Insight into the work and priorities of the CFPB's Office of Enforcement.

Anthony Alexis, Consumer Financial Protection
Bureau, Washington, DC

3:30 p.m. 1.00 hr | .25 hr ethics

Homestead

Kim, Frost, and other homestead developments and ethical considerations.

Michael V. Baumer, Law Office of Michael Baumer,
Austin, TX
Hon. H. DeWayne "Cooter" Hale, U.S. Bankruptcy
Court, Northern District of Texas, Dallas, TX
Hon. Ronald B. King, U.S. Bankruptcy Court,
Western District of Texas, San Antonio, TX

4:30 p.m. Adjourn

CONFERENCE FACULTY

ANTHONY ALEXIS
Consumer Financial Protection Bureau
Washington, DC

MARK E. ANDREWS
Cox Smith Matthews Incorporated
Dallas, TX

LAURIE D. BABICH
U.S. Bankruptcy Court
Northern District of Texas
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Dallas, TX

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Gardere & Wynne
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Plano, TX

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Southern District of Texas
Corpus Christi, TX

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Houston Rockets
Houston, TX

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Jackson Walker L.L.P.
Austin, TX

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The University of Texas School of Law
Austin, TX

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Wetsel, Carmichael & Allen, LLP
Sweetwater, TX

DEBORAH D. WILLIAMSON
Cox Smith Matthews Incorporated
San Antonio, TX

ROBERT B. WILSON
Chapter 13 Trustee
Lubbock, TX

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School of Law
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Austin, TX 78713-7759

Fax:

512.475.6876

Questions? 512.475.6700

*Dietary requirements or Accessibility needs?
Call 512.475.6700 or email service@utcle.org*

CLE AND CPE CREDIT

CLE CREDIT

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.00 hours, of which 2.50 credit hours will apply to legal ethics/professional responsibility credit.

Texas Legal Specialization Credit Approved for Bankruptcy Law

The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively approved provider (#169).

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Delivery Method: Group-Live

Program Level: Overview

Advance Preparation: None

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BK14

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Special group registration rates available. Call 512.475.6700.

1. Select Registration Type

- Individual registration by Wednesday, November 12 \$575
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 Printed Course Binder ONLY

3. Select Thursday Afternoon Concurrent Session

- Business Track
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November 20–21, 2014

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512.685.8100**Special Room Rate: \$245**good through October 19, 2014
reference "UT Bankruptcy"
(subject to availability)**Parking:**\$12 daily self-parking; \$16 valet
\$32.50 overnight self or valet**KEY DATES****November 12, 2014***last day for early registration*
add \$50 for registrations
received after this time**November 14, 2014***last day for cancellation (full refund)***November 17, 2014***last day for cancellation (partial refund)*
\$50 processing fee applied**November 20, 2014, 8:50 a.m.***Conference begins***THANK YOU TO OUR SPONSORS****PREMIER SPONSORS**Andrews Kurth LLP
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The Young Lawyers Committee hosts their annual evening reception at the Brass House, 115 San Jacinto Blvd., Austin, TX (walking distance from the Four Seasons Hotel), Thursday, November 20 at 8:30 p.m.