

# 33<sup>rd</sup> Annual Jay L. Westbrook Bankruptcy Conference

## November 20-21, 2014 • Four Seasons Hotel • Austin, TX

### Thursday Morning, Nov. 20, 2014

**Presiding Officer:**

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

8:00 am	<p><b>Registration Opens</b></p> <p>Includes continental breakfast.</p>
8:50 am	<p><b>Welcoming Remarks</b></p>
9:00 am 1.25 hrs 0.50 hr ethics	<p><b>Recent Developments</b></p> <p>The Fab Five kick things off under the leadership of the incomparable Professor Westbrook to discuss this year's cases.</p> <p>Moderator:            Jay L. Westbrook, The University of Texas School of Law - Austin, TX</p> <p>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</p> <p>Materials By:            Brian T. Cumings, Graves, Dougherty, Hearon &amp; Moody - Austin, TX            Aaron M. Kaufman, Cox Smith Matthews Incorporated - Dallas, TX</p>
10:15 am	<p><b>Break</b></p>
10:30 am 0.75 hr	<p><b>Slip Sliding Away: Contracting and Legislating the Bankruptcy Code Out of Existence or Relevance</b></p> <p>It's not your imagination—learn how parties and Congress are nibbling away at protections and provisions of the Bankruptcy Code.</p> <p>Charles A. Beckham Jr., Haynes and Boone, LLP - Houston, TX            Edward L. Ripley, King &amp; Spalding - Houston, TX</p>
11:15 am 0.50 hr	<p><b>Developing a Workable Solution for Small and Medium Sized Insolvencies</b></p> <p>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.</p> <p>Hon. Leif M. Clark, Mediator/Arbitrator/Consultant - San Antonio, TX            William R. Davis Jr., Langley &amp; Banack, Inc. - San Antonio, TX</p>

11:45 am 0.50 hr	<b>Recent Developments in Student Loans</b>  From new bills in Congress to new trends in “undue hardship,” student loans are everywhere. No wonder—the total outstanding student loan balance is now over \$1 trillion. 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 pm	<b>Lunch On Your Own</b>

## Thursday Afternoon, Nov. 20, 2014

### Business Track

#### Presiding Officer:

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

1:30 pm 1.00 hr	<b>Law Firm Insolvencies and Bankruptcies</b>  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 pm 1.00 hr	<b>Healthcare Provider Bankruptcies</b>  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.  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 George H. Tarpley, Cox Smith Matthews Incorporated - Dallas, TX
3:30 pm	<b>Break</b>
3:45 pm 0.75 hr 0.50 hr ethics	<b>Insolvent Corporate Affiliates</b>  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 pm 0.50 hr	<b>It's Not Easy Being Green!</b>  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 pm	<b>Jay L. Westbrook Bankruptcy Reception</b>  Thank You to Our Sponsor AlixPartners LLP
<b>Consumer Track</b> <b>Presiding Officer:</b> <b>Hon. John C. Akard</b> , Retired, U.S. Bankruptcy Judge - Houston, TX	
1:30 pm 1.00 hr	<b>IRS Debt: Before and After Discharge</b>  Want to discharge IRS tax debts in the aftermath of the <i>McCoy</i> 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 pm 0.50 hr	<b>Affable Affirmations of the Fresh Start or a Trapdoor Back to Financial Hell?</b>  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 pm	<b>Break</b>
3:15 pm 0.75 hr	<b>Current Issues in Chapter 13</b>  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 pm 0.50 hr	<b>Introduction to Chapter 12</b>  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 pm 0.50 hr ethics	<b>From Bear Traps to Bear Hugs: How to Make Consumer Clients Love You</b>  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. Rea, U.S. Bankruptcy Court, Northern District of Texas - Fort Worth, TX
5:00 pm	<b>Jay L. Westbrook Bankruptcy Reception</b>  Thank You to Our Sponsor AlixPartners LLP

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### **Young Lawyers Committee Annual Evening Reception**

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.

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## **Friday Morning, Nov. 21, 2014**

### **Presiding Officer:**

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

8:00 am	<b>Conference Room Opens</b>  Includes continental breakfast.
8:45 am 0.50 hr	<b>Issues Facing the ABI Chapter 11 Reform Commission</b>  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 am 0.50 hr	<b>Supreme Court Update</b>  Coverage of recent pronouncements on bankruptcy law in opinions from the United States Supreme Court's October 2013 Term focusing on <i>Clark v. Rameker</i> , and <i>Law v. Siegel</i> , relating to exemptions of property under Bankruptcy Code Section 522, and a new opinion in the <i>Stern v. Marshall</i> line of cases— <i>Executive Benefits Insurance Agency v. Arkison</i> . 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 am	<b>Break</b>
10:00 am 0.75 hr	<b>The (il)Legitimacy of Bankruptcies for the Benefit of Secured Creditors: Are Secured Creditors In Charge?</b>  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 am 0.75 hr ethics	<b>When It Comes to Ethics, Bankruptcy Is Harder</b>  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 am	<b>Pick Up Lunch</b>  Included in registration.
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## Friday Afternoon, Nov. 21, 2014

### Presiding Officer:

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

### Luncheon Presentation

11:50 am 0.75 hr	<b>Play Ball! Bankruptcy and Professional Sports</b>  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 pm	<b>Break</b>
12:50 pm 0.50 hr ethics	<b>The Other Disclosure—Section 329</b>  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 pm 0.75 hr	<b>Future of Fraudulent Transfer Litigation</b>  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 pm 0.50 hr	<b>Sections of the Code You Don't Know but Probably Should</b>  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 pm	<b>Break</b>

2:45 pm 0.75 hr	<b>Consumer Financial Protection Bureau: An Overview</b>  Insight into the work and priorities of the CFPB's Office of Enforcement.  Anthony Alexis, Consumer Financial Protection Bureau - Washington, DC
3:30 pm 1.00 hr 0.25 hr ethics	<b>Homestead</b>  <i>Kim, Frost</i> , 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 pm	<b>Adjourn</b>