

39TH ANNUAL JAY L. WESTBROOK
BANKRUPTCY CONFERENCE



November 5–6, 2020

 Live Webcast

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Times listed are Central Standard

THURSDAY MORNING, NOV. 5, 2020

Presiding Officer:

**William L. Wallander, Vinson & Elkins LLP,
Dallas, TX**

8:00 a.m. Welcoming Remarks

8:10 a.m. 1.00 hr | .25 hr ethics

Recent Developments

The written materials are exceptional. And most, if not all, of the panel members are 'distinguished'. Enjoy this year's most important business and consumer cases from the comfort of your own office. Virtually.

Moderator:

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

Panelists:

R. Byrn "Byrnie" Bass Jr., Attorney at Law, Lubbock, TX
Angela Littwin, The University of Texas School of Law, Austin, TX
Bill Rochelle, American Bankruptcy Institute, New York, NY
Deborah D. Williamson, Dykema, San Antonio, TX

9:10 a.m. 5-Minute Break

9:15 a.m. 1.00 hr | .25 hr ethics

Small Business Reorganization Act of 2019

Want to know more about the new Subchapter V option for small businesses? Join this expert panel as they walk you through it and its implications for both Debtors and Creditors alike. Find out how it works, what courts around the country have said about Subchapter V so far, and what the CARES Act means for those seeking qualification under it. But beware! There are both benefits and pitfalls for those who venture into a Subchapter V case without understanding its intricacies. Don't miss out!

Moderator:

Hon. Eduardo V. Rodriguez, U.S. Bankruptcy Court, Southern District of Texas, McAllen, TX

Panelists:

Hon. Stacey G. C. Jernigan, U.S. Bankruptcy Court, Northern District of Texas, Dallas, TX
Lisa L. Lambert, Office of the U.S. Trustee, Dallas, TX
Jarrod Martin, Chamberlain Hrdlicka, Houston, TX
Behrooz P. Vida, The Vida Law Firm, Bedford, TX

10:15 a.m. 5-Minute Break

10:20 a.m. 1.00 hr | .25 hr ethics

Complex Chapter 11 Cases – the Big Picture

A lively discussion of current trends in complex chapter 11 work in Texas.

Moderator:

Demetra Liggins, Thompson & Knight LLP, Houston, TX

Panelists:

Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas, Houston, TX
Ashley Harper, Hunton Andrews Kurth LLP, Houston, TX
Alfredo R. Pérez, Weil, Gotshal & Manges LLP, Houston, TX

11:20 a.m. 5-Minute Break

11:25 a.m. .50 hr

The Surprising Possibility of Student Loan Discharges

Discuss Judge Mullin's recent decision in *Trejo v. Navient and the United States Department of Education* in which the borrower met her burden of showing undue hardship under Section 523(a)(8) as well as general changes in the way bankruptcy courts in the Fifth Circuit are understanding the requirements of *Brunner* and *Gerhardt*. Such recent changes might provide debtors with an improved likelihood of discharging their student loans.

Hon. Mark X. Mullin, U.S. Bankruptcy Court, Northern District of Texas, Fort Worth, TX
John Rao, National Consumer Law Center, Boston, MA
Charlie Shelton, Hajjar Peters LLP, Austin, TX

11:55 a.m. Break for Lunch

Presentations resume at 12:20 p.m.

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THURSDAY AFTERNOON

Presiding Officer:

**Catherine Stone Curtis, Pulman
Cappuccio & Pullen, LLP, McAllen, TX**

12:20 p.m. .75 hr | .25 hr ethics

Judges Panel on Vexing Issues in Consumer Cases

The judges weigh-in on Internet-based consumer firms, the use of appearance counsel, nunc pro tunc relief (is it still a thing?), allowance (or not) of late-filed claims, and *Brown v. Viegelahn*.

Hon. Craig A. Gargotta, U.S. Bankruptcy Court, Western District of Texas, San Antonio, TX
Hon. Robert Lee Jones, U.S. Bankruptcy Court, Northern District of Texas, Lubbock, TX
Hon. Chris López, U.S. Bankruptcy Court, Southern District of Texas, Houston, TX

1:05 p.m. 5-Minute Break

1:10 p.m. .50 hr

Hot Topics in the Healthcare Space

Discussion of provider agreements and disputes, custodianship and disposition of patient records, Medicaid participation, and other critical issues arising in healthcare bankruptcies.

Brian T. Cumings, Graves, Dougherty, Hearon & Moody, Austin, TX
Casey Roy, Office of the Texas Attorney General, Austin, TX

1:40 p.m. 5-Minute Break

1:45 p.m. .50 hr

Shopping for Solutions During a Pandemic: Retail Bankruptcies in the COVID-19 Era

Discuss how retailers are using Chapter 11 to address the extreme challenges posed by the worldwide health crisis.

Ian T. Peck, Haynes and Boone, LLP, Dallas, TX
Jennifer Wertz, Jackson Walker LLP, Austin, TX

2:15 p.m. 5-Minute Break

2:20 p.m. .50 hr ethics

You're Hired—Now What? Navigating the Requirements for Professional Retention in Bankruptcy

Examine the requirements for debtors and official committees to retain professionals in bankruptcy under the Bankruptcy Code and Rules, including recent developments in retention of investment bankers, financial advisors, and Chief Restructuring Officers.

Charles A. Beckham Jr., Haynes and Boone, LLP, Houston, TX
Kelli S. Norfleet, Haynes and Boone, LLP, Houston, TX

2:50 p.m. 5-Minute Break

2:55 p.m. .75 hr

The Midstream Contract World Defined in Four Parts

Explore the midstream contract world in four parts: (i) the federal regulatory landscape; (ii) the difference between pipelines and gathering systems; (iii) state oil and gas, and real property law (covenant running with the land, pipeline common carrier issues); and (iv) the economics of different basins (constrained takeaway capacity or taking sand to the beach).

Matthew Dudley Cavanaugh, Jackson Walker LLP, Houston, TX
Camisha L. Simmons, Simmons Legal PLLC, Dallas, TX
Patricia Baron Tomasco, Quinn Emanuel Urquhart & Sullivan, LLP, Houston, TX

3:40 p.m. 5-Minute Break

3:45 p.m. .75 hr | .25 hr ethics

How to Value Assets in an Economic Downturn

The economic ramifications of COVID-19 have further complicated valuation issues in bankruptcy cases as companies attempt to reorganize during these uncertain times.

Hon. David R. Jones, U.S. Bankruptcy Court, Southern District of Texas, Houston, TX
Ryan Manns, Norton Rose Fulbright US LLP, Dallas, TX
Jan Naifeh, FTI Consulting, Nashville, TN

4:30 p.m. 5-Minute Break

4:35 p.m. .75 hr | .25 hr ethics

Delaware v. Texas

Are there real differences in bankruptcy in these two prominent jurisdictions? Find out from these two preeminent judges.

Moderator:
Hon. H. Christopher Mott, U.S. Bankruptcy Court, Western District of Texas, Austin, TX

Panelists:
Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas, Houston, TX
Hon. Christopher S. Sontchi, U.S. Bankruptcy Court, District of Delaware, Wilmington, DE

5:20 p.m. Adjourn

JOIN THE YOUNG LAWYERS COMMITTEE FOR A SPECIAL VIRTUAL HAPPY HOUR!

Please join the Young Lawyer Committee for a virtual happy hour. In addition to a fun evening consisting of networking and games, the YLC will host a Q&A session with our newest judge, the Honorable Michelle V. Larson.

FRIDAY MORNING, NOV. 6, 2020

Presiding Officer:
Sean B. Davis, Winstead PC, Houston, TX

8:00 a.m. 1.00 hr | .25 hr ethics

Judges Panel—Technology and the Courtroom Before and After COVID-19

Will we ever go back to live hearings in the courtroom?

Hon. H. DeWayne "Cooter" Hale, U.S. Bankruptcy Court, Northern District of Texas, Dallas, TX
Hon. David R. Jones, U.S. Bankruptcy Court, Southern District of Texas, Houston, TX
Hon. Ronald B. King, U.S. Bankruptcy Court, Western District of Texas, San Antonio, TX
Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas, Plano, TX

9:00 a.m. 5-Minute Break

9:05 a.m. .50 hr

Late-in-Life Bankruptcies

Research shows that persons age 65 and over are the fastest-growing group of bankruptcy filers. Discuss this research as well as effective legal and counseling strategies to help the late-in-life debtor.

Edward C. Boltz, The Law Offices of John T. Orcutt, Durham, NC
Robert M. Lawless, University of Illinois College of Law, Champaign, IL

9:35 a.m. 5-Minute Break

9:40 a.m. 1.00 hr | .25 hr ethics

Recent Developments II

Virtually every relevant case of the past year, Part II. A discussion of business and consumer bankruptcy decisions essential to your practice.

Moderator:
Deborah B. Langehennig, Chapter 13 Trustee, Austin, TX

Panelists:
Omar J. Alaniz, Reed Smith LLP, Dallas, TX
Aaron M. Kaufman, Gray Reed, Dallas, TX
Demetra Liggins, Thompson & Knight LLP, Houston, TX

10:40 a.m. 5-Minute Break

10:45 a.m. .75 hr ethics

Me? Biased? Studying Implicit Bias and How it Affects Your Decisions

So much of the practice of law involves decision-making and convincing others to make better decisions based upon fact rather than emotion. This course is intended to guide attendees to appreciate how they involuntarily make decisions and guide them to recognize and prevent bias.

Claude E. Ducloux, Attorney at Law, Austin, TX

11:30 a.m. 5-Minute Break

11:35 a.m. .50 hr

Passive Violations of the Automatic Stay - Know When to Hold 'Em, Know When to Fold 'Em

A discussion of *City of Chicago v. Fulton* argued at the U.S. Supreme Court's October 2020 term: When is a credit's passive possession of estate property a violation of the automatic stay and how can you protect your clients' interests in estate property without violating the automatic stay.

Evan J. Atkinson, Waller Lansden Dortch & Davis, LLP, Austin, TX
Jason Enright, Winstead PC, Dallas, TX

12:05 p.m. Break for Lunch

Presentations resume at 12:30 p.m.

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FRIDAY AFTERNOON**Presiding Officer:**

Yoshie Valadez, McCarthy & Holthus, LLP,
Plano, TX

LUNCHEON PRESENTATION

12:30 p.m. .50 hr

The Outlook for the US and Texas Economies in a Post-COVID-19 Environment

Discuss projections for the US and Texas economies including discussion of key trends underlying the outlook such as recovery from the pandemic, oil prices, the expected performance of major industry groups, and the financial impact of the pandemic. Fallout from COVID-19 such as disruptions, unemployment, potential for bankruptcy, and effects of relief packages will also be described.

M. Ray Perryman, The Perryman Group, Waco, TX

1:00 p.m. 5-Minute Break

1:05 p.m. .75 hr | .25 hr ethics

Dumpster Fires 101: Free Fall Bankruptcy Filings

Getting into bankruptcy is the easy part—getting out of bankruptcy is the hard part particularly when you don't have an exit strategy arranged before the filing. Explore the unique challenges of a "free fall" bankruptcy, including how to minimize the harm to the business and will address strategies for maximizing value and getting out of bankruptcy quickly even when you don't have the exit strategy identified and locked down before the filing.

Bassam Latif, Moelis & Company, Houston, TX

David S. Meyer, Vinson & Elkins LLP, New York, NY
Gregory F. Pesce, Kirkland & Ellis LLP, Chicago, IL
Caroline A. Reckler, Latham & Watkins LLP,
Chicago, IL

1:50 p.m. 5-Minute Break

1:55 p.m. .50 hr

Dealing with the Government: The SBA Before and After COVID

Discuss practical considerations when dealing with a government agency, remedies available against the SBA, and recent court opinions regarding the SBA and PPP loans.

Kay B. Walker, Law Office of Kay B. Walker, Corpus Christi, TX

2:25 p.m. 5-Minute Break

2:30 p.m. .75 hr | .25 hr ethics

You're out! Swapping Boards and Other Management Strategies Planning for Bankruptcy

Discuss the strategic considerations relating to bankruptcy case authorization and administration in the face of restrictive corporate governance.

Robert J. Dehney, Morris, Nichols, Arsht & Tunnell LLP, Wilmington, DE
Jay H. Ong, Munsch Hardt Kopf & Harr, P.C., Austin, TX
Sarah Ann Link Schultz, Akin Gump Strauss Hauer & Feld LLP, Dallas, TX

3:15 p.m. 5-Minute Break

3:20 p.m. .50 hr

Selling Technology Out of a Bankruptcy

Technology and manufacturing companies that wind up in a bankruptcy sometimes have valuable intellectual property, whether patents, copyrights, trade secrets, or know-how. What are strategies for maximizing the consideration received for these assets? What skills are required by the seller to achieve a good outcome? How important is an IP analytics platform? How should assets be bundled? How important is the cooperation of company employees?

Lynn Hamilton Butler, Husch Blackwell LLP, Austin, TX
Ed Powell, IPX, Nashville, TN

3:50 p.m. 5-Minute Break

3:55 p.m. .75 hr

Mass Tort Bankruptcies

Discussion of issues arising in Mass Tort bankruptcies, including, without limitation, (a) Bar Date and noticing program issues, (b) Mediation among multiple mass tort parties; (c) District Court participation; (d) Non-consensual third party releases; and (e) Chapter 11 plan issues, including voting, classification, estimation, and other issues.

Rakhee V. Patel, Winstead PC, Dallas, TX
Arik Preis, Akin Gump Strauss Hauer & Feld LLP, New York, NY
Richard S. Schmidt, The Claro Group, Corpus Christi, TX

4:40 p.m. Adjourn

PRERECORDED**SPECIAL NOTICE: Not available via live webcast**

Sessions will be prerecorded and the accredited video and materials will be made available in "Your Briefcase" on the first day of the conference. The sessions provide an additional 1.75 hrs (including 0.25 hr ethics) of accredited MCLE credit.

Presiding Officer:

Pam Bassel, Standing Chapter 13 Trustee,
Fort Worth, TX

Prerecorded .50 hr | .25 hr ethics

Chapter 7 Attorney's Fees

A look at the issues and caselaw regarding unconventional arrangements such as unbundling and bifurcation.

Kevin M. Epstein, Office of the U.S. Trustee, San Antonio, TX
Brendon Singh, Corral Tran Singh LLP, Houston, TX

Prerecorded .50 hr

Contested Matters in Consumer Cases

Gain insight on using technology to effectively manage deadlines and hearings quickly and effectively.

Reed Allmand, Allmand Law Firm, PLLC, Dallas, TX
Cristina Rodriguez, Keeling Law Firm, Houston, TX

Prerecorded .75 hr

SBRA/Chapter 13 Business Cases

An overview of options for the reorganization of the small business debtor and what may work best, SBRA or chapter 13.

Moderator:

Pam Bassel, Standing Chapter 13 Trustee, Fort Worth, TX

Panelists:

Christy Lingafelter Heimer, Heimer Law Offices P.C., Austin, TX
Henry G. Hobbs Jr., Acting U.S. Trustee Region 7, U.S. Department of Justice, Austin, TX
Shane P. Tobin, Trial Attorney, Office of The United States Trustee, Austin, TX

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Dallas, TX

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Waller Lansden Dortch & Davis, LLP
Austin, TX

R. BYRN "BYRNIE" BASS JR.
Attorney at Law
Lubbock, TX

PAM BASSEL
Standing Chapter 13 Trustee
Fort Worth, TX

CHARLES A. BECKHAM JR.
Haynes and Boone, LLP
Houston, TX

EDWARD C. BOLTZ
The Law Offices of John T. Orcutt
Durham, NC

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Austin, TX

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Wilmington, DE

CLAUDE E. DUCLOUX
Attorney at Law
Austin, TX

JASON ENRIGHT
Winstead PC
Dallas, TX

KEVIN M. EPSTEIN
Office of the U.S. Trustee
San Antonio, TX

HON. CRAIG A. GARGOTTA
U.S. Bankruptcy Court, Western District
of Texas
San Antonio, TX

HON. H. DEWAYNE "COOTER" HALE
U.S. Bankruptcy Court, Northern
District of Texas
Dallas, TX

ASHLEY HARPER
Hunton Andrews Kurth LLP
Houston, TX

CHRISTY LINGAFELTER HEIMER
Heimer Law Offices P.C.
Austin, TX

HENRY G. HOBBS JR.
Acting U.S. Trustee Region 7, U.S.
Department of Justice
Austin, TX

HON. MARVIN ISGUR
U.S. Bankruptcy Court, Southern
District of Texas
Houston, TX

HON. STACEY G. C. JERNIGAN
U.S. Bankruptcy Court, Northern
District of Texas
Dallas, TX

HON. DAVID R. JONES
U.S. Bankruptcy Court, Southern
District of Texas
Houston, TX

HON. ROBERT LEE JONES
U.S. Bankruptcy Court, Northern
District of Texas
Lubbock, TX

AARON M. KAUFMAN
Gray Reed
Dallas, TX

HON. RONALD B. KING
U.S. Bankruptcy Court, Western District
of Texas
San Antonio, TX

LISA L. LAMBERT
Office of the U.S. Trustee
Dallas, TX

DEBORAH B. LANGEHENNIG
Chapter 13 Trustee
Austin, TX

BASSAM LATIF
Moelis & Company
Houston, TX

ROBERT M. LAWLESS
University of Illinois College of Law
Champaign, IL

DEMETRA LIGGINS
Thompson & Knight LLP
Houston, TX

ANGELA LITWIN
The University of Texas School of Law
Austin, TX

HON. CHRIS LÓPEZ
U.S. Bankruptcy Court, Southern
District of Texas
Houston, TX

RYAN MANNS
Norton Rose Fulbright US LLP
Dallas, TX

JARROD MARTIN
Chamberlain Hrdlicka
Houston, TX

DAVID S. MEYER
Vinson & Elkins LLP
New York, NY

HON. H. CHRISTOPHER MOTT
U.S. Bankruptcy Court, Western District
of Texas
Austin, TX

HON. MARK X. MULLIN
U.S. Bankruptcy Court, Northern
District of Texas
Fort Worth, TX

JAN NAIFEH
FTI Consulting
Nashville, TN

KELLI S. NORFLEET
Haynes and Boone, LLP
Houston, TX

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Austin, TX

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Winstead PC
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Akin Gump Strauss Hauer & Feld LLP
New York, NY

JOHN RAO
National Consumer Law Center
Boston, MA

CAROLINE A. RECKLER
Latham & Watkins LLP
Chicago, IL

HON. BRENDA T. RHOADES
U.S. Bankruptcy Court, Eastern District
of Texas
Plano, TX

BILL ROCHELLE
American Bankruptcy Institute
New York, NY

CRISTINA RODRIGUEZ
Keeling Law Firm
Houston, TX

HON. EDUARDO V. RODRIGUEZ
U.S. Bankruptcy Court, Southern
District of Texas
McAllen, TX

CASEY ROY
Office of the Texas Attorney General
Austin, TX

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The Claro Group
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U.S. Bankruptcy Court, District of
Delaware
Wilmington, DE

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Trial Attorney, Office of The United
States Trustee
Austin, TX

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Houston, TX

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Law Office of Kay B. Walker
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Attorney at Law
Lubbock, TX

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This conference has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 15.50 hours, of which 3.75 credit hours will apply to legal ethics/professional responsibility credit.

The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), a presumptively approved provider by the Supreme Court of Louisiana (#0553), and an Oklahoma Bar Association MCLE presumptively approved provider (#169).

In addition, Texas Legal Specialization credits have been approved for Bankruptcy Law and Consumer Law.

CPE CREDIT

Attendees of this conference can also earn up to 18.50 hours of Texas Accounting CPE credit.

JOIN THE YOUNG LAWYERS COMMITTEE FOR A SPECIAL VIRTUAL HAPPY HOUR!

Young Lawyers Committee Annual Evening Reception

Thursday, November 5 after the conference adjourns

Please join the Young Lawyer Committee for a virtual happy hour. In addition to a fun evening consisting of networking and games, the YLC will host a Q&A session with our newest judge, the **Honorable Michelle V. Larson**.

All are invited to join in the celebration!

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LIVE WEBCAST

November 5–6, 2020

KEY DATES

October 30, 2020

Last day for full refund cancellation

November 2, 2020

*Last day for partial refund cancellation
\$50 processing fee applied*

November 5, 2020, 8:00 a.m., CST

Webcast begins

November 6, 2020

*Last day to order printed and shipped binder
at conference pricing*

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