

# 39<sup>th</sup> Annual Jay L. Westbrook Bankruptcy Conference

## November 5-6, 2020 • Live Webcast

### Thursday Morning, November 5, 2020

**Presiding Officer:**

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

7:30 am	<p><a href="#">Virtual Exhibit Hall Open</a></p> <p>Be sure to check out our <a href="#">virtual exhibit hall</a> throughout the entire conference, and visit the virtual <a href="#">Zoom rooms</a> to meet vendors during these designated times:          Thursday: 11:55 am - 12:20 pm CT          Friday: 12:05 pm -12:30pm CT</p>
8:00 am	<p><b>Welcoming Remarks</b></p>
8:10 am 1.00 hr 0.25 hr ethics	<p><b>Recent Developments</b></p> <p>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.</p> <p>Moderator:          Jay L. Westbrook, The University of Texas School of Law - Austin, TX          Panelists:          R. Byrn "Byrnie" Bass Jr., Attorney at Law - Lubbock, TX          Bill Rochelle, American Bankruptcy Institute - New York, NY          Deborah D. Williamson, Dykema - San Antonio, TX</p>
9:10 am	<p><b>5-Minute Break</b></p>
9:15 am 1.00 hr 0.25 hr ethics	<p><b>Small Business Reorganization Act of 2019</b></p> <p>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!</p> <p>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</p>
10:15 am	<p><b>5-Minute Break</b></p>

10:20 am 1.00 hr 0.25 hr ethics	<p><b>Complex Chapter 11 Cases - the Big Picture</b></p> <p>A lively discussion of current trends in complex chapter 11 work in Texas.</p> <p>Moderator: Demetra Liggins, Thompson &amp; Knight LLP - Houston, TX</p> <p>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 &amp; Manges LLP - Houston, TX</p>
11:20 am	<b>5-Minute Break</b>
11:25 am 0.50 hr	<p><b>The Surprising Possibility of Student Loan Discharges</b></p> <p>Discuss Judge Mullin's recent decision in <i>Trejo v. Navient and the United States Department of Education</i> 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 <i>Brunner</i> and <i>Gerhardt</i>. Such recent changes might provide debtors with an improved likelihood of discharging their student loans.</p> <p>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</p>
11:55 am	<b>Break for Lunch—Presentations Resume at 12:20 p.m.</b>
	<p><b>Visit the Virtual Exhibit Hall!</b></p> <p>Since we cannot be together in person this year, please take a moment to visit our sponsors' virtual exhibit hall pages. Opens November 2nd. Visit <a href="https://utcle.org/conferences/BK20/exhibit-hall">https://utcle.org/conferences/BK20/exhibit-hall</a> for updates.</p>

## Thursday Afternoon, November 5, 2020

### Presiding Officer:

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

12:20 pm 0.75 hr 0.25 hr ethics	<p><b>Judges Panel on Vexing Issues in Consumer Cases</b></p> <p>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 <i>Brown v. Viegelahn</i>.</p> <p>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</p>
1:05 pm	<b>5-Minute Break</b>

1:10 pm 0.50 hr	<p><b>Hot Topics in the Healthcare Space</b></p> <p>Discussion of provider agreements and disputes, custodianship and disposition of patient records, Medicaid participation, and other critical issues arising in healthcare bankruptcies.</p> <p>Brian T. Cumings, Graves, Dougherty, Hearon &amp; Moody - Austin, TX Casey Roy, Office of the Texas Attorney General - Austin, TX</p>
1:40 pm	<p><b>5-Minute Break</b></p>
1:45 pm 0.50 hr	<p><b>Shopping for Solutions During a Pandemic: Retail Bankruptcies in the COVID-19 Era</b></p> <p>Discuss how retailers are using Chapter 11 to address the extreme challenges posed by the worldwide health crisis.</p> <p>Ian T. Peck, Haynes and Boone, LLP - Dallas, TX Jennifer Wertz, Jackson Walker LLP - Austin, TX</p>
2:15 pm	<p><b>5-Minute Break</b></p>
2:20 pm 0.50 hr ethics	<p><b>You're Hired—Now What? Navigating the Requirements for Professional Retention in Bankruptcy</b></p> <p>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.</p> <p>Charles A. Beckham Jr., Haynes and Boone, LLP - Houston, TX Kelli S. Norfleet, Haynes and Boone, LLP - Houston, TX</p>
2:50 pm	<p><b>5-Minute Break</b></p>
2:55 pm 0.75 hr	<p><b>The Midstream Contract World Defined in Four Parts</b></p> <p>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).</p> <p>Matthew Dudley Cavanaugh, Jackson Walker LLP - Houston, TX Camisha L. Simmons, Simmons Legal PLLC - Dallas, TX Patricia Baron Tomasco, Quinn Emanuel Urquhart &amp; Sullivan, LLP - Houston, TX</p>
3:40 pm	<p><b>5-Minute Break</b></p>
3:45 pm 0.75 hr 0.25 hr ethics	<p><b>How to Value Assets in an Economic Downturn</b></p> <p>The economic ramifications of COVID-19 have further complicated valuation issues in bankruptcy cases as companies attempt to reorganize during these uncertain times.</p> <p>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</p>
4:30 pm	<p><b>5-Minute Break</b></p>

<p>4:35 pm 0.75 hr 0.25 hr ethics</p>	<p><b>Delaware v. Texas</b></p> <p>Are there real differences in bankruptcy in these two prominent jurisdictions? Find out from these two preeminent judges.</p> <p>Moderator: Hon. H. Christopher Mott, U.S. Bankruptcy Court, Western District of Texas - Austin, TX</p> <p>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</p>
<p>5:20 pm</p>	<p><b>Adjourn and Join the Young Lawyers Committee for a Special Virtual Happy Hour! Click <a href="#">here</a> to join in Zoom.</b></p> <p>Please join the Young Lawyers Committee in <a href="#">Zoom</a> at 5:30 p.m. for a virtual happy hour. In addition to a fun evening consisting of networking and games, the YLC will host a Q&amp;A session with our newest judge, the Honorable Michelle V. Larson. If you would like to participate in MUZINGO, music bingo, please check out this <a href="#">Google Doc</a> for instructions.</p> <p>To join Zoom please click this <a href="#">link</a>. If needed please enter the following: Meeting ID: 874 6995 8802 Passcode: 830089</p>

## Friday Morning, November 6, 2020

### Presiding Officer:

**Sean B. Davis**, Winstead PC - Houston, TX

<p>7:30 am</p>	<p><b><a href="#">Virtual Exhibit Hall Open</a></b></p> <p>Be sure to check out our <a href="#">virtual exhibit hall</a> throughout the entire conference, and visit the virtual <a href="#">Zoom rooms</a> to meet vendors during these designated times: Thursday: 11:55 am - 12:20 pm CT Friday: 12:05 pm -12:30pm CT</p>
<p>8:00 am 1.00 hr 0.25 hr ethics</p>	<p><b>Judges Panel—Technology and the Courtroom Before and After COVID-19</b></p> <p>Will we ever go back to live hearings in the courtroom?</p> <p>Moderator: Alexandra Brak, U.S. Bankruptcy Court, Western District of Texas - San Antonio, TX</p> <p>Panelists: 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</p>
<p>9:00 am</p>	<p><b>5-Minute Break</b></p>

9:05 am 0.50 hr	<p><b>Late-in-Life Bankruptcies</b></p> <p>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.</p> <p>Edward C. Boltz, The Law Offices of John T. Orcutt - Durham, NC Robert M. Lawless, University of Illinois College of Law - Champaign, IL</p>
9:35 am	<p><b>5-Minute Break</b></p>
9:40 am 1.00 hr 0.25 hr ethics	<p><b>Recent Developments II</b></p> <p>Virtually every relevant case of the past year, Part II. A discussion of business and consumer bankruptcy decisions essential to your practice.</p> <p>Moderator: Deborah B. Langehennig, Chapter 13 Trustee - Austin, TX</p> <p>Panelists: Omar J. Alaniz, Reed Smith LLP - Dallas, TX Aaron M. Kaufman, Gray Reed - Dallas, TX Demetra Liggins, Thompson &amp; Knight LLP - Houston, TX</p>
10:40 am	<p><b>5-Minute Break</b></p>
10:45 am 0.75 hr ethics	<p><b>Me? Biased? Studying Implicit Bias and How it Affects Your Decisions</b></p> <p>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.</p> <p>Claude E. Ducloux, Attorney at Law - Austin, TX</p>
11:30 am	<p><b>5-Minute Break</b></p>
11:35 am 0.50 hr	<p><b>Passive Violations of the Automatic Stay - Know When to Hold 'Em, Know When to Fold 'Em</b></p> <p>A discussion of <i>City of Chicago v. Fulton</i> 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.</p> <p>Evan J. Atkinson, Waller Lansden Dortch &amp; Davis, LLP - Austin, TX Jason Enright, Winstead PC - Dallas, TX</p>
12:05 pm	<p><b>Break for Lunch—Presentation Resumes at 12:30 p.m.</b></p>
	<p><b>Visit the Virtual Exhibit Hall!</b></p> <p>Since we cannot be together in person this year, please take a moment to visit our sponsors' virtual exhibit hall pages. Opens November 2nd. Visit <a href="https://utcle.org/conferences/BK20/exhibit-hall">https://utcle.org/conferences/BK20/exhibit-hall</a> for updates.</p>

## Friday Afternoon, November 6, 2020

### Presiding Officer:

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

## LUNCHEON PRESENTATION

12:30 pm 0.50 hr	<b>The Outlook for the US and Texas Economies in a Post-COVID-19 Environment</b>  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 pm	<b>5-Minute Break</b>
1:05 pm 0.75 hr 0.25 hr ethics	<b>Dumpster Fires 101 - Free Fall Bankruptcy Filings</b>  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.  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 pm	<b>5-Minute Break</b>
1:55 pm 0.50 hr	<b>Dealing with the Government: The SBA Before and After COVID</b>  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 pm	<b>5-Minute Break</b>
2:30 pm 0.75 hr 0.25 hr ethics	<b>You're out! Swapping Boards and Other Management Strategies Planning for Bankruptcy</b>  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 pm	<b>5-Minute Break</b>

<p>3:20 pm 0.50 hr</p>	<p><b>Selling Technology Out of a Bankruptcy</b></p> <p>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?</p> <p>Lynn Hamilton Butler, Husch Blackwell LLP - Austin, TX Ed Powell, IPX - Nashville, TN</p>
<p>3:50 pm</p>	<p><b>5-Minute Break</b></p>
<p>3:55 pm 0.75 hr</p>	<p><b>Mass Tort Bankruptcies</b></p> <p>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.</p> <p>Rakhee V. Patel, Winstead PC - Dallas, TX Arik Preis, Akin Gump Strauss Hauer &amp; Feld LLP - New York, NY Richard S. Schmidt, The Claro Group - Corpus Christi, TX</p>
<p>4:40 pm</p>	<p><b>Adjourn</b></p>

**Prerecorded (Not available via webcast) Sessions will be available in "Your Briefcase"**

**Presiding Officer:**

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

	<p><b>SPECIAL NOTICE: Not available via live webcast</b></p> <p>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.</p>
<p>0.50 hr 0.25 hr ethics</p>	<p><b>Chapter 7 Attorney's Fees</b></p> <p>A look at the issues and caselaw regarding unconventional arrangements such as unbundling and bifurcation.</p> <p>Kevin M. Epstein, Office of the U.S. Trustee - San Antonio, TX Brendon Singh, Tran Singh LLP - Houston, TX</p>
<p>0.50 hr</p>	<p><b>Contested Matters in Consumer Cases</b></p> <p>Gain insight on using technology to effectively manage deadlines and hearings quickly and effectively.</p> <p>Reed Allmand, Allmand Law Firm, PLLC - Dallas, TX Cristina Rodriguez, Keeling Law Firm - Houston, TX</p>

0.75 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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