

**42<sup>nd</sup> Annual Jay L. Westbrook Bankruptcy Conference**  
**November 15\*, 16-17, 2023 • Four Seasons Hotel • Austin, TX**  
**November 15-17, 2023 • Live Webcast**

**Wednesday Evening, November 15, 2023**

6:00 pm  
In Austin Only

**2023 John C. Akard Lecture: Coerced Debt: New Data on Debt and Domestic Violence**

Professor Littwin presents brand-new data from her National Science Foundation study of coerced debt, which occurs when the batterer in an abusive relationship uses fraud or coercion to incur debt in his partner's name. New findings will include the eligibility of participants' coerced debts for relief under bankruptcy and other debtor-creditor law as well as the effect of coerced debt on participants' credit scores.

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Angela Littwin, The University of Texas School of Law - Austin, TX  
Commentator:  
Teresa A. Sullivan, University of Virginia - Charlottesville, VA

**Thursday Morning, November 16, 2023**

**Presiding Officer:**

**Ashley L. Harper**, Hunton Andrews Kurth LLP - Houston, TX

**Thank You To Our Webcast Sponsor**



7:30 am  
In Austin Only

**Registration Opens**

Includes continental breakfast.

**Thank You to Our Breakfast & Break Sponsor**



8:10 am

**Welcoming Remarks**

8:20 am

**31st Annual Conrad B. Duberstein Bankruptcy Moot Court Competition Recognition**

Professor Jay L. Westbrook introduces the Duberstein Competition Teams.

8:30 am  
1.00 hr  
0.25 hr ethics

**Recent Developments - Part I**

The year yielded a bumper crop of important business and consumer cases. This panel has done the harvesting.

Moderator:

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

Panelists:

R. Byrn "Byrnie" Bass Jr., Attorney at Law - Lubbock, TX

Demetra Liggins, McGuireWoods - Houston, TX

Bill Rochelle, American Bankruptcy Institute - New York, NY

9:30 am  
0.75 hr

**Insurance and Surety Bonds**

What can creditors and insurers do when a debtor cannot or will not meet its obligations? Examples include a debtor who rejects its surety bond, but the surety has duties to third parties; a debtor who must advance defense costs as part of its self-insured retention obligation, but has no funds to do that; a debtor who offers a pre-petition unsecured claim instead of funding its self-insured retained liability with cash; or a consumer debtor who fails to pay premiums on an auto policy after filing bankruptcy.

Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX

Julie Harrison, Norton Rose Fulbright US LLP - Houston, TX

Audrey Hornisher, Clark Hill PLC - Dallas, TX

10:15 am

**15-Minute Break**

10:30 am  
0.75 hr

### **Intersection of Mass Torts and Bankruptcy**

Since *Johns-Manville* and the addition of Section 524(g) to the Bankruptcy Code, mass torts and bankruptcy have been intersecting with increasing regularity. In recent years, chapter 11 has been invoked to resolve mass tort liabilities stemming from not only asbestos, but also opioids, sex abuse, and defective products. But whether bankruptcy and mass torts should permanently merge, stay on parallel paths, or continue to collide remains to be seen. Discuss the latest developments affecting corporate board rooms and hundreds of thousands of individuals across the country, and share perspectives from the bench and the bar on where this quickly evolving area of law may be heading.

Hon. W. Royal Furgeson Jr., U.S. District Judge, Retired - Dallas, TX  
Gregory M. Gordon, Jones Day - Dallas, TX  
Adam C. Silverstein, Otterbourg P.C. - New York, NY

11:15 am  
0.75 hr

### **Leasing and Real Estate Issues - Are We Prepared for the Office Apocalypse?**

The explosion of real estate-related restructuring during the Great Financial Crisis and, more recently, the retail restructuring boom highlighted a number of important issues related to lease and real estate restructuring, including “weaknesses” in the real estate financing structures and the difficulties of valuing property in the midst of a downturn. Discuss developments in law and practice relevant to the potential downturn facing the commercial real estate industry.

Chad Husnick, Kirkland & Ellis LLP - Chicago, IL  
Drew McManigle, MACCO Restructuring Group, LLC - Houston, TX  
Cynthia Nelson, FTI Consulting, Inc. - Los Angeles, CA

12:00 pm  
In Austin Only

### **Pick Up Lunch**

Included in registration.

## **Thursday Afternoon, November 16, 2023**

### **Presiding Officer:**

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

### **LUNCHEON PRESENTATION**

**Thank You to Our Luncheon Sponsor**



12:30 pm  
0.75 hr

### **Blown to Bit(coin)s - How Crypto Has Fared in Chapter 11**

In the last 2 years, every corner of the cryptocurrency industry—including exchanges, bitcoin miners, and other parts of the crypto ecosystem—have been affected by the chapter 11 process. Hear a brief overview of how cryptocurrency functions and discuss key recent developments in the space, drawing on recent bankruptcy filings involving Voyager Digital, Celsius Networks, Genesis HoldCo, FTX Trading, Core Scientific, and other recent crypto bankruptcy cases.

Gregory Pesce, White & Case LLP - Chicago, IL  
Layla D. Milligan, Office of the Attorney General - Austin, TX  
Yesha Yadav, Vanderbilt University Law School - Nashville, TN

1:15 pm

### **15-Minute Break**

### **Thank You to Our Afternoon Coffee Bar Sponsor (1:15 p.m. - 3:15 p.m.)**

Enjoy a coffee or tea for a little afternoon pick-me-up.

# **HAYNES BOONE**

1:30 pm  
1.00 hr  
0.50 hr ethics

### **A.I. in the Bankruptcy Practice and the Ethics Involved**

Explore the intersection of AI and ethics in the bankruptcy context.

Areya Holder Aurzada, Holder Law - Dallas, TX  
Jason S. Brookner, Gray Reed - Dallas/Houston, TX  
Nancy B. Rapoport, William S. Boyd School Of Law, UNLV - Las Vegas, NV

2:30 pm  
0.75 hr

### **Hot Topics and Cases in Subchapter V**

If you have any interest in Subchapter V, you don't want to miss this panel discussion on today's relevant hot topics and cases that may impact your practice in this area of the law.

Moderator:  
Hon. Eduardo V. Rodriguez, U.S. Bankruptcy Court, Southern District of Texas - McAllen, TX  
Panelists:  
Alicia Barcomb, Trial Attorney, Office of the U.S. Trustee - Houston, TX  
Hon. Michelle M. Harner, U.S. Bankruptcy Court, District of Maryland - Baltimore, MD  
Brad Wesley Odell, Mullin Hoard & Brown, LLP - Lubbock, TX

3:15 pm

### **15-Minute Break**

3:30 pm  
1.00 hr ethics

### **Ethical Issues in Bankruptcy: RSAs, Prepetition Prepayment of Employee Incentive, Common Interest Privilege Issues**

Does this work or not? Explore interesting tools sometimes used in complex Chapter 11 cases and the ethical questions that may arise.

Hon. Stacey G. C. Jernigan, U.S. Bankruptcy Court, Northern District of Texas - Dallas, TX  
Hon. Chris López, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX  
Deborah M. Perry, Munsch Hardt Kopf & Harr, P.C. - Dallas, TX  
Jennifer Wertz, Jackson Walker LLP - Austin, TX

4:30 pm  
0.75 hr  
0.25 hr ethics

### Recent Developments - Part II

Thanks to RDI for harvesting the crops. This panel digs a bit deeper to deliver a finely curated feast of case updates just in time for Thanksgiving.

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

Cristina Rodriguez, Keeling Law Firm - Houston, TX

5:15 pm  
In Austin Only

### Adjourn to Reception

In Austin Only

### Jay L. Westbrook Bankruptcy Conference Reception (5:15 p.m. - 6:15 p.m.)

Join program faculty and attendees for drinks and hors d'oeuvres.

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**HUNTON**  
ANDREWS KURTH

## Thursday Evening, Nov. 16, 2023

8:00 pm  
In Austin Only

### Young Lawyers Committee Annual Evening Reception (8:00 p.m. - 11:00 p.m.)

Please join the **Young Lawyers Committee of the Bankruptcy Law Section**. All are invited to join in the celebration!

[Cedar Door](#), 201 Brazos Street, Building A, Austin, TX 78701

## Friday Morning, November 17, 2023

**Presiding Officer:**

**Charlie Shelton**, Hayward PLLC - Austin, TX

8:00 am

### Conference Room Opens

Includes continental breakfast.

Thank You to Our Breakfast & Break Sponsor



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**Business Track****Presiding Officer:****Charlie Shelton**, Hayward PLLC - Austin, TX

8:30 am 0.75 hr	<b>Survey of Position Enhancing Transactions in Bankruptcy</b>  A discussion of position enhancing transactions (“PETs”), including what they are, how they’re used, and how they’ve fared in bankruptcy court and beyond.  Jennifer Hardy, Willkie Farr & Gallagher LLP - Houston, TX Lauren R. Kanzer, Vinson & Elkins LLP - New York, NY Maegan Quejada, Sidley Austin LLP - Houston, TX
9:15 am 0.75 hr	<b>Appeals of Bankruptcy Sales and Other Appellate Issues</b>  A review of the latest bankruptcy appellate decisions, including <i>MOAC Mall Holdings LLC v. Transform Holdco LLC</i> and its anticipated effect on the finality of sale orders.  Hon. Gregg J. Costa, Gibson, Dunn & Crutcher LLP - Houston, TX Timothy A. (Tad) Davidson II, Hunton Andrews Kurth LLP - Houston, TX Cameron Kelly, Quinn Emanuel Urquhart & Sullivan, LLP - Houston, TX Aaron James Power, Porter Hedges LLP - Houston, TX
10:00 am	<b>10-Minute Break</b>
10:10 am 0.75 hr	<b>Recent Developments in Post-Petition DIP Financing</b>  An exploration of trends in both defensive and opportunistic DIP financing, including observations with respect to DIP facility fees, DIP lien scope, priming and adequate protection, complete and creeping roll-ups, case milestones, claims waivers and challenge periods, and default and remedy protections.  Gabriel Morgan, Weil, Gotshal & Manges LLP - Houston, TX Hon. E. Lee Morris, U.S. Bankruptcy Court, Northern District of Texas - Fort Worth, TX Kelli S. Norfleet, Haynes Boone, LLP - Houston, TX
10:55 am 0.75 hr 0.25 hr ethics	<b>Bank Failures and Banking Distress</b>  What did we learn from recent bank failures? How do we apply those lessons in bankruptcy cases?  Moderator: Ebba Gebisa, Latham & Watkins LLP - Chicago, IL Panelists: Kevin M. Epstein, Office of the U.S. Trustee - San Antonio, TX Seth Herman, M3 Partners - New York, NY Cari Turner, Alvarez & Marsal North America, LLC - Dallas, TX
11:40 am	<b>10-Minute to Break to Plenary Sessions</b>

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**Consumer Track****Presiding Officer:****Brian T. Cumings**, Graves Dougherty Hearon & Moody - Austin, TX

<p>8:30 am 0.75 hr</p>	<p><b>Chapter 13 v. Chapter 7: Death, Crypto, Exemption, Redemption, and 3002.1 In Between</b></p> <p>A look at how different chapters of bankruptcy can create different outcomes for debtors and creditors alike.</p> <p>Moderator: Lisa L. Lambert, Office of the U.S. Trustee - Dallas, TX</p> <p>Panelists: Anne Elizabeth Burns, Chapter 7 Panel Trustee, Cavazos Hendricks Poirot, P.C. - Dallas, TX Yvonne V. Valdez, Chapter 13 Trustee - Corpus Christi, TX</p>
<p>9:15 am 0.75 hr</p>	<p><b>Tax Liabilities and Bankruptcy as a Viable Alternative</b></p> <p>The IRS is a creditor no one wants. Can someone file a bankruptcy and make it go away? Review collection alternatives under tax law and look at tax debts within a bankruptcy filing.</p> <p>William M. Gerhardt III, Gerhardt Law Firm, PLLC - San Antonio, TX</p>
<p>10:00 am</p>	<p><b>10-Minute Break</b></p>
<p>10:10 am 0.75 hr</p>	<p><b>Student Loan Litigation: Easier than You Think</b></p> <p>“Student loans are not dischargeable in bankruptcy.” That’s the prevailing view...but it’s entirely wrong. This panel examines recent developments in student loan law and discusses how bankruptcy attorneys can help clients eliminate their student loan debt.</p> <p>Jason Iuliano, University of Utah S.J. Quinney College of Law - Salt Lake City, UT Hon. Cecelia G. Morris, U.S. Bankruptcy Court, Southern District of New York - Poughkeepsie, NY</p>
<p>10:55 am 0.75 hr 0.25 hr ethics</p>	<p><b>Deceased Debtors and Clients with Diminished Capacity</b></p> <p>Does Grandma really want to be in bankruptcy?</p> <p>Marcos D. Oliva, Oliva Law - McAllen, TX Hon. Michael M. Parker, U.S. Bankruptcy Court, Western District of Texas - San Antonio, TX</p>
<p>11:40 am</p>	<p><b>10-Minute to Break to Plenary Sessions</b></p>
<p>11:50 am 0.75 hr</p>	<p><b>Subchapter V: A Primer; and Current Trends</b></p> <p>Join this panel for a thorough discussion of Subchapter V, what’s new and what is yet to come.</p> <p>Moderator: Hon. Eduardo V. Rodriguez, U.S. Bankruptcy Court, Southern District of Texas - McAllen, TX</p> <p>Panelists: Lynn Hamilton Butler, Husch Blackwell - Austin, TX Brendon Singh, Tran Singh LLP - Houston, TX Shane P. Tobin, Trial Attorney, Office of the U.S. Trustee - Austin, TX</p>

12:35 pm  
0.75 hr

**Views from the Bench**

Join a panel of judges as they discuss interesting trends in their cases and share valuable insights from the bench. What topics would you like to discuss with the panel? Please submit your questions in advance to [ConferenceQA@utcle.org](mailto:ConferenceQA@utcle.org) or on-site at the conference registration desk.

Moderator:

Ryan Manns, Norton Rose Fulbright US LLP - Dallas, TX

Panelists:

Hon. Craig A. Gargotta, U.S. Bankruptcy Court, Western District of Texas - San Antonio, TX

Hon. Michelle V. Larson, U.S. Bankruptcy Court, Northern District of Texas - Dallas, TX

Hon. Chris López, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX

Hon. Joshua P. Searcy, U.S. Bankruptcy Court, Eastern District of Texas - Tyler, TX

1:20 pm

**Adjourn**