

10TH ANNUAL
**CONSUMER BANKRUPTCY
PRACTICE**



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July 24–25, 2014
Moody Gardens Hotel ■ Galveston, Texas

SUPPORTING ORGANIZATIONS

Houston Association of Consumer Bankruptcy Attorneys
Houston Association of Young Bankruptcy Lawyers

Earn up to 14.25 Hours of Credit Including 1.00 Hour of Ethics Credit
Legal Specialization Approved for Bankruptcy Law

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CONSUMER BANKRUPTCY PRACTICE
July 24–25, 2014 ■ Moody Gardens Hotel ■ Galveston, Texas

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THURSDAY MORNING, JULY 24, 2014

Presiding Officer:

Hon. Tony M. Davis, U.S. Bankruptcy Court, Western District of Texas, Austin, TX

7:30 a.m. Registration Opens

Includes continental breakfast.

8:25 a.m. Welcoming Remarks

8:30 a.m. 1.50 hrs

Case Law Review

An update of Fifth Circuit consumer bankruptcy cases from the past year.

Hon. H. DeWayne "Cooter" Hale, U.S. Bankruptcy Court, Northern District of Texas, Dallas, TX
Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas, Plano, TX
Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas, Houston, TX
Hon. Craig A. Gargotta, U.S. Bankruptcy Court, Western District of Texas, San Antonio, TX
Hon. Tony M. Davis, U.S. Bankruptcy Court, Western District of Texas, Austin, TX

10:00 a.m. .75 hr

Sink or Swim? Traps and Tips Treading through Chapter 7

Chapter 7 trustees from each Texas district focus on recent decisions and issues arising in each district and identify traps and tips to avoid treading water.

Moderator:

Allison D. Byman, Hughes Watters Askanase, LLP, Houston, TX

Panelists:

Areya E. Holder, Law Office of Areya Holder, P.C., Irving, TX
C. Daniel Roberts, C. Daniel Roberts & Associates, P.C., Austin, TX
Jason R. Searcy, Searcy & Searcy Attorneys, Longview, TX

10:45 a.m. Break

BREAKOUT SESSIONS

11:00 a.m. .75 hr

TOPICS*

- A: Case Review: A Deeper Dive
- B: It's Not Over 'til It's Over: Chapter 13 Post-Confirmation Issues
- C: Bankruptcy 101: Tips from the Bench and Bar
- D: Dealing with the State of Texas

*See "Breakout Sessions Topics" for descriptions and faculty

11:45 a.m. Pick Up Lunch

Included in registration.

THURSDAY AFTERNOON

Presiding Officer:

Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas, Plano, TX

LUNCHEON PRESENTATION

12:05 p.m. 1.00 hr

Stingy or Generous toward Consumers, the Circuits Are Split

Insight on trends and major consumer cases in U.S. Bankruptcy Court.

Bill Rochelle, Bloomberg News, New York, NY

1:05 p.m. Break

1:20 p.m. .75 hr

Exemptions Issues:

That's Mine and I Wanna Keep It!

The usual focus is on homestead, but not for this presentation! A discussion on personal property exemptions—because everyone wants to keep their stuff.

Moderator:

Pamela A. Bassel, Chapter 13 Trustee, Fort Worth, TX

Panelists:

Michael V. Baumer, Law Office of Michael Baumer, Austin, TX
Janet S. Northrup, Hughes Watters Askanase, LLP, Houston, TX

2:05 p.m. .75 hr

Requirements for Confirmation of a Chapter 13 Plan

There is more than meets the casual eye to Section 1325 and the requirements for confirmation of Chapter 13 plans. Hear pointers and practical advice from a Chapter 13 trustee, a debtor attorney and a creditor attorney about the ins and outs of confirmation.

Diane S. Carter, Barron & Barron LLP, Plano, TX
David G. Peake, Chapter 13 Trustee, Houston, TX
Joshua P. Searcy, Searcy & Searcy Attorneys, Longview, TX

2:50 p.m. Break

3:00 p.m. .75 hr

Tips for Effective Adversary Proceedings

So you have decided to sue. What next? Tips and tricks for effective adversary proceedings in U.S. Bankruptcy Court, including rules, forms, collateral estoppel and *res judicata*.

Hon. David R. Jones, U.S. Bankruptcy Court, Southern District of Texas, Houston, TX
Charles E. Lauffer Jr., Ritcheson, Lauffer & Vincent, P.C., Tyler, TX
Behrooz P. Vida, The Vida Law Firm, Bedford, TX

3:45 p.m. .50 hr

Post-Filing Duties of Disclosure in Chapters 7 and 13 Cases

Do I really have to tell? Post-filing disclosure requirements for debtors and attorneys.

Judy A. Robbins, U.S. Trustee for Regions 4 and 7, Office of the U.S. Trustee, U.S. Department of Justice, Houston, TX
Shelly K. Terrill, Office of Janna L. Countryman, Standing Chapters 12 and 13 Trustee, Plano, TX

4:15 p.m. Break

BREAKOUT SESSIONS

4:30 p.m. .75 hr

TOPICS*

- A: Case Review: A Deeper Dive
- B: It's Not Over 'til It's Over: Chapter 13 Post-Confirmation Issues
- D: Dealing with the State of Texas
- E: Small Chapter 11s and Big Chapter 13s

5:15 p.m. Adjourn

MCLE

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 14.25 hours, of which 1.00 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), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

THURSDAY EVENING

7:00–9:00 p.m. Reception and Dinner

**NIGHT OUT AT THE AQUARIUM
RECEPTION AND DINNER
10TH ANNIVERSARY CELEBRATION**

All registrants and their families (kids welcome) are invited to a special reception and buffet dinner with bankruptcy judges and conference faculty members to celebrate the 10th Anniversary of the Consumer Bankruptcy Practice program.

Visit the spectacular Moody Gardens Aquarium without the large crowds of summer: the Aquarium is closed to the public for this special private reception and buffet dinner.

This event is casual, fun and flexible: drop in for a quick drink, or stay and enjoy dinner with seating throughout the Aquarium.

SEPARATE REGISTRATION REQUIRED: Tickets are \$15 per person and are NOT included in Conference registration. Please see registration form to purchase.

**FRIDAY MORNING, JULY 25, 2014****Presiding Officer:**

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

7:45 a.m. Conference Room Opens
Includes continental breakfast.

8:00 a.m. 1.00 hr

Breakfast Breakout Sessions with the Judiciary and Chapter 13 Trustees

Judges and trustees from each of Texas's four judicial districts meet with attendees and moderate discussion on problems of local concern.

9:00 a.m. .50 hr

**The Hazards of Homesteads:
Challenges with Homestead Exemptions in Texas Bankruptcies**

This presentation canvases several complications presented by Texas homestead law that consumer bankruptcy lawyers should be aware of. These issues include the Texas homestead proceeds rule, exempting non-fee simple interests, so-called "sham transfers" and home equity loans.

Hon. Tony M. Davis, U.S. Bankruptcy Court, Western District of Texas, Austin, TX

9:30 a.m. .75 hr

Claim Warfare

The battle is on! A dissection of various proofs of claim and how to apply them to your practice. Topics covered include mortgage claims and the interplay of loan modifications with confirmed plan, trustee distributions, termination of the automatic stay and Rule 3002; baseless claim objections filed by debtors for claims filed by "debt buyers" and the use of discovery in the claim objection process; plus late-filed and amended deficiency claims and how they affect the bankruptcy process.

Shawn I. Carter, Barrett Daffin Frappier Turner & Engel, LLP, Addison, TX
Miriam Goott, Walker & Patterson PC, Houston, TX
Jason P. Miller, Office of Pam Bassel, Chapter 13 Trustee, Fort Worth, TX

10:15 a.m. .50 hr

The CFPB, Loan Modifications and Bankruptcy—Some Practical Thoughts

An overview of CFPB servicing regulations and their intersection with bankruptcy and the loan modification process.

Brian S. Engel, Barrett Daffin Frappier Turner & Engel, LLP, Austin, TX

10:45 a.m. Break

BREAKOUT SESSIONS

11:00 a.m. .75 hr

TOPICS*

- A: Case Review: A Deeper Dive
- B: It's Not Over 'til It's Over: Chapter 13 Post-Confirmation Issues
- C: Bankruptcy 101: Tips from the Bench and Bar
- F: Preparing for a Hearing 101

11:45 a.m. Pick Up Lunch

Included in registration.

FRIDAY AFTERNOON**Presiding Officer:**

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

LUNCHEON PRESENTATION

12:05 p.m. 1.00 hr ethics

Contemporary Ethics Problems for Consumer Bankruptcy Lawyers

How far can you go? A look at hypothetical situations derived from real life illustrating the ethical issues that arise for consumer bankruptcy lawyers with practical tips on maintaining professionalism and ethics in trying situations with counsel, clients and judges.

Hon. Douglas D. Dodd, U.S. Bankruptcy Court, Middle District of Louisiana, Baton Rouge, LA

1:05 p.m. Break

1:20 p.m. .50 hr

The Dissipating Consumer Discharge: How to Maximize the Broadest Discharge Possible

Learn ways to challenge the non-dischargeability of student loans, including practical insights on dealing with post-discharge violations and how to ensure your client receives the broadest discharge in consumer cases.

Hon. Craig A. Gargotta, U.S. Bankruptcy Court, Western District of Texas, San Antonio, TX
Brendetta Anthony Scott, Garner Scott, PLLC, Houston, TX

1:50 p.m. .50 hr

Dealing with Ripoff Companies That Get to Your Clients before You Do

Identifying, exposing and eliminating mortgage rescue scams: How your clients can recover their money.

Thomas D. Powers, Chapter 13 Trustee, Dallas, TX
Tracie M. Shelby, The Shelby Law Firm, Dallas, TX
Elizabeth A. Ziegler, Office of the U.S. Trustee, U.S. Department of Justice, Dallas, TX

2:20 p.m.

.50 hr

Life Improves When the Brain Moves

Do some of your clients, worrying about their financial woes, find themselves in a mental jam? For them (and you, as their legal counsel), is there little or no light at the end of the tunnel? The problem from a neuroscience perspective is that these individuals are energizing brain networks that cause them to get stuck, diverting their brain's mental energy away from the networks best able to find solutions. The same mental habits that may have brought your clients to bankruptcy in the first place may prevent them, and you, from reaching a positive outcome in bankruptcy proceedings. Learn tips and tricks to train your brain for better performance and simple solutions you can share with your clients to allow you to better represent them and their case.

Kevin L. Leahy, The University of Texas School of Law, Austin, TX

2:50 p.m.

.75 hr

Mini-Trials: They Always Think They Can Try It Better than You

The judges talk about strategy, evidence and things that really matter during trial.

Moderator:

Hon. David R. Jones, U.S. Bankruptcy Court, Southern District of Texas, Houston, TX

Panelists:

Hon. H. DeWayne "Cooter" Hale, U.S. Bankruptcy Court, Northern District of Texas, Dallas, TX
 Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas, Plano, TX
 Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas, Houston, TX
 Hon. Craig A. Gargotta, U.S. Bankruptcy Court, Western District of Texas, San Antonio, TX
 Hon. Tony M. Davis, U.S. Bankruptcy Court, Western District of Texas, Austin, TX

3:35 p.m.

Adjourn

BREAKOUT SESSIONS TOPICS**Topic A: Case Review: A Deeper Dive**

Frost, Kim, Asarco and more.

Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas, Houston, TX
 Eduardo V. Rodriguez, Malaise Law Firm, Brownsville, TX

Topic B: It's Not Over 'til It's Over: Chapter 13 Post-Confirmation Issues

In a Chapter 13 case, complications often arise after the entry of the Chapter 13 confirmation order: incomes change, cars break down or are wrecked, plan payments are not made, etc. What do you do when such issues come up post-confirmation?

Moderator:

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

Panelists:

Famose T. Garner, Garner Scott, PLLC, Houston, TX
 Layla D. Milligan, Office of Deborah B. Langehennig, Chapter 13 Trustee, Austin, TX
 Stephen G. Wilcox, Wilcox Law PLLC, Fort Worth, TX

Topic C: Bankruptcy 101: Tips from the Bench and Bar

Dos and don'ts for those who are just starting out.

Moderator:

Théda W. Page, The Page Law Firm, Frisco, TX

Panelists:

Hon. John C. Akard, U.S. Bankruptcy Judge, Retired, Houston, TX
 Hon. H. DeWayne "Cooter" Hale, U.S. Bankruptcy Court, Northern District of Texas, Dallas, TX

Topic D: Dealing with the State of Texas

A discussion of hot-button issues when dealing with the State of Texas in bankruptcy cases: the anatomy of a Domestic Support Obligation (DSO) claim and how to make it work in a Chapter 13—including interest that accrues on the DSO post-filing and priority treatment of the claim, the police and regulatory power exception to the automatic stay, discharging student loans under the *Brunner and Gerhardt* tests, and notifying the State of Texas.

Moderator:

Hon. Tony M. Davis, U.S. Bankruptcy Court, Western District of Texas, Austin, TX

Panelists:

Ashley B. Carroll, Child Support Division, Office of the Attorney General, Dallas, TX
 Hal F. Morris, Office of the Attorney General, Austin, TX

Topic E: Small Chapter 11s and Big Chapter 13s

No, the Absolute Priority Rule does not mean lawyers get served first at lunch. A range of Chapters 11 and 13 topics from two guys who are certain their clients wouldn't need them if they already knew how to prepare Monthly Operating Reports and live within Cash Collateral Budgets.

Mark A. Castillo, Curtis | Castillo PC, Dallas, TX
 John Akard Jr., Of Counsel, Coplen & Banks, P.C., John Akard Jr., P.C., Cypress, TX

Topic F: Preparing for a Hearing 101

"Judge, I swear I told my client to be here for this hearing, and I think the marked exhibits are on their way!" (*cue collar pull*) Fundamental tips and tricks when preparing for a hearing.

Mark A. Castillo, Curtis | Castillo PC, Dallas, TX
 Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas, Plano, TX

PLANNING COMMITTEE**CO-CHAIRS**

HON. TONY M. DAVIS
 U.S. Bankruptcy Court
 Western District of Texas
 Austin, 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

HON. MARVIN ISGUR
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 Southern District of Texas
 Houston, TX

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

JOHN AKARD JR.
 Of Counsel, Coplen & Banks, P.C.
 John Akard Jr., P.C.
 Cypress, TX

HON. JOHN C. AKARD
 U.S. Bankruptcy Judge, Retired
 Houston, TX

PAMELA A. BASSEL
 Chapter 13 Trustee
 Fort Worth, TX

MICHAEL V. BAUMER
 Law Office of Michael Baumer
 Austin, TX

ALLISON D. BYMAN
 Hughes Watters Askanase, LLP
 Houston, TX

ASHLEY B. CARROLL
 Child Support Division
 Office of the Attorney General
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 Barron & Barron LLP
 Plano, TX

MARK A. CASTILLO
 Curtis | Castillo PC
 Dallas, TX

JANNA COUNTRYMAN
 Standing Chapters 12 & 13 Trustee
 Plano, TX

J. HECTOR DURAN JR.
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FAMOSE T. GARNER
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 Tyler, TX

HOLLIS L. LEVY
 The University of Texas School of Law
 Austin, TX

LAYLA D. MILLIGAN
 Office of Deborah B. Langehennig,
 Chapter 13 Trustee
 Austin, TX

THÉDA W. PAGE
 The Page Law Firm
 Frisco, TX

DAVID G. PEAKE
 Chapter 13 Trustee
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EDUARDO V. RODRIGUEZ
 Malaise Law Firm
 Brownsville, TX

BRENDETTA ANTHONY SCOTT
 Garner Scott, PLLC
 Houston, TX

JOSHUA P. SEARCY
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 The Shelby Law Firm
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 Wilcox Law PLLC
 Fort Worth, TX

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Mail:

The University of Texas
School of Law
Attn. Registration
PO Box 7759
Austin, TX 78713-7759

Fax:

512.475.6876

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CK14

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Registrant's Email (required) _____

Assistant's Email (optional) _____

Invoices, confirmations and receipts are emailed to these addresses.

REGISTRATION—Includes Course Materials and Thursday and Friday Luncheon Presentations

For Group registration, call 512.475.6700.

1. Select Registration Type

- ☐ Individual registration by Wednesday July 16 \$550
☐ Individual registration after Wednesday July 16 \$600

2. Select Course Materials Format

- ☐ Electronic Course Binder on USB Key ONLY
☐ Printed Course Binder ONLY

NIGHT OUT AT THE AQUARIUM RECEPTION AND BUFFET DINNER—Thursday Evening

All registrants and families (kids welcome) are invited to a private Reception and Buffet Dinner.

\$15 per person. Please RSVP for yourself. Circle the number of guests:

[] I will attend the Reception and Buffet Dinner \$15

Add guests: 1 2 3 4 5 x \$15 each \$ _____

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ConferenceComplete package includes Audio CD Set plus a Printed Binder and MCLE Reporting Form for each participant. Available for delivery 3–5 weeks after conference date. Shipping included.

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_____ Additional participant(s) for \$275 each \$ _____

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☐ Audio Download (MP3) \$175
☐ Audio CD Set \$225

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CK14

GALVESTON

July 24–25, 2014

CONFERENCE LOCATION



Moody Gardens Hotel

Seven Hope Boulevard
Galveston, TX
888.388.8484

Special Room Rate: \$168

good through July 2, 2014
(subject to availability)

Parking:

Complimentary self-parking
\$5 daily valet; \$18 overnight valet

KEY DATES

July 16, 2014

last day for early registration
add \$50 for registrations
received after this time

July 18, 2014

last day for cancellation (full refund)

July 21, 2014

last day for cancellation (partial refund)
\$50 processing fee applied

July 24, 2014, 8:25 a.m.

Conference begins

CONFERENCE FACULTY

JOHN AKARD JR.
Of Counsel, Coplen & Banks, P.C.
John Akard Jr., P.C.
Cypress, TX

HON. JOHN C. AKARD
U.S. Bankruptcy Judge, Retired
Houston, TX

PAMELA A. BASSEL
Chapter 13 Trustee
Fort Worth, TX

MICHAEL V. BAUMER
Law Office of Michael Baumer
Austin, TX

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Barrett Daffin Frappier Turner &
Engel, LLP
Addison, TX

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Curtis | Castillo PC
Dallas, TX

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U.S. Bankruptcy Court
Western District of Texas
Austin, TX

HON. DOUGLAS D. DODD
U.S. Bankruptcy Court
Middle District of Louisiana
Baton Rouge, LA

BRIAN S. ENGEL
Barrett Daffin Frappier Turner &
Engel, LLP
Austin, TX

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

FAMOSE T. GARNER
Garner Scott, PLLC
Houston, TX

MIRIAM GOOTT
Walker & Patterson PC
Houston, TX

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

AREYA E. HOLDER
Law Office of Areya Holder, P.C.
Irving, TX

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

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

CHARLES E. LAUFFER JR.
Ritcheson, Lauffer & Vincent, P.C.
Tyler, TX

KEVIN L. LEAHY
The University of Texas School of Law
Austin, TX

JASON P. MILLER
Office of Pam Bassel, Chapter
13 Trustee
Fort Worth, TX

LAYLA D. MILLIGAN
Office of Deborah B. Langehennig,
Chapter 13 Trustee
Austin, TX

HAL F. MORRIS
Office of the Attorney General
Austin, TX

JANET S. NORTHRUP
Hughes Watters Askanase, LLP
Houston, TX

THÉDA W. PAGE
The Page Law Firm
Frisco, TX

DAVID G. PEAKE
Chapter 13 Trustee
Houston, TX

THOMAS D. POWERS
Chapter 13 Trustee
Dallas, TX

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

JUDY A. ROBBINS
Office of the U.S. Trustee
U.S. Department of Justice
Houston, TX

C. DANIEL ROBERTS
C. Daniel Roberts & Associates, P.C.
Austin, TX

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EDUARDO V. RODRIGUEZ
Malaise Law Firm
Brownsville, TX

BRENDETTA ANTHONY SCOTT
Garner Scott, PLLC
Houston, TX

JASON R. SEARCY
Searcy & Searcy Attorneys
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