

# 12<sup>th</sup> Annual Consumer Bankruptcy Practice

## July 14-15, 2016 • Moody Gardens • Galveston, TX

### Thursday Morning, July 14, 2016

**Presiding Officer:**

**Hon. John C. Akard**, U.S. Bankruptcy Judge, Retired - Houston, TX

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| 7:30 am             | <p><b>Registration Opens</b></p> <p>Includes continental breakfast.</p>   |
| 8:15 am             | <p><b>Welcoming Remarks</b></p>   |
| 8:30 am<br>0.50 hr  | <p><b>Case Law Update, Part I</b></p> <p>An update on Fifth Circuit consumer bankruptcy cases from the past year.</p> <p>Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX<br/>Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas - Plano, TX</p>  |
| 9:00 am<br>0.75 hr  | <p><b>Everything You Ever Wanted to Know about the Automatic Stay (But Were Afraid to Ask)</b></p> <p>Get tips, tricks, and practical advice with regard to Motions to Extend the Stay, Motions to Impose the Stay, Motions for Relief from the Stay, Motions to Enforce the Stay, and other matters relating to 11 U.S.C. §§362 and 1301.</p> <p>Hon. Craig A. Gargotta, U.S. Bankruptcy Court, Western District of Texas - San Antonio, TX<br/>Regina Vasquez, Vasquez Law Group, PLLC - Houston, TX<br/>Stephen G. Wilcox, Wilcox Law PLLC - Arlington, TX</p>   |
| 9:45 am<br>0.50 hr  | <p><b>RESPA's Impact on Chapter 13 and Monthly Escrow Payments</b></p> <p>Attorneys representing debtors and mortgage servicers in Chapter 13 cases frequently must address thorny issues regarding how mortgage payments are calculated and applied, both before and after a Chapter 13 case is filed. See how the Real Estate Settlement Procedures Act may (RESPA) be employed and enforced to help borrowers in bankruptcy obtain loan servicing information and to correct loan servicing errors with respect to their mortgage loans.</p> <p>Theodore O. "Thad" Bartholow III, Kellett &amp; Bartholow PLLC - Dallas, TX<br/>Brian S. Engel, Barrett Daffin Frappier Turner &amp; Engel, LLP - Austin, TX</p> |
| 10:15 am            | <p><b>Break</b></p>   |
| 10:30 am<br>0.75 hr | <p><b>What in the World Have They Done to the Texas Homestead Exemption?</b></p> <p>From changing applications of the Texas Proceeds Rule to conflicting opinions on whether a Texas Homestead is an interest or a right, the Texas Homestead Exemption has been the subject of increasing controversy in recent years. What has become of this once-unassailable exemption?</p> <p>Hon. H. DeWayne "Cooter" Hale, U.S. Bankruptcy Court, Northern District of Texas - Dallas, TX</p>   |

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| 11:15 am<br>0.50 hr | <p><b>New Forms and Rule 3002.1 Notices</b></p> <p>December 1, 2015, brought considerable change to a number of official bankruptcy forms designed to make the creditor process simpler. Review these new forms and their instructions, with particular attention to new Rule 3002.1 forms: Notice of Final Cure Payment (Form 4100N) and the Response to Notice of Final Cure Payment (Form 4100R).</p> <p>Caroline Neerman, Office of Deborah B. Langehennig, Chapter 13 Trustee - Austin, TX<br/>Hon. Eduardo V. Rodriguez, U.S. Bankruptcy Court, Southern District of Texas - McAllen, TX</p>               |
| 11:45 am<br>0.50 hr | <p><b>The Domestic Support Obligation in Chapter 13 Bankruptcy Cases: The Obligation and Claim the Debtor Must Satisfy</b></p> <p>Explore issues a debtor with a domestic support obligation may encounter from the time he files a Chapter 13 bankruptcy case, up to confirmation, and through obtaining a discharge through a question and answer session between a debtor counsel and an Assistant Attorney General from the Child Support Division.</p> <p>Ashley B. Carroll, Child Support Division, Office of the Attorney General - Dallas, TX<br/>Tracie M. Shelby, The Shelby Law Firm - Dallas, TX</p> |
| 12:15 pm            | <p><b>Pick Up Lunch</b></p> <p>Included in registration.</p>   |

## Thursday Afternoon, July 14, 2016

### Presiding Officer:

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

### LUNCHEON PRESENTATION

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| 12:35 pm<br>0.50 hr                  | <p><b>View from the Fifth Circuit</b></p> <p>Survey recent Fifth Circuit decisions in the area of consumer bankruptcy law and hear tips for practitioners from the bench.</p> <p>Hon. Jennifer Walker Elrod, U.S. Court of Appeals, Fifth Circuit - Houston, TX</p>   |
| 1:05 pm                              | <p><b>Break</b></p>   |
| 1:20 pm<br>0.50 hr                   | <p><b>Insights into Discharge, Dischargeability, and Standing Cases</b></p> <p>Sally Henry, Texas Tech University School of Law - Lubbock, TX</p>   |
| 1:50 pm<br>1.00 hr<br>0.25 hr ethics | <p><b>The Importance of Evidence: Mortgage-Related Documents</b></p> <p>The rules of evidence play an important role in the consumer bankruptcy process, most notably in the treatment of mortgage-related documents. Review how the rules apply to the introduction of these documents, objections to their introduction, and how the rules may assist you in overcoming objections.</p> <p>Hon. David R. Jones, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX<br/>Veronica A. Polnick, The Polnick Law Firm, PLLC - Houston, TX</p> |

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| 2:50 pm<br>0.50 hr                   | <p><b>Guidelines and Practices for Implementing the 2015 Discovery Amendments to Achieve Proportionality</b></p> <p>Explaining the amendments to Federal Rule of Civil Procedure 26(b) that took effect on December 1, 2015, and recommending useful, practical, and concrete procedures and practices for implementation in your practice.</p> <p>Hon. Jeffrey P. Norman, U.S. Bankruptcy Court, Western District of Louisiana - Shreveport, LA<br/>Hon. Brenda T. Rhoades, U.S. Bankruptcy Court, Eastern District of Texas - Plano, TX</p>   |
| 3:20 pm                              | <b>Break</b>  |
| 3:30 pm<br>0.75 hr                   | <p><b>Chapter 13 Trustee Panel</b></p> <p>Explore trends and hot topics in Chapter 13 cases, including what Chapter 13 Trustees are looking for and why.</p> <p>Moderator:<br/>Hon. Jeffrey P. Norman, U.S. Bankruptcy Court, Western District of Louisiana - Shreveport, LA</p> <p>Panelists:<br/>Carey D. Ebert, Office of Carey D. Ebert, Chapter 13 Trustee - Plano, TX<br/>William E. Heitkamp, Office of William E. Heitkamp, Chapter 13 Trustee - Houston, TX<br/>Tara S. Tankersley, Office of Tom Powers, Chapter 13 Trustee - Irving, TX<br/>Mary K. Viegelahn, Office of Mary K. Viegelahn, Chapter 13 Trustee - San Antonio, TX</p> |
| 4:15 pm<br>0.75 hr<br>0.50 hr ethics | <p><b>Conversions and Dismissals under Sections 706 and 707</b></p> <p>A primer on recent case developments involving dismissals and conversions for cause under Sections 706 and 707.</p> <p>Hon. Tony M. Davis, U.S. Bankruptcy Court, Western District of Texas - Austin, TX<br/>Nancy L. Holley, Office of the U.S. Trustee, U.S. Department of Justice - Houston, TX<br/>Joshua P. Searcy, Searcy &amp; Searcy PC - Longview, TX</p>   |
| 5:00 pm<br>0.50 hr                   | <p><b>Top Five Ways to Lose Your Discharge</b></p> <p>From Section 523 exceptions to discharge to Section 727 objections to discharge, learn about the most common—and most surprising—ways your client can lose her bankruptcy discharge.</p> <p>Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX<br/>Megan Price, Price and Price Law, P.C. - Dallas, TX</p>  |
| 5:30 pm                              | <b>Adjourn to Reception</b>   |
|                                      | <p><b>Thursday Networking Reception (5:30 p.m. - 6:30 p.m.)</b></p> <p>Join us for drinks and hors d'oeuvres with program faculty and attendees.</p>  |

## Friday Morning, July 15, 2016

### Presiding Officer:

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

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| 7:15 am                               | <b>Conference Room Opens</b><br><br>Includes continental breakfast.   |
| 7:30 am<br>0.75 hr                    | <b>Breakfast Breakout Sessions with the Judiciary and Chapter 13 Trustees</b><br><br>Judges and trustees from each of Texas's four judicial districts and two from Louisiana meet with attendees and moderate discussion on problems of local concern.  |
| 8:15 am<br>0.50 hr                    | <b>Case Law Update, Part II</b><br><br>A continuation of the Case Law Update.<br><br>Hon. Craig A. Gargotta, U.S. Bankruptcy Court, Western District of Texas - San Antonio, TX<br>Hon. Eduardo V. Rodriguez, U.S. Bankruptcy Court, Southern District of Texas - McAllen, TX   |
| 8:45 am<br>0.75 hr<br>0.25 hr ethics  | <b>Limiting the Scope of Representation in Chapter 7 Cases</b><br><br>Overview of the legal and ethical issues involved in limiting the scope of representations ("unbundling") in Chapter 7 cases.<br><br>Hon. Robert R. Summerhays, U.S. Bankruptcy Court, Western District of Louisiana - Lafayette, LA  |
| 9:30 am<br>0.75 hr                    | <b>Chapter 7 Trustee Panel</b><br><br>Chapter 7 trustees from each Texas district focus on recent decisions, trends, and issues arising in each district, identifying traps and tips to help you avoid disaster for your client.<br><br>Moderator:<br>Ron Satija, Hajjar Peters LLP - Austin, TX<br>Panelists:<br>Kevin P. Hanna, Office of Kevin P. Hanna - Corpus Christi, TX<br>Daniel J. "Corky" Sherman, Sherman & Yaquinto - Dallas, TX<br>Mark A. Weisbart, Law Office of Mark A. Weisbart - Dallas, TX  |
| 10:15 am                              | <b>Break</b>  |
| 10:30 am<br>0.75 hr                   | <b>The Fair Debt Collection Practices Act and the Bankruptcy Claim Process: Debtors' Rights and Remedies under the FDPCA</b><br><br>Explore the developing law governing debtors' ability to sue their creditors in bankruptcy court for violations of the FDCPA.<br><br>Hon. Douglas D. Dodd, U.S. Bankruptcy Court, Middle District of Louisiana - Baton Rouge, LA<br>Ryan J. Richmond, Stewart Robbins & Brown, LLC - Baton Rouge, LA  |
| 11:15 am<br>0.75 hr<br>0.50 hr ethics | <b>Hello from the Other Side: Law Clerk Panel on Ethics and Court Procedures</b><br><br>Highlights of court procedures and preferences and a discussion of ethical issues, including dos and don'ts of communicating with court staff.<br><br>Moderator:<br>Sarah Darnell Wood, U.S. Bankruptcy Court, Western District of Texas - Austin, TX<br>Panelists:<br>Jaimie Fedell, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX<br>Nicole L. Hay, U.S. Bankruptcy Court, Northern District of Texas - Dallas, TX<br>Leslie R. Masterson, U.S. Bankruptcy Court, Eastern District of Texas - Plano, TX |

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| 12:00 pm<br>0.75 hr<br>0.50 hr ethics | <p><b>Audience Q&amp;A with the Judges</b></p> <p>The judges are ready to take the challenge and tackle some of your toughest questions.</p> <p>Hon. Tony M. Davis, U.S. Bankruptcy Court, Western District of Texas - Austin, TX<br/> Hon. Douglas D. Dodd, U.S. Bankruptcy Court, Middle District of Louisiana - Baton Rouge, LA<br/> Hon. H. DeWayne "Cooter" Hale, U.S. Bankruptcy Court, Northern District of Texas - Dallas, TX<br/> Hon. Jeffrey P. Norman, U.S. Bankruptcy Court, Western District of Louisiana - Shreveport, LA</p>                         |
| 12:45 pm<br>0.50 hr                   | <p><b>Return of the Smackdown! Use and Abuse of State Court Receiverships</b></p> <p>What happens when the judgment debtor files bankruptcy? How does the automatic stay apply? And just who owns the FDCPA claims? Explore these questions in the long-awaited return of this conference favorite.</p> <p>Michael V. Baumer, Law Office of Michael Baumer - Austin, TX<br/> Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas - Houston, TX<br/> Hon. Douglas D. Dodd, U.S. Bankruptcy Court, Middle District of Louisiana - Baton Rouge, LA</p> |
| 1:15 pm                               | <p><b>Adjourn</b></p>  |