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34TH ANNUAL JAY L. WESTBROOK

BANKRUPTCY CONFERENCE

Topsy Turvy by Maxine Price

November 11*, 12–13, 2015
Four Seasons Hotel
Austin, Texas

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*Wednesday Evening John C. Akard Lecture

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*WEDNESDAY EVENING, NOV. 11, 2015

JOHN C. AKARD LECTURE

6:00 – 9:00 p.m

Realization, Option Value and Governance in Chapter 11

Edward J. Janger, David M. Barse Professor, Brooklyn Law School, Brooklyn, NY

Edward Janger is the David M. Barse Professor at Brooklyn Law School. He has published in the areas of bankruptcy law, commercial law and data privacy in many of the leading law reviews. His recent article, Ice Cube Bonds: Allocating the Price of Process in Chapter 11 Bankruptcy, written with Melissa Jacoby, University of North Carolina at Chapel Hill, appeared in the Yale Law Journal and won the American College of Commercial Finance Lawyers' Grant Gilmore Award.

Janger is the past chair of the Association of American Law Schools' Section on Commercial and Consumer Law, and a member of the American College of Bankruptcy, International Insolvency Institute and American Law Institute. He has served as consultant to the Business Bankruptcy Subcommittee of the Federal Bankruptcy Rules Advisory Committee, on the International Insolvency Institute delegation to UNCITRAL Working Group V, and is a member of the board of directors of the Coalition for Debtor Education.

Janger has served as the Maurice R. Greenberg and the Anne Urowsky Visiting Professor at Yale Law School, as well as the Bruce W. Nichols Visiting Professor at Harvard Law School. He also served as the Robert Zinman Scholar-in-Residence at the American Bankruptcy Institute in Washington, DC.

THURSDAY MORNING, NOV. 12, 2015

Presiding Officer:
Vicki M. Skaggs, Atlas Hall & Rodriguez LLP, McAllen, TX

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:05 a.m. 1.25 hrs | .50 hr ethics

Recent Developments

Included in the cases are must-know developments regarding the scope of the automatic stay, violations of discharge injunction, discharge and dischargeability, failure to disclose, attorney's fees, and other topics of critical import to bankruptcy practitioners.

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

Panelists:
R. Byrn "Byrnie" Bass Jr., Attorney at Law, Lubbock, TX
Deborah B. Langehennig, Chapter 13 Trustee, Austin, TX
Bill Rochelle, Bloomberg News, New York, NY
Deborah D. Williamson, Dykema Cox Smith, San Antonio, TX

Materials:
Brian T. Cumings, Graves, Dougherty, Hearon & Moody, Austin, TX
Stephen J. Manz, U.S. Bankruptcy Court, Northern District of Texas, Dallas, TX

DUBERSTEIN CHAMPIONSHIP TEAM

10:20 a.m.

Professor Jay L. Westbrook introduces SMU Dedman School of Law's National Championship Team of the 23rd Annual Hon. Conrad B. Duberstein Bankruptcy Moot Court Competition.

Team:
Angela Oliver
Brandt Roessler
Scott Larson

Coaches:
Omar J. Alaniz, Baker Botts, Dallas, TX
Elizabeth Boydston, Norton Rose Fulbright LLP, Dallas, TX,
Tim Springer, Norton Rose Fulbright LLP, Dallas, TX

10:30 a.m. Break

10:45 a.m. .75 hr

Uncertainty in the Law: How Circuit Splits are Dividing Courts on Key Issues in Bankruptcy Cases

A review of splits in the case law on key issues impacting both debtors' and creditors' rights in bankruptcy cases, with consideration of the cost of this uncertainty to the parties and the overall system, as well as proposals for resolving these splits.

Michelle M. Harner, University of Maryland Francis King Carey School of Law, Baltimore, MD

11:30 a.m. .75 hr

Top 10 Tips when Dealing with Taxes

A primer on the key pieces in the tax puzzle and their effects on the development of the bankruptcy plan, including discussion of the differing tax considerations when dealing with businesses conducted in non-corporate form.

Bryan P. Collins, Deloitte Tax LLP, Washington, DC

12:15 p.m. Lunch on Your Own

THE JOHN C. AKARD DISTINGUISHED LECTURESHIP

The John C. Akard Distinguished Lectureship Program was endowed by the generous gifts of many members of the Texas bankruptcy bar in honor of Judge John C. Akard (retired), a 1957 UT Law graduate who served with great distinction for 14 years as the U.S. Bankruptcy Judge in the Northern District of Texas, sitting in Lubbock and throughout much of West Texas. The first Akard Lecture was delivered in 2001 by Professor Elizabeth Warren of Harvard Law School, and formerly of The University of Texas School of Law.

BUSINESS TRACK

Presiding Officer: Robin Russell, Andrews Kurth LLP, Houston, TX

1:45 p.m. .50 hr

Cross-Border Sales: Emerging Issues in a Novel Landscape

A brief overview of recent cross-border Chapter 11 and Chapter 15 cases, including *Nortel*, *Kodak*, *Elpida* and *Fairfield Sentry*, that raise unique questions regarding the 363 sale process.

Abid Qureshi, Akin Gump Strauss Hauer & Feld LLP, New York, NY
Joseph J. Wielebinski Jr., Munsch Hardt Kopf & Harr, P.C., Dallas, TX

2:15 p.m. .50 hr ethics

What One Court Giveth, the Other Taketh Away—Reconciling *Woerner* and *ASARCO* in Everyday Practice

Gain tips on how to adjust your practice in seeking compensation post-*Woerner* and post-*ASARCO*.

Omar J. Alaniz, Baker Botts, Dallas, TX
Demetra L. Liggins, Thompson & Knight LLP, Houston, TX

2:45 p.m. .75 hr

***Finn* V. *Alliance* and Clawbacks**

An analysis of recent developments in fraudulent transfer law, including possible re-evaluation of the existing *Ponzi* "presumption."

Sean J. McCaffity, Rochelle McCullough LLP, Dallas, TX
Samuel M. Stricklin, Gruber Hurst Elrod Johansen Hail Shank , Dallas, TX

3:30 p.m. Break

3:45 p.m. .50 hr

Structured Dismissals

Learn about recent developments in the use of structured dismissals as a strategic alternative to "straight" dismissal, particularly when used in conjunction with an asset sale or compromise under Rule 9019.

Michael P. Cooley, Akin Gump Strauss Hauer & Feld LLP, Dallas, TX
Meredyth A. Kippes, Office Of The United States Trustee, Dallas, TX

4:15 p.m. .75 hr

Intellectual Property Issues in Bankruptcy and the Exclusion of Trademark Licenses from the Definition of Intellectual Property

Explore the legislative history behind the exclusion of trademark license from the operation of 365(n), the treatment of the exclusion under developing case law and deal economics, and recent proposals to amend 365(n) to address trademark licenses.

Kevin J. Meek, Baker Botts, Austin, TX
Steve Meleen, Pirkey Barber PLLC, Austin, TX
Patricia Baron Tomasco, Jackson Walker L.L.P., Austin, TX

5:00 p.m. Adjourn to Reception

CONSUMER TRACK

Presiding Officer: Hon. John C. Akard, Retired, U.S. Bankruptcy Judge, Houston, TX

1:45 p.m. .75 hr

Rochelle's Consumer Roundup

Bill Rochelle, not to be confused with brother Buzz, analyzes the year's best, worst and most useful decisions affecting Chapters 7 and 13.

Bill Rochelle, Bloomberg News, New York, NY

2:30 p.m. .50 hr

Student Loan Dischargeability and Classification

Student loans can cause as much consternation to bankruptcy practitioners as to those who have to repay them. Learn about treatment of student loan debt in both Chapter 7 and Chapter 13 consumer bankruptcy cases, as well as dischargeability issues and recent trends in the Fifth Circuit and beyond.

Kristina L. Gonzales, Bankruptcy Attorney, Austin, TX
Layla D. Milligan, Office of Deborah B. Langehennig, Chapter 13 Trustee, Austin, TX

3:00 p.m. .50 hr

Exemptions (Including Homesteads): Developments, Open Issues, and Best Practices

A quick overview of exemptions, with a special look at every Texan's favorite exemption—the homestead exemption. Explore current developments and unsettled issues, and best practices for advising clients in this complex and very important area of bankruptcy law.

Christopher G. Bradley, Taube Summers Harrison Taylor Meinzer Brown LLP, Austin, TX

3:30 p.m. Break

3:45 p.m. .50 hr

Practical Advice on Confirmation of Chapter 13 Plans

The fundamentals for plan confirmation in Sections 1322 and 1325 are easy to overlook, but critical to debtors and creditors alike. Hear practical advice on how to avoid confirmation objections and get your plan confirmed.

Joshua P. Searcy, Searcy & Searcy PC, Longview, TX

4:15 p.m. .75 hr | .50 hr ethics

Preparing the Bankruptcy Filing and for the 341 Meeting

How to keep your client out of trouble while satisfying the trustee.

Michael V. Baumer, Law Office of Michael Baumer, Austin, TX
Allison D. Byman, Hughes Watters Askanase, LLP, Houston, TX

5:00 p.m. Adjourn to Reception

JAY L. WESTBROOK BANKRUPTCY RECEPTION

5:00 p.m. – 6:30 p.m.

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

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FRIDAY MORNING, NOV. 13, 2015

Presiding Officer:
Rebecca A. Roof, AlixPartners LLP, New York, NY

7:50 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. .50 hr

Supreme Court Update: *Wellness, Caulkett* and *Bullard*

A quick examination of three of the Supreme Court's bankruptcy opinions from its last term—*Wellness* on the power of the bankruptcy court; *Caulkett* on lien-stripping, and *Bullard* on finality in Chapter 13.

Hon. Bruce A. Markell, Northwestern University School of Law, Chicago, IL

OIL AND GAS INDUSTRY

9:00 a.m. .50 hr

Busted: A History of Bankruptcy and Insolvency in the Oil and Gas Industry

Seems like we have been here before. How and why does history keep repeating itself?

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

9:30 a.m. .50 hr

Exploration and Production Companies vs. Service Companies

Learn about the similarities and differences between restructurings of exploration & production companies and oil field service companies such as lien, liquidity and valuation issues.

John F. Higgins IV, Porter Hedges LLP, Houston, TX
Patrick Kelley, Ireland, Carroll & Kelley, P.C., Tyler, TX

10:00 a.m. Break

10:15 a.m. .50 hr

Oil and Gas Valuation Dislocation: How to Find an Unhappy Happy Medium between Buyers and Sellers

A discussion on oil and gas asset valuation in the sale context in light of recent market developments. Learn about bankruptcy sale structures, including both 363 sales and sales pursuant to plans of reorganization, that are commonly used in the disposition of distressed oil and gas assets.

Brett A. Lowrey, Houlihan Lokey, Dallas, TX
Bradley Foxman, Vinson & Elkins LLP, Dallas, TX

10:45 a.m. .50 hr

The ABC's of Financing Oil and Gas Transactions

Various financing techniques for oil and gas transactions can lead to very different results in a bankruptcy case. An examination of traditional oil and gas financing issues and other more recent financing structures including volumetric production payments (VPPs), overriding royalties (ORRIs) and net profits interests (NPIs), as well as a comparison on how Chapter 11 affects these different financing structures.

Loretta Cross, Stout Risius Ross Inc., Houston, TX
Kenric D. Kattner, Haynes and Boone, LLP, Houston, TX

11:15 a.m. .50 hr ethics

The Formation and Functioning of a Creditors' Committee: Making Sausage or Baking a Soufflé?

While creditors must be free of disqualifying conflicts to be able to serve on a Committee, their appointment is not the end of the inquiry or their duties. What about retention of professionals? Claims trading? Access to non-public information? Multiple committees?

William R. Greendyke, Norton Rose Fulbright, Houston, TX
Michael A. McConnell, Kelly Hart & Hallman LLP, Fort Worth, TX

11:45 a.m. .75 hr

Do's and Don'ts for Handling Expert Witnesses in Bankruptcy Court

Practical tips from the perspective of a bankruptcy judge and a litigator.

Jerry Kenneth "J. Ken" Johnson II, Fleming Nolen & Jez L.L.P., Houston, TX
Hon. Robert Lee Jones, U.S. Bankruptcy Court, Northern District of Texas, Lubbock, TX

12:30 p.m. Pick Up Lunch

Included in registration.

ABOUT THE COVER

Topsy Turvy, 36" x 36", oils on canvas, is by Maxine Price. Visit **www.maxineprice.com** for more information.

FRIDAY AFTERNOON

Presiding Officer:
Berry D. Spears, Locke Lord Edwards, Austin, TX

LUNCHEON PRESENTATION

12:50 p.m. .75 hr

On the Future of Lending Markets

Lending and debt markets both domestically and globally are in a state of flux. Hear an economist's insight as to where these markets may be headed and the fall out that will follow.

Michael W. Brandl, The Fisher College of Business, The Ohio State University, Columbus, OH

1:35 p.m. Break

1:50 p.m. .75 hr | .50 hr ethics

RESPA

RESPA plays an important role in the administration of consumer mortgage loans. Consider the interplay between RESPA and consumer bankruptcy law and discuss the interactions between the debtor, the trustee and the mortgage servicer in bankruptcy cases.

Theodore "Thad" O. Bartholow, Armstrong Kellett Bartholow P.C., Dallas, TX
Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas, Houston, TX
Adam E. Miller, Office of the U.S. Trustee, Kansas City, MO

2:35 p.m. .50 hr

Principles of Statutory Construction

Did they really mean to say that? This and other conundrums of statutory interpretation served up for your edification and collective confusion.

Hon. Leif M. Clark, Mediator/Arbitrator/Consultant, San Antonio, TX
Whitman L. Holt, Klee, Tuchin, Bogdanoff & Stern LLP, Los Angeles, CA

3:05 p.m. 1.00 hr

New Judges Panel

New judges share their experiences and first impressions from their short time on the bench.

Moderator:
Hon. H. DeWayne "Cooter" Hale, U.S. Bankruptcy Court, Northern District of Texas, Dallas, TX

Panelists:
Hon. Clifton R. Jessup Jr., U.S. Bankruptcy Court, Northern District of Alabama, Decatur, AL
Hon. John Kolwe, U.S. Bankruptcy Court, Western District of Louisiana, Alexandria, LA
Hon. Mark X. Mullin, U.S. Bankruptcy Court, Northern District of Texas, Fort Worth, TX
Hon. Eduardo V. Rodriguez, U.S. Bankruptcy Court, Southern District of Texas, McAllen, TX

4:05 p.m. Adjourn

HOW TO REGISTER

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- ❑ Individual registration by Wednesday, November 4 . . . . . $575
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- ❑ Electronic Course Binder Download (PDF) ONLY
- ❑ Printed Course Binder ONLY (available through November 4)

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- ❑ Business Track
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Format works very well, because the attendee never gets bored and the pace moves along.

Good mix of useful subjects with competent and engaging speakers."

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Women's Initiative Networking Social
Crave Restaurant
340 East 2nd Street
Wednesday, November 11 at 7:00 p.m.
Free event, RSVP to txbkwomen@gmail.com

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BK15

AUSTIN

November 11*, 12–13, 2015

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KEY DATES

November 4, 2015
last day for early registration
add $50 for registrations
received after this time

November 6, 2015
last day for cancellation (full refund)

November 9, 2015
last day for cancellation (partial refund)
$50 processing fee applied

November 11, 2015, 6:00 p.m.
**Wednesday Evening Akard Lecture begins*

November 12, 2015, 8:50 a.m.
Conference begins

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