

Business Bankruptcy Fall Committee Meeting

October 12-14, 2011
Tampa Marriott Waterside
Tampa, FL
(as of 10/10/11)

Wednesday, October 12, 2011

12:00 PM – 7:00 PM

Registration

1st Floor Convention Center

2:00 PM – 3:30 PM

Chairs and Vice-Chairs Meeting

Patricia A. Redmond, Chair

Grand Salons G&H, 2nd Level, Marriott

3:00 PM – 5:00 PM

CLE PROGRAM: Everything You Prefer to Avoid: What

You Really Should Know About Transfers, Preferences, and Avoidance Actions

Rooms 14 & 15, 1st Floor, Convention Center

After a debtor files for bankruptcy, some of its most important rights include the ability to pursue preferential and fraudulent transfers. For creditors, the specter of an avoidance action presents more uncertainty to an already rocky financial relationship. Moreover, the prosecution or defense of preferential and fraudulent transfers can be extensive and expensive. In this program, the panelists will discuss how to prevent mistakes, preserve rights, and avoid ethical traps. From antecedent debt to new value and actual fraud to good faith, join us for this insightful and practice-point driven program.

Sponsoring Subcommittees: Membership and Avoiding Powers

Program Chairs: Sheryl E. Seigel, McMillan LLP, Toronto, Ontario

Hon. John K. Olson, U.S. Bankruptcy Court, Ft. Lauderdale, Florida

Moderators: Jessica D. Gabel, Georgia State University, Atlanta, GA

Taryn M. Darling Hill, Crocker Law Group PLLC, Seattle, Washington

Speakers:

Hon. Judge Margaret A. Mahoney, U.S. Bankruptcy Court, Mobile, AL

Hon. Judge Robert Mark, U.S. Bankruptcy Court, Miami, FL

Megan M. Adeyemo, Gordon & Rees LLP, Denver, CO

Paul R. Hage, Jaffe Raitt Heuer & Weiss P.C., Southfield, MI

Chris M. Lopez, Weil, Gotshal & Manges LLP, Houston, TX

Paul S. Singerman, Berger Singerman, Miami, FL

Adriana Vidal, Mesriow Financial Consulting, Miami, FL

Wednesday, October 12, 2011

3:00 PM – 5:00 PM

Room 13, 1st Floor, Convention Center

CLE PROGRAM: Mediation in Bankruptcy: A Complement to the Judicial Process

Description

With bankruptcy courts coping with increased filings and heavy caseloads, debtors and creditors alike may consider mediation as a means of expediting matters and reducing the high cost of litigation. Mediation can provide a fast and inexpensive way to resolve a disputed bankruptcy matter. Most courts have adopted some form of rule permitting mediation to resolve adversary actions. But to what extent it is being used? And can it benefit the consumer debtor as well as the business debtor?

Sponsoring Subcommittee: Pro Bono Services

Program Chair and Moderator: Hon. Elizabeth S. Stong, United States Bankruptcy Court for the Eastern District of New York, Brooklyn, NY

Speakers:

Hon. Barry Russell, U.S. Bankruptcy Court for the Central District of California, Los Angeles, CA
Jack Esher, Mediation Works Incorporated, Boston, MA
Lisa Hill Fenning, Arnold & Porter LLP, Los Angeles, CA
Ralph R. Mabey, Stutman, Treister & Glatt, Salt Lake City, UT

Thursday October 13, 2011

7:00 AM – 5:00 PM

Convention Center, 1st Floor

Registration

7:30 AM-8:30 AM

Room 5, 1st Floor, Convention Center

Bankruptcy Court Structure and Insolvency Process

Jean K. FitzSimon, Chair

7:30 AM – 8:45 AM

Rooms 7 & 8, 1st Floor Convention Center

**CLE Program: How To Get Sanctioned Without Really Trying -
The Perils Of Litigating For Estate Fiduciaries**

Description

What are the fiduciary duties of estate representatives (debtors-in-possession, trustees, creditors and equity committees, post-confirmation trustees) and their counsel when bringing lawsuits? To whom are those duties owed? What due diligence must be done by such fiduciaries, who are often strangers to the case facing tight deadlines, before filing complaints? This panel will first discuss the statutory and ethical guidelines regarding those duties, and then explore the real life quagmires which raise difficult questions about how to fulfill such duties.

Sponsoring Subcommittees: Abuses of Bankruptcy Process, Professional Ethics in Bankruptcy Cases and Trustee and Examiners

Moderator: Aisha L. Williams, Gilbert LLP, Washington, DC

Speakers:

Honorable Paul W. Bonapfel, U.S. Bankruptcy Court for the Northern District of Georgia, Atlanta, GA
Jordi Guso, Berger Singerman, Miami, FL
Randa Karambelas, Corporate Advisory & Restructuring Services Grant Thornton LLP, New York, NY
N. Neville Reid, Fox, Hefter, Swibel, Levin & Carroll, LLP, Chicago, IL
Sharon Z. Weiss, Holmes Roberts & Owen LLP, Los Angeles, CA

Thursday October 13, 2011

7:30 AM – 8:45 AM

Room 9, 1st Floor, Convention Center

CLE Program: The Great DISH Debate

Description

This session will be in a debate format on the designation of DISH's votes regarding claims bought in the DBSD case. We will also give some background on vote designation law.

Sponsoring Subcommittee: Claims Trading, Chapter 11 and Claims & Priorities

Moderator: Heather Lennox, Jones Day, New York, NY

Speakers:

Paul Harner, Latham & Watkins, New York, NY

Kris Hansen, Stroock & Stroock & Lavan, New York, NY

Douglas Wolfe, ASM Capital, New York, NY

Leon Barson, Pepper Hamilton, Philadelphia, PA

7:30 AM – 8:45 AM

Grand Salon G, 2nd Level, Marriott

Bankruptcy Committees

John "Kit" C. Weitnauer, Chair

8:30 AM-10:00 AM

Grand Salon I, 2nd Level, Marriott

White-Collar Crime

Karen Gebbia, Chair

8:30 AM – 10:00 AM

Meeting Room 6, 2nd Level, Marriott

Electronic Discovery

Richard L. Wasserman, Chair

12:30 PM – 2:15 PM

Ballroom I-IV, 2nd Level, Marriott

CHAPTER 11 LUNCH

CLE PROGRAM: So You Can't Agree on Plan Terms - Does Plan Mediation Work?

Description

A panel experienced in plan mediations from the standpoints of mediator, judge, debtor and creditor will discuss benefits, difficulties and practical advice for mediating a plan of reorganization among parties in interest.

Sponsoring Subcommittee(s): Chapter 11 and ABA Alternative Dispute Resolution Working Group

Program Chairs: Susan M. Freeman, Lewis and Roca LLP, Phoenix, AZ

Michael H. Reed, Pepper Hamilton LLP, Philadelphia, PA

Moderator: Susan M. Freeman, Lewis and Roca LLP, Phoenix AZ

Speakers:

Hon. Richard E. Fehling, U.S. Bankruptcy Court, Eastern District PA, Reading, PA

Lisa Hill Fenning, Arnold & Porter LLP, Los Angeles, CA

Peter L. Borowitz, Professional Bankruptcy Mediator, New York, NY

Van C. Durrer, II, Skadden Arps, Slate, Meagher & Flom LLP, Los Angeles, CA

Kevyn D. Orr, Jones Day, Washington, D.C.

Thursday October 13, 2011

2:30-3:30 p.m.

Meeting Room 4, 2nd Level, Marriott

**CLE PROGRAM: The Environmental Aspects of the General Motors
/ Motors Liquidation Bankruptcy: Can & Should the Results be Replicated in Other Cases?**

Description

This program will discuss issues arising from, and the resolution of, General Motor's environmental claims and liabilities in the context of one of the largest bankruptcy cases in history and whether the ultimate resolution of those issues can or should be replicated in other cases where debtor faces significant environmental issues.

Sponsoring Subcommittee(s): Mass Tort and Environmental Claims

Program Chair and Moderator: Leslie A. Davis, Crowell & Moring LLP, Washington, DC

Speakers:

David R. Berz, Weil, Gotshal & Manges, LLP, Washington, D.C.

Mark K. Dowd, U.S. Treasury, Washington, D.C. (invited)

David C. McMurtry, D McMurtry & Associates, LLC, Benicia, CA

James M. Redwine, Environmental, Motors Liquidation Company, Baton Rouge, LA

2:30 PM – 3:30 PM

Best Practices under Rule 2014

Sarah Pugh, Chair

Meeting Room 3, 2nd Level, Marriott

2:30 PM – 3:30 PM

UNCITRAL Task Force and Liaison

Christopher J. Redmond, Chair

Meeting Room 2, 2nd Level, Marriott

2:30 – 4:00 p.m.

CLE PROGRAM: Current Developments

Meeting Room 5, 2nd Level, Marriott

Description: This panel will discuss new case law developments in the areas of Chapter 11, along with a discussion of new case law developments in the area of claims, exemptions, and priorities.

Sponsoring Subcommittee: Task Force on Current Developments

Program Chair: Martin J. Bienenstock, Dewey & LeBoeuf, New York, NY

Speakers:

Martin J. Bienenstock, Dewey & LeBoeuf LLP, New York, NY

Christopher Combest, Quarles & Brady LLP, Chicago, IL

Michael R. Enright, Robinson & Cole LLP, Hartford, CT

Monique D. Hayes, Genovese Joblove & Battista, P.A., Miami, FL

Robert B. Millner, SNR Denton US LLP, Chicago, IL

Thursday October 13, 2011

4:00 PM – 5:00 PM

Meeting Room 1, 2nd Floor, Marriott

Trust Indentures

Brendan O’Neil, Chair

4:30 PM – 5:30 PM

Meeting Room 6, 2nd Floor, Marriott

Programs & Publications

Karen Gebbia, Samuel R. Maizel and Sharon Z. Weiss, Cochairs

Friday, October 14, 2011

7:30 AM – 8:45 AM

Room 9, 1st Floor, Convention Center

Chapter 9

Gary E. Klausner, Chair

7:30 AM – 8:45 AM

Rooms 7 & 8, 1st Floor, Convention Center

**CLE PROGRAM: Hot Issues Not Addressed by the Rules
or the Code – Pitfalls and Legislative Fixes**

Description:

The speakers will discuss various topics that arise in bankruptcy cases that either are not specifically addressed by the Bankruptcy Code and the Bankruptcy Rules or otherwise present litigation traps. These topics include: gifting plans and lockups, treatment of administrative claims, with special emphasis given to Section 503(b)(9) and reclamation claims, single asset real estate issues, litigation traps associated with preservation of causes of actions under a plan and litigation hold and spoliation issues.

Sponsoring Subcommittee(s): Bankruptcy Appeals, Legislation, Litigation and Rules

Program Chairs: Timothy M. Lupinacci, Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, Birmingham, AL
Judith Greenstone Miller, Jaffe Raitt Heuer & Weiss, Southfield, MI
Richard M. Kremen, DLA Piper, Baltimore, MD
Richard M. Meth, Fox Rothschild LLP, Roseland, NJ

Moderator: Judith Greenstone Miller, Jaffe Raitt Heuer & Weiss, P.C., Southfield, MI

Speakers:

Marc J. Carmel, Paul, Hastings, Janofsky & Walker, LLP, Chicago, IL
Deborah D. Williamson, Cox Smith Matthews Incorporated, San Antonio, TX
Gregg M. Galardi, DLA Piper LLP (US), New York, NY

Friday, October 14, 2011

12:30 PM – 2:15 PM

Ballroom I-IV, 2nd Level, Marriott

Presentation of the Kathryn R. Heidt Memorial Award

Kathryn R. Heidt Memorial Award Selection Subcommittee:

Hon. Jean K. Fitzsimon, Thomas D. Goldberg and Sandra E. Mayerson, Co-Chairs

SECURED CREDITORS LUNCHEON

CLE PROGRAM: Funding Distress Investing in EU/UK --Successes and Pitfalls

Year 2010 and the first part of 2011 have seen increased activity in efforts to fund distressed investing in the European Union generally and the United Kingdom in particular. As the global economy struggles to recover from the latest financial crisis, opportunities to invest in the EU/UK loom large in the United States. This panel will discuss recent significant cases such as Citigroup's acquisition of EMI through a prepack, the Irish Bank auction, and the recent efforts to restructure Punch Taverns' £3 Billion debt, against the backdrop of recent announcements from Oaktree, Pimco, Halcyon, Canyon and Centerbridge regarding dedicating funds into this sector.

Sponsoring Subcommittee: Secured Creditors

Program Cochairs: Corinne Ball, Jones Day, New York, NY

Samuel R. Maizel, Pachulski, Stang Ziehl & Jones LLP, Los Angeles, CA

Moderator: Corinne Ball, Jones Day, New York, NY

Speakers:

David Mode, Citigroup, New York, NY

Adam Gallagher, Freshfields, London, UK

Claude Montgomery, Salans, New York, NY

2:30 PM – 4:00 PM

Meeting Room 4, 2nd Floor, Marriott

CLE PROGRAM: Shareholders Count Too: The Role of the Equity Committee in a Volatile Economy

Description: This program will examine equity committees in Chapter 11 cases from every angle: how and when committees can be formed, their powers and duties, and the role they play in protecting shareholder interests. The panelists bring their consideration, expertise and experience to this discussion of equity committees from many perspectives, including those of debtor's counsel, committee member, committee counsel, and the Office of the U.S. Trustee.

Sponsoring Subcommittee(s): Bankruptcy Committees, Partnerships and Limited Liability Entities in Bankruptcy

Program Chairs: Christopher M. Alston, Foster Pepper PLLC, Seattle, WA

Sandra A. Riemer, Phillips Nizer LLP, New York, NY

Kaaran E. Thomas, McDonald Carano Wilson LLP, Reno, NV

Moderator(s): Chris Alston, Foster Pepper PLLC, Seattle, WA

Speakers:

Roberta A. DeAngelis, U.S. Department of Justice, Philadelphia, PA

Heather Lennox, Jones Day, Cleveland, OH

Laura Rosenberg, Fiduciary Counselors, Inc., Washington, D.C.

Kaaran E. Thomas, McDonald Carano Wilson LLP, Reno, NV

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Friday, October 14, 2011

4:00 PM – 5:00 PM

Abuses of Bankruptcy Process

Honorable John K. Olson and Richard Meth, Cochairs

Meeting Room 3, 2nd Floor, Marriott