In This Issue

Programs sponsored by the Business Bankruptcy Committee in conjunction with the 2015 National Conference of Bankruptcy Judges at the Fontainebleau in Miami Beach, Florida

Useful Links

Submit Articles for the Business Bankruptcy Newsletter

Important Dates

Business Law Section Annual Meeting
September 17-19, 2015
Chicago, IL

Business Bankruptcy Committee Meeting and National Conference of Bankruptcy Judges
September 27-30, 2015
Miami, FL

Kay Standridge Kress
Chair, Committee on Business Bankruptcy
kressk@pepperlaw.com

Editorial Board

Brett D. Fallon
Editor-in-Chief
Morris James LLP
Wilmington, DE
BFallon@morrisjames.com

Mariaelena Gayo-Guitian
Co-Editor-in-Chief
Genovese Joblove & Battista, P.A.
Miami, FL
mguitian@gjb-law.com

CLE PROGRAM: Almost Everything You Wanted to Know About… Tax Issues in Bankruptcy
Sunday, September 27, 2015 2:30 - 4:30 p.m.

Sponsoring Subcommittee: Business Bankruptcy Committee

Moderator: Jeffrey M. Sklarz, Green & Sklarz LLC, New Haven, CT
Speakers: Frances D. Sheehy, Law Offices of Frances D. Sheehy, Esq., Coconut Creek, FL
Howard Steinberg, CPA, CIRA, MBA, KPMG LLP, New York, NY
Kimberly J. Lam, CPA, CIRA, CFF, BACHECKI, CROM & CO., LLP, San Francisco, CA
George Klidonas, Baker Hostetler, New York, NY

Tax issues permeate virtually every aspect of life; filing for bankruptcy does not change that fact. To effectively represent clients in financial restructurings, bankruptcy lawyers must understand the common tax issues that arise in bankruptcy and how to identify, resolve and leverage them, to complete a successful turnaround. Our expert panel will explore current hot topics for both business cases (such as tax sharing agreements, monetization of tax attributes and tax treatment of liquidation vehicles) and consumer cases (including the discharge ability of taxes and tax elections), as well as provide practical tips and strategies for ensuring that your client uses the tax code to benefit their restructuring.

CLE PROGRAM: Making Law, Doing Good - Pro Bono Appellate Advocacy from the BAP to the Supreme Court
Sunday, September 27, 2015 3:30 - 5:30 p.m.

Sponsoring Subcommittee: Business Bankruptcy Committee

Moderator: Honorable Elizabeth S. Stong, U.S. Bankruptcy Court, E.D.N.Y, Brooklyn, NY
Speakers: G. Eric Brunstad, Dechert LLP, Hartford, CT
Susan M. Freeman, Lewis Roca Rothgerber LLP, Phoenix, AZ Catherine L. Steege, Jenner & Block, LLP, Chicago, IL
Honorable Eugene Wedoff, U.S. Bankruptcy Court, N.D. Ill., Chicago, IL

You've provided pro bono services to a client in a bankruptcy case - and now an appeal is looming. What do you do next? Are you prepared to take on the appeal on a pro bono basis? Or are you interested in developing an appellate practice, and eager to take on a pro bono appeal, but not sure what is involved or how to find an opportunity? This panel of experienced Supreme Court appellate practitioners will discuss:

- the role of pro bono advocacy at the appellate level;
- how appellate cases find their pro bono counsel;
- how appellate advocates approach their cases;
- advice and stories "from the trenches"; and
- what it's really like to appear in the US Supreme Court.

Ethics: The ethics portion of the program will include a discussion of the various
model rules regarding competence, scope of representation issues, diligence, confidentiality, managing conflicts of interest, referral of cases, and supervision of non-lawyers.

This program is in memoriam to Judge Nancy Dreher who served as a U.S. Bankruptcy Judge in the District of Minnesota for many years and who wrote and spoke on the importance of pro bono services.

---

**CLE PROGRAM: The Erosion of Defenses in Fraudulent Transfer Litigation**
Monday, September 28, 2015 7:30 - 8:45 a.m.

**Sponsoring Subcommittee:** Business Bankruptcy Committee and Consumer Bankruptcy Committee

**Moderator:** Linda Leali, Linda Leali, P.A., Miami, FL

**Speakers:**
- Bruce Borrus, Riddell Williams P.S., Seattle, WA
- Steve Fender, Greenspoon Marder Law, West Palm Beach, FL
- Patricia Redmond, Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A., Miami, FL

The panel will discuss recent developments in fraudulent transfer law, with a focus on the 2014 Uniform Voidable Transactions Act, new cases, Ponzi scheme cases, and practical advice to litigators involved in fraudulent transfer cases.

---

**CLE PROGRAM: Chapter 11 Luncheon and CLE Program: Chapter 11 and the Church: “Open the Door and See All the People”**
Monday, September 28, 2015 1:00 p.m. - 2:45 p.m.

**Sponsoring Subcommittee:** Business Bankruptcy Committee

**Moderator:** David M. Fournier, Pepper Hamilton LLP, Wilmington, DE

**Speakers:**
- Susan G. Boswell, Quarles & Brady LLP, Tucson, AZ
- Donald J. Detweiler, Pepper Hamilton LLP, Wilmington, DE
- Patrick A. Jackson, Young Conaway Stargatt & Taylor, LLP, Wilmington, DE
- Robert B. Miller, SNR Denton US LLP, Chicago, IL
- Honorable Elizabeth L. Perris, United States Bankruptcy Court For the District of Oregon, Portland, OR

The panel will discuss:

- Who are the key players in a chapter 11 bankruptcy case of a religious organization - the Debtor / Affiliated Parishes, Schools and Organizations / the Clergy, Religious and Religious Order / the Survivors of Abuse / the Lay Employees/ Secured Creditors / Unsecured Creditors / Local, State and Federal Government / Insurance Carriers / Volunteers and Religious Committees
- Determining the property of the estate - whose property is it anyway? Diocese property / Parish property / Affiliated Non-Debtor property / Trust property / Charitable Contributions / Comingling of assets.
- What law applies - federal/ state / cannon law
- Unique issues in Church Reorganization Cases: Sex Abuse Claims / Lay Employee Claims / Clergy and Religious Claims/ Avoidance Actions / Standing
- The Insurers Perspective
- A Mediator's Perspective
- Lessons learned from existing Church cases

---

**CLE PROGRAM: From Vegas With Love - The Story of the Fontainebleau Las Vegas**
Monday, September 28, 2015 3:30 - 5:30 p.m.

**Sponsoring Subcommittee:** Business Bankruptcy Committee

**Moderator:** Sidney P. Levinson, Jones Day, 555 South Flower Street, Fiftieth Floor, Los Angeles, CA
Panelists: Paul J. Battista, Genovese, Joblove & Battista, Miami, FL  
Honorable A. Jay Cristol, United States Bankruptcy Court for the Southern District of Florida  
James D. Gassenheimer, Berger Singerman LLP, Miami, FL  
Gabrielle A. Hamm, Garman Turner Gordon, LLP, Las Vegas NV  
Soneet R. Kapila, Kapila & Company, Fort Lauderdale, FL

The panel, all veterans of the Fontainebleau Las Vegas bankruptcy case, will recount the story of the bankruptcy case, and in the process address many cutting edge legal issues that arose during the case, including, among others, the permissible scope of bar orders, the doctrine of equitable subrogation, the meaning of adequate protection in the context of use of cash collateral, and the impact of title insurance on the bankruptcy of a failed construction project.

SECURED CREDITOR LUNCHEON & CLE PROGRAM: Intercreditor Agreements: Problem-solver or an Invitation to a Fight?  
Tuesday, September 29, 2015 1:00 - 3:00 p.m.

Moderator: Samuel R. Maizel, Dentons US LLP, Los Angeles, CA  
Speakers: David E. Lemke, Waller Lansden Dortch & Davis, LLP, Nashville, TN  
Celeste Boen Pozo, Hughes Hubbard & Reed LLP, Miami, FL  
Mary Ann Welsh, Quarles & Brady Streich Lang LLP, Phoenix, AZ

The panel will discuss the top things bankruptcy lawyers should know about intercreditor agreements; what are the most litigated issues for bankruptcy lawyers regarding intercreditor agreements; and a review of the recent cases involving the enforcement of intercreditor agreements in bankruptcy.

CURRENT DEVELOPMENTS COMMITTEE MEETING  
Tuesday, September 27, 2015 4:00 - 5:30 p.m.

Sponsoring Subcommittee: Business Bankruptcy Committee

Moderator: Martin J. Bienenstock, Proskauer Rose LLP, New York, NY  
Panelists: Christopher Combest, Quarles & Brady LLP, Chicago, IL  
Leslie A. Davis, Crowell & Moring LLP, Washington, D.C.  
Michael R. Enright, Robinson & Cole LLP, Hartford, CT  
Monique D. Hayes, Genovese Joblove & Battista P.A., Miami, FL

THE KATE R. HEIDT AWARD LUNCHEON  
Monday September 28, 2015 at 1:00 pm-3:00 pm

The Kate R. Heidt Award Program will take place during the ABA Business Bankruptcy Committee luncheon at the National Conference of Bankruptcy Judges on Monday September 28, 2015 between 1:00 3:00 pm (Ticketed Event). This memorial award honors Kate's memory. Kate was a tenured member of the faculty at the University of Pittsburgh School of Law. She was an accomplished author, scholar, teacher, lawyer, and administrator. In addition to her leadership roles at the ABA, she served in leadership capacities at the American Association of Law School's Section on Creditors' and Debtors' Rights. She was a counselor in the truest sense of the word -- a wonderful mother, a friend to many, a dedicated mentor to students and young lawyers, and a trusted voice of wisdom. This Award is designed to serve as a lasting tribute to all she was and all for which she stood and to recognize the importance of bankruptcy education and scholarship to the ABA Business Bankruptcy Committee and the bankruptcy profession.

Submit Article for the Business Bankruptcy Newsletter

The Business Bankruptcy Committee invites you to submit articles for possible publication in future issues. The articles do not need to be long or in-depth, and it is a great way to get involved in the Business Bankruptcy Committee. Articles can survey the law nationally or locally, discuss particular business bankruptcy
issues, or examine a specific case. If you are interested in submitting an article, please contact Newsletter Editors Brett D. Fallon at bfallon@morrisjames.com or Editor Mariaelena Gayo-Guitian at mguitian@gjb-law.com.