April 2016

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Business Bankruptcy Committee Materials From Programs At This Year’s Business Law Section Spring Meeting

Important Dates

Business Law Section Annual Meeting
September 8-10, 2016
Boston, MA

Business Bankruptcy Committee Meeting and National Conference of Bankruptcy Judges
October 26-29, 2016
San Francisco, CA

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Editorial Board

Brett D. Fallon
Editor-in-Chief

Business Law Section Spring Meeting

2016 Business Bankruptcy Committee Spring Meeting
April 7-9, 2016
Montreal, QC, Canada

Programs sponsored by the Business Bankruptcy Committee in conjunction with the 2016 Business Bankruptcy Committee Spring Meeting in Montreal, QC, Canada.

Thursday, April 7, 2016 - CLE Programs

8:30 a.m. - 10:00 a.m. - Insolvency and the Multinational Enterprise
Location: Peribonka, Convention Level, Fairmont
Sponsoring Committees: Business Bankruptcy Committee, International Bankruptcy Subcommittee and International Business Law

Moderator: Corinne Ball, Partner, Jones Day
Speakers: Geoffrey Morawetz, Judge, Ontario Superior Court of Justice
Marc Kielselstein, Partner, Co-Chair, Financial Services & Restructuring, Kirkland & Ellis, LLP
Andrew Kent, Partner, Co-Chair, Financial Services & Restructuring, McMillan, LLP
Sharon Hamilton, Partner, Ernst & Young, LLP
Kevin Gross, Judge, United States Bankruptcy Court for the District of Delaware

Description: A panel of insiders will discuss the legal issues raised by restructuring or liquidating a world-wide enterprise-including conflicting priority schemes, extraterritorial application of domestic laws and coordination of proceedings. Panelists will focus on lessons from major cases, what worked well, and potential helpful advances (legislative/practices/updates to Model Law).

10:30 a.m. - 12:30 p.m. - Don’t Forget Insolvency Issues When Lawyering Deals
Location: Gatineau, Convention Level, Fairmont
Sponsoring Committees: Young Lawyer and Business Bankruptcy

Co-chairs: Mark S. Chehi and Freddi Mack
Speakers: Craig Grear, Partner, Young Conway Stargatt & Taylor, LLP
Matthew Ochs, of Counsel, Holland & Hart, LLP
Faiz Ahmad, Counsel, Skadden, Arps, Slate, Meagher & Flom, LLP

http://apps.americanbar.org/buslaw/committees/CL160000pub/newsletter/201604/
Description: Wondering how to negotiate and structure the acquisition or sale of a business while anticipating possible future insolvency risks? This panel will discuss basic insolvency law issues, common buyer-seller fact patterns, form of transaction strategies, acquisition entity types, third-party contract diligence, and common contractual provisions to tackle insolvency risks.

Friday, April 8, 2016 - CLE Programs

8:30a.m. - 10:00 a.m. - Individual and Small Business Chapter 11s: Who Can Afford It?
Location: Peribonka, Convention Level, Fairmont
Sponsoring Subcommittee: Business Bankruptcy

Co-Chairs: William L. Norton, III and Janet Bostwick
Moderator: McElroy, Deutsch, Mulvaney & Carpenter, LLP
Speakers: Meredith Kippes, Trial Attorney, Office of the United States Trustee
Patrick Turner, Stinson Leonard Street, LLP
Christine Devine, Partner Mirick O'Connell, DeMallie & Lougee, LLP

Description: Is Chapter 11 a realistic option for financially troubled closely held businesses or their individual owners? This panel explores the practical issues and pragmatic solutions regarding costs in Chapter 11. Experienced bankruptcy professionals discuss topics including the engagement of professionals, operating and personal expenses, and Chapter 11 plan confirmation.

10:30 a.m. - 12:00 p.m. - Watch Your Step! - A Discussion of the Landmines Revealed by Recent Litigation Involving Trustees, Investors, Underwriters, and Issuers
Location: Mount-Royal, Convention Floor, Hotel Bonaventure
Sponsoring Committees: Trust Indentures and Indenture Trustees. Co-sponsored by Business Bankruptcy, Business and Corporate Litigation, and Securitization and Structured Finance

Chair: Mark F. Hebbeln
Moderator: Freddie Mac, Associate General Counsel
Speakers: Robert Coughlin, Partner, Nixon Peabody
Jackson Toof, Partner, Arent Fox, LLP
Leah Eisenberg, Partner, Arent Fox, LLP

Description: This interactive panel will discuss issues of concern to trustees and other transaction parties as revealed by recent securities-related litigation. The panelists’ discussion will address the latest structured finance litigation, New York and Delaware cases concerning restructurings permitted under the Trust Indenture Act, and recent state court trust instruction proceedings.

Thursday, April 7, 2016 - General Programs

11:30a.m.-12:30p.m. - Executory Contracts Subcommittee Meeting
Location: Cap-Chat, Executive Level, Fairmont
Sponsoring Subcommittee: Business Bankruptcy

Co-chairs: Christopher Combest and Lisa P. Sumner
Speaker: Robert Keach, Shareholder, Bernstein Shur
Learn what to expect on these issues straight from the co-chair of the ABI's commission to study the reform of Chapter 11.

12:30 p.m. - 2:30 p.m. - Trading Up To A New Model
Location: Duluth, Convention Level, Fairmont
Sponsoring Subcommittees: Chapter 11 and Secured Creditors

Co-chairs: David Founier and Corali Lopez-Castro
Speakers: Shannon Nagle, Assistant General Counsel, CIT Group, Inc.
Kyung Lee, Partner, Diamond McCarthy, LLP
Ted A. Dillman, Latham & Watkins
Scott Whittaker, Member, Stone Pigman Walther Wittmann L.L.C.
Description: Trading up to a New Model: Rolling out Revisions to the ABA Model Asset Purchase Agreement for Bankruptcy Sales - This program will give you a first look at the revisions recommended by the ABA Task Force charged with revising the ABA Model Asset Purchase Agreement to address issues that arise in the context of bankruptcy sales.

3:30 p.m. - 4:30 p.m. - Trustees & Examiners Subcommittee Meeting
Location: Ramezay, Executive Level, Fairmont
Sponsoring Subcommittee: Trustees & Examiners

Speakers: Taryn Darling Hill, Member, Impact Law Group, PLLC
Warren Agin, Partner, Swiggart & Agin, LLC
Marc Barreca, U.S. Bankruptcy Judge, U.S. Bankruptcy Court, Western District of Washington
Description: This panel will discuss the ethical issues and judicial standards that confront a bankruptcy trustee in hiring his/her own firm as attorneys or accountants, and in engaging "special counsel" who is also employed by the bankruptcy debtor.

Friday April 8, 2016 - General Programs

2:30 p.m. - 4:00 p.m. - Current Developments Task Force Meeting
Location: Hochelaga 6, Convention Level, Fairmont
Sponsoring Subcommittee: Business Bankruptcy

Chair: Martin J. Bienenstock
Speakers: Christopher Combest, Quarles & Brady, LLP
Robert Millner, Dentons
Michael Enright, Robinson & Cole, LLP
Monique Haynes, The Hayes Firm, PLLC
Martin J. Bienenstock, Partner, Proskauer Rose, LLP
Description: Current Developments in Bankruptcy - Our panel of experienced bankruptcy practitioners will explore recent developments of interest to bankruptcy professionals and other business lawyers.
10:00 a.m.-11:30 a.m. - BUSINESS BANKRUPTCY COMMITTEE BRUNCH
Location: Duluth, Convention Level, Fairmont
Sponsoring Committee: Business Bankruptcy

Co-chairs: Hon. Marc Barreca and John Knapp
Speakers: Stephen Middlebrook, General Counsel Unirush, LLC
Juliet Moringiello, Professor, Widener University Commonwealth Law School
David Weinstein, Partner, Weinstein Law Firm, a Professional Corporation

Description: Bankruptcy trustees and other stakeholders in federal and state insolvency proceedings are now encountering new categories of assets as a result of current technologies or changes in state law. Examples include bitcoin, marijuana and social media accounts. How can assets be administered that are legal under state law, but illegal under federal law, or for which ownership is not readily identifiable?

MEETINGS

Thursday, April 7, 2016

9:00 a.m. - 10:00 a.m. - Alternative Dispute Resolution Working Group Meeting
Location: Chambly, Executive Level, Fairmont
Co-Chairs: Scott Stuart and David Waguespack

10:00 a.m. - 11:00 a.m. - Model Asset Purchase Agreement Subcommittee Meeting
Location: Chambly, Executive Level, Fairmont
Co-Chairs: Marc Carmel, Donald Kirk and Adam C. Maerov

10:30 a.m. - 12:00 p.m. - Business Transactions
Location: Bellechasse, Executive Level, Fairmont
Co-Chairs: Mark S. Chehi and Sheryl Toby

2:30 p.m. - 3:30 p.m. - Governance Issues of Distressed Companies Joint Subcommittee Meeting
Location: Hochelaga 4, Convention Level, Fairmont
Chair: J. William Boone

3:00 p.m. - 4:00 p.m. - Bankruptcy Committees Subcommittee Meeting
Location: Chambly, Executive Level, Fairmont
Chair: James L. Patton

3:00 p.m. - 4:00 p.m. - Partnerships and Limited Liability Entities in Bankruptcy Subcommittee Meeting
Location: Youville, Executive Level, Fairmont
Co-chairs: Bradford F. Englander and Kyung S. Lee

3:00 p.m. - 4:30 p.m. - UNCITRAL Task Force Meeting
Location: Kamouraska, Executive Level, Fairmont
Chair: Christopher J. Redmond

Friday, April 8, 2016
8:00 a.m.-9:30 a.m. - IP and Technology Subcommittee Meeting  
Location: Terrebone, Executive Level, Fairmont  
Sponsoring Subcommittee: IP and Technology Subcommittee Meeting

8:00 a.m.-9:00 a.m. - WEBINARS  
Location: Chambly, Executive Level, Fairmont  
Co-chairs: Brooke Schumm, III and Russell M. Blain

9:00 a.m.-10:00 a.m. - Trust Indentures Subcommittee Meeting  
Location: Yamaska, Convention Level, Fairmont  
Chair: Jeanne P. Darcey

10:00 a.m.-11:00 a.m. - Legislation Subcommittee Meeting  
Location: Yamaska, Convention Level, Fairmont  
Chair: Michael D. Rubenstein

10:00 a.m.-11:00 a.m. - White Collar Crime and Business Bankruptcy  
Location: Bellechasse, Executive Level, Fairmont  
Chair: Karen Gebbia

10:30 a.m.-11:30 a.m. - E-Newsletter Subcommittee Meeting  
Location: Kamouraska, Executive Level, Fairmont  
Co-chairs: Brett D. Fallon and Mariaelena Gayo-Guitian

2:30 p.m.-3:30 p.m. - Administration and Courts Subcommittee Meeting  
Location: Terrebone, Executive Level, Fairmont  
Co-Chairs: Hon. Christopher M. Alston and Sidney P. Levinson

2:30 p.m.-3:30 p.m. - Leadership Development Subcommittee Meeting  
Location: Yamaska, Convention Level, Fairmont  
Chair: Patricia A. Redmond

3:00 p.m.-4:00 p.m. - Pro Bono Services Subcommittee Meeting  
Location: Kamouraska, Executive Level, Fairmont  
Chair: Elizabeth S. Stong

3:30 p.m.-4:30 p.m. - Publications Subcommittee Meeting  
Location: Kamouraska, Executive Level, Fairmont  
Chair: Karen M. Gebbia

4:30 p.m.-5:30 p.m. - Programs Subcommittee Meeting  
Location: Hochelaga 5, Convention Level, Fairmont  
Co-chairs: Sandra A. Riemer and Andrea S. Hartley

Saturday, April 9, 2016

9:00 a.m. - 10:00 a.m. - Government Powers Subcommittee Meeting  
Location: Youville, Executive Level, Fairmont  
Chair: Jeffrey M. Sklarz
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 Co-Editors Brett D. Fallon at bfallon@morrisjames.com or Mariaelena Gayo-Guitian at mguitian@gjb-law.com.