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Programs sponsored and co-sponsored by the Business Bankruptcy Committee in conjunction with the 2018 Business Law Section Spring Meeting in Orlando, Florida.

Useful Links
Submit Articles for the Business Bankruptcy Newsletter
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Important Dates
Business Law Section Spring Meeting
April 12-14, 2018
Orlando, FL

Business Law Section Annual Meeting
September 13-15, 2018
Austin, TX

Business Bankruptcy Committee Meeting and National Conference of Bankruptcy Judges
October 28-31, 2018
San Antonio, TX

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"Business Bankruptcy Committee: The World's Largest Organization of Bankruptcy Restructuring Lawyers" The Business Bankruptcy Committee looks forward to seeing you at the ABA Business Law Spring Meeting in Orlando, Florida from April 12 to April 14, 2018. We have a dynamite lineup of interesting and informative programs for bankruptcy and business law practitioners. See the programs below (which remain subject to changes prior to the meeting).

Programs sponsored and co-sponsored by the Business Bankruptcy Committee in conjunction with the 2018 Business Law Section Spring Meeting in Orlando, Florida.

**CLE PROGRAMS**

**Thursday, April 12, 2018 - CLE Programs**

8:30 a.m. - 10:00 a.m.: **Governance Issues of Distressed Companies**

*Location*: Panzacola H-2, Level 1
*Presented by*: Corporate Governance Committee
*Co-sponsoring Committee*: Business Bankruptcy
*Program Chair and Moderator*: Howard Brod Brownstein, President, The Brownstein Corporation, Conshohocken, PA
*Speakers*: J. William Boone, Partner, James-Bates-Brannan-Groover, LLP, Atlanta, GA
Honorable John Olson, U.S. Bankruptcy Judge, U.S. Bankruptcy Court, S.D. Fl., Fort Lauderdale, FL
Timothy Todd, Associate Professor of Law, Associate Dean for Academic Affairs, Liberty University School of Law, Lynchburg, VA

*Description*: Challenging governance issues arise before, during and following bankruptcy, as well as when nonbankruptcy alternatives under state law are employed.

10:30 a.m. - 12:00 p.m.: **From Franchise Disclosure Agreements to Chapter 11 Disclosure Statements: A Deep Dive into Thorny, Franchise Insolvency Issues**

*Location*: Panzacola H-3, Level 1
*Presented by*: Business Bankruptcy Committee
*Chair*: Lisa P. Sumner
*Program Co-Chairs*: Monique Hayes, Partner, Goldstein & McClintock LLP, Miami, FL
Lisa Sumner, Member, Nexsen Pruet, PLLC, Raleigh, NC
*Program Materials Coordinator*: Clay Roberts, Associate, White & Case LLP, Miami, FL
*Moderator*: Iris Figueroa Rosario, Principal, Gray Plant Mooty, Washington, DC
*Speakers*: Melissa Bernheim, Of Counsel, AXS Law Group PLLC, Miami, FL
Glenn Moses, Shareholder, Genovese Joblove & Battista, PA, Miami, FL
Himanshu Patel, Partner, Zarco Einhorn Salkowski & Brito, PA, Miami, FL

*Description*: Retail insolvencies are an inevitable part of today's industry transformation. Franchises restructuring through bankruptcy present unique legal
challenges. Panelists with franchisor and franchisee perspectives will explore key Chapter 11 issues including curing franchise agreement defaults, protecting intellectual property rights and assumption or rejection of real estate leases.

12:30 p.m. - 2:30 p.m.: Chapter 11 and Secured Creditors Luncheon - "Bankruptcy Code Puzzlers, Anomalies, Riddles and Rhymes"
Location: Sebastian L-1, Level 1
Presented by: Business Bankruptcy Committee
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12:30 p.m. - 2:30 p.m.: Chapter 11 and Secured Creditors Luncheon - "Bankruptcy Code Puzzlers, Anomalies, Riddles and Rhymes"
Location: Sebastian L-1, Level 1
Presented by: Business Bankruptcy Committee
Moderator: Jeffrey Kucera, Partner, K&L Gates LLP, Miami, FL
Speakers: Jessica Cino, Professor, Georgia State University College of Law, Atlanta, GA
Hon. Jean Fitzsimon, Judge, U.S. Bankruptcy Court, Eastern District of Pennsylvania, Philadelphia, PA
Patrick Johnson, Associate, Drinker Biddle & Reath LLP, Wilmington, DE
Brian Rich, Partner, Berger Singerman LLP, Tallahassee, FL

Description: Lurking beneath the surface of the Bankruptcy Code, lie statutory conundrums and mysteries that are now percolating through the courts. Are all administrative claims truly created equal? Does an objection to the allowance of a claim based on the receipt of an avoidable transfer require a judgment to be entered or merely a demand made? In a jointly administered Chapter 11 case with multiple debtors, must each debtor obtain the assent of at least one impaired, accepting class? This experienced panel will grapple with these issues and many others in an entertaining, interactive program that will both amuse and more importantly, inform.

1:00 p.m. - 3:00 p.m.: Bankruptcy Remote Entities - Are They Really?
Location: Panzacola H-1, Level 1
Presented by: LLCs, Partnerships and Unincorporated Entities Committee
Co-sponsoring Committee: Business Bankruptcy
Program Chair and Moderator: James Wheaton, Clinical Associate Professor, Boston University School of Law, Boston, MA
Speakers: Hon. Clifton Jessup, Jr., Judge, United States Bankruptcy Court, Decatur, AL
Daniel Kleinberger, Emeritus Professor of Law, Mitchell Hamline School of Law, Saint Paul, MN
Lea Pauley Goff, Member, Stoll Keenan Ogden PLLC, Louisville, KY

Description: Bankruptcy law hates waivers. However, when an agreement that has the effect of impeding bankruptcy is embedded in the governance of a contractual business entity, the analysis is complicated by the limitations of the bankruptcy jurisdiction and freedom of contract principles. This program explores these issues and alternative remoteness structures.

2:00 p.m. - 3:30 p.m.: Brexit: Impact on US Banks, Banking Transactions & Euro Insolvency
Location: Panzacola G-2, Level 1
Presented by: Banking Law Committee
Co-sponsoring Committees: Business Bankruptcy, International Coordinating
Moderator: Patrick Fitzmaurice, Partner, Troutman Sanders LLP, New York, NY
Program Chair: Brett Goodman, Counsel, Troutman Sanders LLP, New York, NY
Program Materials Coordinator: Gregg Rozansky, Managing Director & Senior Associate General Counsel, The Clearing House, New York, NY
Speakers: John Banes, Partner, Davis Polk & Wardwell London LLP, London, United Kingdom
James Linforth, Partner, Stephenson Harwood LLP, London, United Kingdom
Susan Moore, Partner, Stephenson Harwood LLP, London, United Kingdom
Serena Palumbo, Director & Assistant General Counsel, ING Financial Holdings Corp., New York, NY

Description: This program will explore Brexit: what it is and what it will look like, its impact on U.S. banks and banking transactions, and post-Brexit effects on EU insolvency regulation and proceedings.

Friday, April 13, 2018 - CLE Programs

8:30 a.m. - 10:00 a.m.: International Bond Defaults: Navigating the Thicket of Recalcitrant Sovereigns, Aggressive Bondholders, and Conflicting Laws
Location: Sebastian I-3, Level 1
Presented by: Trust Indentures and Indenture Trustees Committee
Program Chair and Moderator: Mark Hebbeln, Partner, Foley & Lardner LLP, Chicago, IL
Program Materials Coordinator: Zaina Zainal, Legal Assistant, Foley & Lardner LLP, Chicago, IL
Speakers:
Marian Baldwin Fuerst, Partner, Norton Rose Fulbright US LLP, New York, NY
Luciana Celidonio, Partner, Tauil & Chequer Advogados Associado a Mayer Brown LLP, Sao Paulo, Brazil
Eric Schaffer, Partner, Reed Smith LLP, Pittsburgh, PA
Mark Weidemaier, Ralph M. Stockton, Jr. Distinguished Professor of Law, University of North Carolina, Chapel Hill, NC

Description: This panel will explore international bond defaults, with an emphasis on the roles and motivations of sovereigns, bondholders and trustees in these complex proceedings. Bond defaults in Latin America and Europe in particular will be the subject of discussion.

8:30 a.m. - 10:00 a.m.: Mediating E-Discovery Issues in Post-Merger & Acquisition and Distressed Company Disputes
Location: Sebastian I-4, Level 1
Presented by: Dispute Resolution Committee
Co-sponsoring Committees: Business and Corporate Litigation, Business Bankruptcy, Judges Initiative, Mergers & Acquisitions
Program Co-Chairs and Moderators:
Leslie Berkoff, Partner, Moritt Hock & Hamroff LLP, Garden City, NY
John Levitske, Senior Managing Director, Ankura, Chicago, IL
Speakers:
William Hamilton, Legal Skills Professor, University of Florida Levin College of Law, Gainesville, FL
John Loughnane, Partner, Nutter McClennen & Fish LLP, Boston, MA
Hon. Mac McCoy, United States Magistrate Judge, United States District Court, Middle District of Florida, Ft. Myers, FL
Kathleen McLeroy, Shareholder, Carlton Fields Jorden Burt, P.A., Tampa, FL

Description: An overview discussion of: "Hot button" E-Discovery and ESI dispute issues that arise post-closing of an M&A transaction; Forum alternatives for resolution such as mediation or special master, reasons why mediation may be appropriate and factors which may convince a judge in litigation that mediation is appropriate; Strategies for selecting the mediator and planning the mediation; and Additional considerations if the subject company is "distressed."

10:30 a.m. - 12:00 p.m.: Avoidances Relating to the Debtor's Children: Tuition, Living Expenses, and Other Payments to or for Their Benefit
Location: Panzacola H-1, Level 1
Presented by: Consumer Bankruptcy Committee
Co-sponsoring Committee: Business Bankruptcy Committee
Program Chair: Steven Fender, Partner, CBR Law Group LLP, Ft. Lauderdale, FL

Moderator: Alan Hochheimer, Member, Maurice Wutscher LLP, Beachwood, OH

Speakers:
Hon. Elizabeth S. Stong, United States Bankruptcy Judge, New York, NY
Alexis Garcia, Associate, Linda Leali, PA, Miami, FL

Description: The panel discusses trustee actions to recover debtor payments to or for the benefit of non-debtor children such as tuition and living payments.

10:30 a.m. - 12:30 p.m.: Contracting Away the Code: The Enforceability of Pre-Bankruptcy Agreements

Location: Panzacola H-2, Level 1

Presented by: Business Bankruptcy Committee

Co-sponsoring Committee: LLCs, Partnerships and Unincorporated Entities

Program Co-Chairs:
Brett Fallon, Partner, Morris James LLP, Wilmington, DE
Paul Hage, Partner, Jaffe Raitt Heuer & Weiss, P.C., Southfield, MI

Moderator:
Hon. Cynthia Jackson, Bankruptcy Judge, United States Bankruptcy Court for the Middle District of Florida, Orlando, FL

Speakers:
Hon. Kevin Carey, Bankruptcy Judge, United States Bankruptcy Court for the District of Delaware, Wilmington, DE
Lara Fernandez, Shareholder, Trenam Law, Tampa, FL
Eric Walker, Partner, Perkins Coie, LLP, Chicago, IL

Description: This panel will discuss the enforceability of various pre-bankruptcy agreements in Chapter 11. Specific topics of discussion will include the enforceability of contractual constraints on filing, drafting operating agreements to protect LLC members from another member's bankruptcy, contractual provisions triggered by bankruptcy, intercreditor agreements and the treatment of trademark licenses.

2:30 p.m. - 4:00 p.m.: Who's Minding The Minders: Is Your Personal Consumer Data Information Safe In Sale Or Crisis

Location: Panzacola H-2, Level 1

Presented by: Business Bankruptcy Committee

Co-sponsoring Committee: Bankruptcy Court Structure and Insolvency Process, Consumer Financial Services, International Coordinating Co-chairs: Leslie A. Berkoff and Andrea S. Hartley

Program Co-Chairs:
Leslie Berkoff, Partner, Moritt Hock & Hamroff LLP, Garden City, NY
Andrea Hartley, Partner, Akerman LLP, Miami, FL

Program Materials Coordinator: Krista Kulp, Associate, Moritt Hock & Hamroff LLP, New York, NY

Speakers:
Elise Frejka, Partner, Frejka PLLC, New York, NY
Susan Goodman, Partner, Mesch Clark Rothschild, Tucson, AZ
Lara Liss, Assistant General Counsel, UnityPoint Health, West Des Moines, IA
Michael St. Patrick Baxter, Partner, Covington & Burling LLP, Washington, DC
Lucy Thomson, Principal, Livingston PLLC, Washington, DC

Description: The program will explore protecting private consumer data in today's ever changing world. The panelists will discuss managing information that needs to be protected in the course of a business transaction. The program will also focus on when a consumer privacy ombudsman/patient care ombudsman is needed, their roles and reports.

Saturday, April 14, 2018 - CLE Programs

9:00 a.m. - 10:30 a.m.: Third Party Financing of Litigation - Structures,
Documented and Practical Issues

Location: Panzacola H-4, Level 1
Presented by: Commercial Finance Committee
Co-sponsoring Committees: Business Bankruptcy, Uniform Commercial Code, American College of Commercial Finance Lawyers, Association of Commercial Finance Attorneys
Program Chair and Moderator: Cathy Reece, Chair, Financial Restructuring, Bankruptcy Creditors Rights Group, Fennemore Craig, P.C., Phoenix, AZ
Speakers:
Justin Brass, Special Situations Group Litigation Finance, Jefferies LLC, New York, NY
David Gallagher, Investment Manager and Legal Counsel, Bentham IMF, Los Angeles, CA
Marc Jason Carmel, Director, Longford Capital Management, LP, Chicago, IL
Chris Leonard, Managing Member, 1875 Capital LLC, Washington, DC
Emily Slater, Managing Director, Burford Capital, LLC, New York, NY

Description: This panel will focus on how financing is structured and documented, the uses of the proceeds, and different types of litigation from antitrust to class actions to bankruptcy litigation. The panel will look at some successful results and will discuss some issues from cases that have addressed the challenges to such financing.

GENERAL PROGRAMS

Friday, April 13, 2018 - General Programs

10:00 a.m. - 11:00 a.m.: Trust Indentures Subcommittee Meeting: "Recent Developments of Interest to Indenture Trustees and their Counsel"
Location: Wekiwa 1, Level 2
Presented by: Business Bankruptcy Committee
Chair: Jeanne P. Darcey
Meeting Co-Chairs:
Walter Curchack, Partner & Chair of Bankruptcy Department, Loeb & Loeb LLP, New York, NY
Jeanne P. Darcy, Partner, Sullivan and Worcester LLP, Boston, MA
Moderator: Eric Monzo, Partner, Morris James LLP, Wilmington, DE

Description: A round table discussion of recent cases of interest to Indenture Trustees and their counsel, covering such topics as default interest, make-whole, and anti-evasion provisions; the rights, duties and obligations of Trustees facing defaults (or alleged defaults); and best proactive workarounds to address succession and default litigation issues.

10:00 a.m. - 11:00 a.m.: Legislation Subcommittee Meeting: "The 'New' (Not So New) Uniform Assignment of Rents Statute - A Sign of Better Things to Come?"
Location: Suwannee 19, Level 2
Presented by: Business Bankruptcy Committee
Meeting Co-Chairs:
James Bailey, Partner, Bradley Arant Boult Cummings LLP, Birmingham, AL
Marc Carmel, Director, Longford Capital Management, Chicago, IL
Steven Cousins, Partner, Armstrong Teasdale LLP, St. Louis, MO
Victor Roehm, III, Partner, Sussman Shank LLP, Portland, OR
Stephen Romine, Partner, LeClairRyan, Norfolk, VA
Speakers:
Matthew Boley, Partner, Cohne Kinghorn, P.C., Salt Lake City, UT
Heather Lee, Partner, Burr & Forman LLP, Birmingham, AL
Jeffrey Levin, Partner, LeClairRyan, New York, NY
Hon. Michael Williamson, Chief Judge, United States Bankruptcy Court for the Middle District of Florida, Tampa, FL
Description: This program will explore real estate financing, with particular attention to the current ways in which a lender may take a security interest in and perfect such interest in rents generated from the property. Next, the program will explore how a lender effectuates its rights in the rents when the borrower defaults and the impact and effect of the commencement of a bankruptcy case by a borrower on the lender's rights and remedies. Finally, the program will examine the "new" Uniform Assignment of Rents Statute, first proposed in 2005, and recently enacted in 5 states and analyze the impact and effect that adoption of this statute would have on real estate financing.

2:30 p.m. - 4:00 p.m.: Current Developments Task Force Meeting
Location: Wekiwa 8, Level 2
Presented by: Business Bankruptcy Committee
Meeting Chair and Moderator: Martin Bienenstock, Proskauer Rose LLP, New York, NY
Speakers:
Michael Enright, Robinson & Cole LLP, Hartford, CT
Monique Hayes, Goldstein & McClintock LLP, Miami, FL
Robert Millner, Dentons, Chicago, IL

Description: A panel of practitioners from around the country will update attendees on significant recent developments impacting bankruptcy practice.

Saturday, April 14, 2018 - General Programs

10:30 a.m. - 12:00 p.m.: Business Bankruptcy Brunch - "Family Feuds and Chapter 11: What is the Counsel to Do?"
Location: Panzacola F-3, Level 1
Presented by: Business Bankruptcy Committee
Meeting Chair and Moderator: Janet Bostwick, Janet E. Bostwick, PC, Boston, MA
Speakers:
Jeffrey Bast, Partner, Bast Amron LLP, Miami, FL
Shelly Crocker, Shelly Crocker LLC, Seattle, WA
Aleida Martinez Molina, Partner, Weiss Serota Helfman Cole & Bierman, Coral Gables, FL

Description: In a closely held business, disputes among owners (a falling out among partners, divorce between feuding spouses, or an unhappy transition from one generation to another) can create financial trouble for the company. Experienced bankruptcy professionals will discuss the complexities these feuds can bring to a company's Chapter 11.

MEETINGS

Thursday, April 12, 2018 - Meetings

10:30 a.m. - 11:30 a.m.: Healthcare and Nonprofits in Bankruptcy Subcommittee Meeting
Location: Suwannee 15, Level 2
Co-chairs: Shelly Crocker and Samuel R. Maizel

10:30 a.m. - 12:00 p.m.: Business Transactions Subcommittee Meeting
Location: St. John’s 23, Level 2
Co-chairs: Mark S. Chehi and Sheryl Toby

2:30 p.m. - 3:30 p.m.: Leadership Development Subcommittee Meeting
Location: Suwannee 18, Level 2
Chair: Patricia A. Redmond

3:00 p.m. - 4:00 p.m.: Bankruptcy Committees Subcommittee Meeting
Location: Suwannee 19, Level 2
Co-chairs: Andrea S. Hartley and Mette H. Kurth
3:00 p.m. - 4:00 p.m.: **Partnerships and Limited Liability Entities in Bankruptcy Subcommittee Meeting**  
**Location:** Wekiwa 1, Level 2  
**Chair:** Bradford F. Englander

3:00 p.m. - 4:30 p.m.: **UNCITRAL Task Force Meeting**  
**Location:** Suwannee 14, Level 2  
**Chair:** Christopher J. Redmond

3:30 p.m. - 4:30 p.m.: **Trustees & Examiners Subcommittee Meeting**  
**Location:** Suwannee 18, Level 2  
**Chair:** Bradford F. Englander  
**Co-chairs:** Mark E. Leipold and Eric R. Perkins

4:00 p.m. - 5:00 p.m.: **Governance Issues of Distressed Companies Joint Subcommittee Meeting**  
**Location:** Suwannee 19, Level 2  
**Chair:** J. William Boone

4:00 p.m. - 5:00 p.m.: **Uniform Assignment of Rents Act Task Force Meeting**  
**Location:** Wekiwa 1, Level 2  
**Presented by:** Business Bankruptcy Committee

4:30 p.m. - 6:30 p.m.: **Meeting of the Chairs and Vice Chairs of Business Bankruptcy Subcommittees, Working Groups and Task Forces**  
**Location:** Panzacola F-3, Level 1  
**Chair:** Susan M. Freeman

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**Friday, April 13, 2018 - Meetings**

8:00 a.m. - 9:00 a.m.: **Webinars Subcommittee Meeting**  
**Location:** Suwannee 19, Level 2  
**Co-chairs:** Natalie B. Daghbandan and Charles M. Rubio

8:00 a.m. - 9:30 a.m.: **Bankruptcy IP and Technology and Webmasters Subcommittee Meeting**  
**Location:** Suwannee 13, Level 2  
**Co-chairs:** John R. Knapp, Jr. and Marc L. Barreca

8:30 a.m. - 9:30 a.m.: **Individual Chapter 11 Subcommittee Meeting**  
**Location:** St. John's 23, Level 2  
**Chair:** William L. Norton, III

9:00 a.m. - 10:00 a.m.: **Small Business Subcommittee Meeting**  
**Location:** Wekiwa 3, Level 2  
**Co-chairs:** Jeffrey P. Bast and Janet E. Bostwick

10:00 a.m. - 11:00 a.m.: **White-Collar Crime and Business Bankruptcy Initiative Joint Subcommittee Meeting**  
**Location:** St. John's 23, Level 2  
**Chair:** Karen M. Gebbia

10:30 a.m. - 11:30 a.m.: **E-Newsletter Subcommittee Meeting**  
**Location:** Suwannee 13, Level 2  
**Co-chairs:** Krista L. Kulp and Michael A. Sabella

2:30 p.m. - 3:30 p.m.: **Administration and Courts Subcommittee Meeting**  
**Location:** St. John's 25, Level 2  
**Co-chairs:** Christopher M. Alston and Sidney P. Levinson

3:00 p.m. - 4:00 p.m.: **Pro Bono Services Subcommittee Meeting**  
**Location:** St. John's 28, Level 2  
**Chair:** Elizabeth S. Stong

3:30 p.m. - 4:30 p.m.: **Publications Subcommittee Meeting**
Location: St. John's 25, Level 2  
Chair: Karen M. Gebbia  
4:30 p.m. - 5:30 p.m.: Programs Subcommittee Meeting  
Location: St. John's 24, Level 2  
Co-chairs: Sandra A. Riemer and Andrea S. Hartley  

Saturday, April 14, 2018 - Meetings  

8:00 a.m. - 9:00 a.m.: Professional Ethics Subcommittee Meeting  
Location: Suwannee 13, Level 2  
Chair: Richard M. Meth  

9:00 a.m. - 10:00 a.m. Government Powers Subcommittee Meeting  
Location: Wekiwa 1, Level 2  
Chair: Jeffrey M. Sklarz  

10:00 a.m. - 11:00 a.m.: Alternative Dispute Resolution Working Group Meeting  
Location: Wekiwa 1, Level 2  
Co-chairs: Peter L. Borowitz and Judith W. Ross  

Submit Articles 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 Editor-in-Chief, Krista L. Kulp at KKulp@moritthock.com or Co-Editor-In-Chief, Michael A. Sabella at MSabella@bakerlaw.com.