



BUSINESS BANKRUPTCY COMMITTEE NEWSLETTER

Fall 2018

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Important Dates

Business Law Section Fall Meeting

November 16-17, 2018
Washington, D.C.

Business Law Section Spring Meeting

March 28-30, 2019
Vancouver, BC

Business Law Section Annual Meeting

September 12-14, 2019
Washington, D.C.

Susan Freeman

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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 Business Bankruptcy Committee Meeting in San Antonio, Texas from October 28 to October 30, 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 National Conference of Bankruptcy Judges in San Antonio, Texas.

CLE Programs

Sunday, October 28, 2018 - CLE Programs

2:00 - 3:30 p.m. *Pro Bono Attorneys Taking on Student Loan Dischargeability Issues - Identify the Issues and Strategies to Help Debtors In and Out of the Courtroom*

Location: Marriott Conference Room 17-18

This panel will discuss what pro bono attorneys should look for to determine whether a debtor is a candidate for a student loan dischargeability action, the legal standards for pursuing such an action, and the administrative and out of court options that may be available, including income based payment plans, application for total disability through existing federal programs, and similar programs.

Program Co-Chair and Moderator:

Judge Elizabeth S. Stong, United States Bankruptcy Court, Brooklyn, NY

Program Co-Chair and Materials Coordinator:

Grace E. Robson, Markowitz Ringel Trusty & Hartog, PA, Fort Lauderdale, FL

Program Speakers:

Judge Laurel Myerson Isicoff, United States Bankruptcy Court, Miami, FL
Dalie Jimenez, University of California, Irvine School of Law, Irvine, CA
John D. Eaton, Shawde & Eaton P.L., Weston, FL
William R. Howell, Jr., Will Howell, Houston, TX.

3:45 - 5:15 p.m. *Almost Everything You Wanted to Know About Accounting and Math Issues for Bankruptcy Lawyers*

Location: Marriott Conference Room 17-18

To properly advise clients, bankruptcy lawyers must have a working understanding of financial accounting, statistics and mathematics. Every day we must review financial reports, analyze avoidance actions, and build plans of reorganization. This program will provide you with insight for how to use key accounting and math concepts and tools to better understand your cases and advise clients and other stakeholders in a bankruptcy case.

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Program Co-chair:

Jeffrey Sklarz, Green & Sklarz, LLC, New Haven CT

Program Co-chair and Moderator

Krista L. Kulp, Cole Schotz, Hackensack, NJ

Program Speakers:

Anthony Calascibetta, Eisner Amper, Iselin, NJ

Lee Fletcher, Ankura, New York, NY

Honorable Julie Manning, District of Connecticut, Bankruptcy Court, Bridgeport, CT

Dana Kane, Kelley Drye & Warren LLP, New York, NY

Program Materials Coordinator:

Hayley Harrison, Bast Amron, Miami, FL

Monday, October 29, 2018 - CLE Programs

1:15 - 3:15 p.m.: *Secured Creditors Luncheon: Practical Effects of the Supreme Court's Decision Relating to Secured Creditors*

Location: Marriott Ballroom Salon F

Ticketed Event, Tickets \$90, Available at ABA Registration Desk

The expert panel will discuss the everyday application of the Supreme Court's newest decisions for secured creditors, including Merit Management (Section 546(e) safe harbor), U.S. Bank v. Village of Lakeridge (insider status), and the longer-term effects of cases like Jevic and Stern v. Marshall.

Program Co-Chairs:

Sharon Z. Weiss, Bryan Cave LLP, Santa Monica, CA

Coral Lopez-Castro, Kozyak Tropin & Throckmorton, Miami, FL

Program Moderator and Materials Coordinator:

Joseph M. Esmont, BakerHostetler, Cleveland, OH

Program Speakers:

Susan M. Freeman, Lewis Roca Rothgerber Christie LLP, Phoenix, AZ

Craig T. Goldblatt, WilmerHale, Washington, DC

Barbara Houser, United States Bankruptcy Court for the Northern District of Texas, Dallas, TX

4:00 - 5:30 p.m.: *Municipal - and State - Insolvencies After Puerto Rico*

Location: Marriott Ballroom Salon F

Underfunded pension plans, unfunded retiree medical plans and changes in federal tax, fiscal and health care policies are driving states, cities, municipal hospitals and other instrumentalities towards insolvency. At the same time the law of state & local insolvency is mutating rapidly in Puerto Rico to the detriment of creditors, including secured bondholders. If the Commonwealth of Puerto Rico can restructure, can Illinois be far behind? Are even special revenue bonds safe? Are pension claims effectively senior debt? This panel will discuss evolving precedents under the Constitution and bankruptcy law as they effect distressed governments, employees, retirees and the municipal bond market.

Program Co-Chairs and Moderators:

Honorable Christopher Klein, U.S. Bankruptcy Judge (Retired), Sacramento, CA

Thomas Moers Mayer, Kramer Levin Naftalis & Frankel LLP, New York, NY

Program Speakers:

Douglas Baird, University of Chicago Law School, Chicago, IL

Debra Dandeneau, Baker & Mackenzie LLP, New York, NY

Claude Montgomery, Dentons, New York, NY

William P. Smith, McDermott Will & Emery, Chicago, IL

Program Materials Coordinator:

Nicole Sweeney, Kramer Levin Naftalis & Frankel, New York, NY

Tuesday, October 30, 2018 - CLE Programs

1:15 - 3:15 p.m.: *Chapter 11 Lunch & Heidt Award Presentation: The Swamp Hasn't Been Cleaned Up: Recent Developments in Sales and Disposition of Estate Assets*

Location: Marriott Ballroom Salon I

Ticketed Event, Tickets \$90, Available at ABA Registration Desk

This program will cover recent developments in sales and dispositions of estate assets, including credit bidding, sales "free and clear" of leases and regulatory restrictions and other interests in property, the use of Chapter 11 for "friendly foreclosures" sales to insiders and affiliates and sales of claims and causes of action - in lieu of settlements and 9010 motions.

Program Co-Chair and Moderator:

Gary E. Klausner, Levene, Neale, Bender, Yoo & Brill LLP, Los Angeles, CA

Program Co-Chair and Materials Coordinator:

Clay B. Roberts, White and Case, LLP, Miami, FL

Program Speakers:

Patricia Ann Redmond, Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A., Miami, FL

G. Eric Brunstad, Dechert LLP, Hartford, CT

Donald R. Kirk, Carlton Fields, Tampa, FL

3:30 - 5:00 p.m.: *Current Developments in Bankruptcy*

Location: Marriott Ballroom Salon J + K

A panel of experienced business bankruptcy lawyers from around the country will update attendees on recent developments in areas of particular meaning to practitioners in the insolvency community. This panel has been known to generate lively debate and active audience participation in discussing cutting edge bankruptcy topics.

Program Chair and Moderator:

Martin J. Bienenstock, Proskauer Rose LLP, New York, NY

Program Speakers:

Monique D. Hayes, Goldstein & McClintock LLP, Miami, FL

Robert B. Millner, Dentons, Chicago, IL

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

Program Materials Coordinator:

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

GENERAL PROGRAMS

Monday, October 29, 2018 - General Programs

8:00 - 9:00 a.m.: *Ponzi Scheme Updates*

Location: Marriott Conference Room 15

This panel will address and discuss notable Ponzi scheme cases and decisions in the last two years that pertain to business bankruptcy practice.

Meeting Moderator:

Steven Fender, CBR Law Group, LLP, Ft. Lauderdale, FL

Meeting Speakers:

Hon. Laurel M. Isicoff, United States Bankruptcy Court, Miami, FL

Bruce Borrus, Esq., Fox Rothschild, LLP, Seattle, WA

Lori V. Vaughan, Trenam Law, Tampa, FL

9:30 - 10:45 a.m.: *Third Party Releases and Exculpations*

Location: Marriott Conference Room 13-14

Joint Meeting of Insurance Subcommittee and Mass Torts & Environmental Claims Subcommittee

Meeting Co-Chairs:

Robert B. Millner, Dentons US LLP, Chicago, IL

Margaret M. Anderson, Fox Swibel Levin & Carroll, Chicago, IL

Meeting Moderator:

Scott Rose, Jackson Walker, San Antonio, TX

Meeting Speakers:

Jan M. Hayden, Baker Donelson Bearman Caldwell & Berkowitz PC

Ehud Barak, Proskauer Rose LLP, New York, NY

Wendy M. Simkulak, Duane Morris LLP, Philadelphia, PA

MEETINGS

Sunday, October 28, 2018 - Meetings

3:30 - 5:30 p.m.: *Meeting of the Chairs and Vice Chairs of Business Bankruptcy Subcommittees, Working Groups and Task Forces*

Location: Marriott Ballroom Salon H

Chair: Susan M. Freeman

Monday, October 29, 2018 - Meetings

7:30 - 8:45 a.m.: *Small Business Subcommittee Meeting*

Location: Marriott Ballroom Salon L

7:30 - 8:45 a.m.: *International Bankruptcy Subcommittee*

Location: Marriott Conference Room 13-14

7:30 - 9:00 a.m.: *E-Newsletter Subcommittee Meeting*

Location: Marriott Conference Room 8

9:00 - 10:00 a.m.: *Electronic Discovery (ESI) in Bankruptcy Cases Subcommittee Meeting*

Location: Marriott Ballroom Salon L

Presented by: Bankruptcy Court Structure and Insolvency Process

9:30 - 10:30 a.m.: *Administrative & Courts Subcommittee Meeting*

Location: Marriott Conference Room 8

10:30 - 11:30 a.m.: *Asset Forfeiture and Bankruptcy Subcommittee Meeting*

Location: Marriott Ballroom Salon L

Presented by: Bankruptcy Court Structure and Insolvency Process

11:00 a.m. - 12:00 p.m.: *Trustee and Examiners Subcommittee Meeting*

Location: Marriott Conference Room 8

11:30 a.m. - 12:30 p.m.: *Insurance Subcommittee Meeting*

Location: Marriott Conference Room 13-14

Tuesday, October 30, 2018 - Meetings

7:30 - 8:45 a.m.: *Rules & Claims Trading Joint Subcommittee Meeting*

Location: Marriott Conference Room 8

7:30 - 8:45 a.m.: *Healthcare and Nonprofits in Bankruptcy Subcommittee Meeting*

Location: Marriott Conference Room 12

8:45 - 9:45 a.m.: Publications Subcommittee Meeting

Location: Marriott Conference Room 8

9:00 - 10:00 a.m.: Tax Subcommittee Meeting

Location: Marriott Conference Room 12

Presented by: Bankruptcy Court Structure and Insolvency Process

9:45 - 10:45 a.m.: IP and Technology Subcommittee Meeting

Location: Marriott Conference Room 8

10:30 - 11:30 a.m.: Avoidance Subcommittee Meeting

Location: Marriott Conference Room 12

Presented by: Business Court Structure and Insolvency Process

10:45 - 11:45 a.m.: Model Code Project Business Bankruptcy Subcommittee Meeting

Location: Marriott Conference Room 8

Presented by: Business Court Structure and Insolvency Process

11:45 a.m. - 12:45 p.m.: Model Code Project Consumer Bankruptcy Subcommittee Meeting

Location: Marriott Conference Room 8

Presented by: Business Court Structure and Insolvency Process

11:30 a.m. - 12:30 p.m.: Bankruptcy Committees and Professional Ethics Joint Subcommittee Meeting

Location: Marriott Conference Room 12

3:30 - 4:30 p.m.: Programs Subcommittee Meeting

Location: Marriott Conference Room 12

4:00 - 5:00 p.m.: Individual Chapter 11 Subcommittee Meeting

Location: Marriott Conference Room 8

5:00 - 6:00 p.m.: Bankruptcy Court Structure and Insolvency Process Committee Meeting

Location: Marriott Conference Room 12

Presented by: Business Court Structure and Insolvency Process

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@coleschotz.com or Co-Editor-In-Chief, Michael A. Sabella at MSabella@bakerlaw.com.

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