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- Submit Articles for the Business Bankruptcy Newsletter
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Business Bankruptcy Committee Newsletter

"Business Bankruptcy Committee: The World's Largest Organization of Bankruptcy Restructuring Lawyers"

Note from BBC Chair Susan Freeman:

I regret to inform everyone that the Spring Meeting scheduled for this month in Boston has been cancelled. As detailed below, we had a dynamite lineup of interesting and informative programs for bankruptcy and business law practitioners. However, the hard work of the panelists and organizers will not be in vain. In the coming months, we hope to feature the prepared content in webinars, articles and future programing at upcoming conferences. Please keep an eye out for those notices.

Also, as mentioned in the Winter 2020 eNewsletter, I encourage you to nominate a young bankruptcy lawyer you know – including those who are not already members of the Business Bankruptcy Committee – for our 20/20 Partners Rising Young Leaders Award by the July 1, 2020 deadline. Our goal is to recognize emerging leaders in our practice, and to encourage them to get involved in the ABA and take advantage of all the educational and leadership opportunities the ABA offers. On October 14, 2020, at the Committee's meeting in conjunction with the NCBJ in San Diego, California, we will recognize 20 young lawyers who show promise to be future leaders within the legal profession, the ABA and the Business Bankruptcy Committee. Nominees must have been practicing five years or less as of the June 30, 2020 nomination deadline, i.e. admitted to the bar for the first time on July 1, 2015 or later. The process is easy; here's the link: online nomination form. If you qualify as a young lawyer yourself, please consider self-nominating.
Grace E. Robson was selected by the American Bar Association’s Business Law Section for the 2020 National Public Service Award. The Section initiated the National Public Service Award in 1994 as part of its pro bono efforts. The ABA Business Law Section National Public Service Award recognizes significant pro bono legal contributions of law firms, corporate law departments and individual business lawyers that demonstrate a commitment to providing legal services to individuals and entities that could not otherwise afford them.

Past recipients have demonstrated dedication to the development or delivery of pro bono legal services at the trial, appellate, and Supreme Court level, contributed significant work toward developing innovative approaches to the delivery of pro bono legal services, and/or provided sustained pro bono legal counsel to nonprofit organizations or to micro and small business enterprises in aid of community development.

Grace is a partner at Markowitz Ringel Trusty + Hartog, P.A. in Fort Lauderdale, Florida. She is a board-certified business bankruptcy lawyer who has served as co-chair of the Pro Bono Services Subcommittee of the Business Bankruptcy Committee since 2012, as well as actively participating in other national, state and local bar organizations on pro bono issues. Grace has worked with her subcommittee co-chair Judge Elizabeth Stong to present programs at each NCBJ highlighting pro bono needs and ways for all of us to help. Grace also coordinates and presents locally the CARE program on financial literacy, and mentors and teaches law students and young lawyers.
We’re sharing this description of the programs, and the speakers and materials coordinators who worked so hard to prepare them, to honor and appreciate their time and effort, and to give you a glimpse of what to look for in webinars, articles and future programs.

**Programs and Topics:**

**Key Distinctions When Litigating in Bankruptcy Court, District Court, and Chancery Court: A Comparative Discussion**

**Program Description:** Compare procedural and substantive differences when litigating in bankruptcy court, federal district court, and Delaware chancery court. Attendees will take away “must remember” pointers from cross-disciplinary practitioners and judges.

**Program Chair/Moderator:** Melanie E. Damian, Damian & Valori LLP, Miami, FL

**Program Materials Coordinator:** Freddi Mack, Law Clerk, U.S. District Court for the Southern District of Florida, Miami, FL

**Program Speakers:**
Honorable Frank Bailey, U.S. Bankruptcy Court for the District of Massachusetts, Boston, MA
Honorable Thomas Barber, U.S. District Court for the Middle District of Florida, Tampa, FL
Mindy A. Mora, U.S. Bankruptcy Court for the Southern District of Florida, West Palm Beach, FL
Steve Kinsella, Fredrikson & Byron, P.A. Minneapolis, MN
Melissa N. Donimirski, Heyman Enerio Gattuso & Hirzel, LLP, Wilmington, DE

**Chapter 11 and Secured Creditors Luncheon: Are You Ready for the Financial Crisis of 2020?**

**Program Chair/Moderator:** Mette Kurth; Parter, Fox Rothschild LLP, Wilmington, DE

**Program Materials Coordinator:** Salena Kraemer, Partner, Mazur Kraemer Business Law, Pittsburgh, PA

**Program Speakers:**
Honorable Mindy Mora, U.S. Bankruptcy Court for the Southern District of Florida, West Palm Beach, FL
Michael Kurth, Head of the Economics and Finance Department: Retired – McNeese State University, Lake Charles, LA
Cynthia Nelson, FTI Consulting, Los Angeles, CA
Steve Werth, SulmeyerKupetz, A Professional Corporation, Los Angeles, CA
Programs and Topics:

Preparing Financial Institutions for the Next Economic Downturn

**Program Description:** Analyze the steps financial institutions and their counsel can do right now to prepare for the next economic downturn. It will also identify key laws and regulations you should be aware of and lessons to be learned from the previous economic downturn, and what the current economic growth may be covering up.

**Program Co-Chairs:**
Michael Cavallaro, Barnes & Thornburg LLP, Minneapolis, MN
Kristopher Knabe, Buckley, Chicago, IL

**Program Moderator:** Mark Kindelin, Barnes & Thornburg, Minneapolis, MN

**Program Speakers:**
Caren Enloe, Smith Debnam Narron Drake Saintsing & Myers, LLP, Raleigh, NC
Jared Helge, Rothberg, Logan & Warsco LLP, Fort Wayne, IN
Shannon Barrow, Fifth Third Bank, Cincinnati, OH

Making Sense Out of Make Wholes: Treatment of "Make Whole Provisions" in Bankruptcy

**Program Description:** A “make whole provision” in a credit agreement means borrowers must pay all future interest, even if the loan is paid off early. In bankruptcy, the rule is usually that no interest is due after the filing date. This panel will explain what happens when these two worlds collide.

**Program Chair:** Jeffrey M. Sklarz, Green & Sklarz LLC, New Haven, CT

**Program Moderator:** Regina Stango Kelbon, Blank Rome, Wilmington, DE

**Program Speakers:**
Philip D. Anker, WilmerHale, New York, NY
Michael G. Burke, Sidley Austin LLP, New York, NY
Scott A. Griffin, Griffin Hamersky LLP, New York, NY
Programs and Topics:

Global Lawmakers in the Business Law Realm

This program will focus on international lawmaking efforts in the areas of personal property financing, insolvency, and commercial law, and their impact in the US; highlight UNCITRAL’s role in the development of transnational legal orders in international commerce; and the involvement of the Business Law Section in global lawmaking efforts.

Program Chair: Krista L. Kulp, Cole Schotz P.C., Hackensack, NJ

Program Moderator: Amelia H. Boss, Drexel University, Thomas R. Kline School of Law, Philadelphia, PA

Program Speakers:
Honorable Elizabeth S. Stong, United States Bankruptcy Court for the Eastern District of New York, Brooklyn, NY
Charles W. Mooney, Jr., University of Pennsylvania Law School, Philadelphia, PA
Susan Block-Lieb, Fordham Law School, New York, NY
Neil B. Cohen, Brooklyn Law School
Christopher Redmond, Redmond Law Firm LLC, Overland Park, KS

Working with IRS Insolvency, Or, How To Stop Worrying and Love Tax Issues in Bankruptcy

Tax issues and bankruptcy often go together. Having a working relationship with the IRS professionals who represent the government’s interest is essential. This panel will discuss how to work with IRS in and out of bankruptcy court to ensure your client’s rights are best protected.

Program Chair/Speaker: Jeffrey M. Sklarz, Green & Sklarz LLC, New Haven, CT

Program Speakers:
Hank Kea, Internal Revenue Service, Washington, DC
Jessica Melodia, Internal Revenue Service, Boston, MA
Lauren Nash, Office of the United States Attorney, District of Connecticut, New Haven, CT
Raychell Tasher, Office of the United States Attorney, Southern District of Florida, Miami, FL
Programs and Topics:

How to Draft IP License Agreements to Mitigate Bankruptcy Risks: Mission Possible

Program Description: Present a first-hand account of arguments presented to the U.S. Supreme Court in *Mission Product Holdings, Inc. v. Tempnology, LLC*. Learn how intellectual property license agreements are treated in bankruptcy and take away drafting tips that reflect recent legal developments.

Program Chair: Lisa P. Sumner, Nexsen Pruet, PLLC, Raleigh, NC

Program Moderator: John R. Knapp, Jr., Miller Nash Graham & Dunn, LLP, Seattle, WA

Program Materials Coordinator: Michael D. Rubenstein, Liskow & Lewis, Houston, TX

Program Speakers:
Robert L. Eisenbach, III, Cooley, LLP, San Francisco, CA
Danielle Spinelli, WilmerHale, Washington, D.C.
Justin Ourso, Ourso Counsels, LLC, Baton Rouge, LA

Business Bankruptcy Brunch Topic Discussion

Program Description: Discuss the intersection between bankruptcy and various federal regulatory statutes such as the Fair Debt Collection Practices Act, the Real Estate Settlement Procedures Act, and the Truth in Lending Act. The discussion will use the Supreme Court’s opinion in *Taggart* as an anchor for the discussions.

Program Chair/Moderator: Aaron Brownell, U.S. Department of Justice, Washington, D.C.

Program Speakers:
Honorable Catherine Furay, U.S. Bankruptcy Court for the Western District of Wisconsin, Madison, WI
Steven Fender, Steven Fender PA, Ft. Lauderdale, FL
Ashley Champion, Law Clerk for the Northern District of Georgia Bankruptcy Court, Atlanta, GA