

# WINTER LEADERSHIP CONFERENCE

ARIZONA BILTMORE  
RESORT AND SPA • PHOENIX, AZ

DECEMBER 3 - 5, 2015

## Thursday, December 3

**8:00 a.m.**

**Optional Event: Golf Tournament & ABI Golf Tour**

**9:00 a.m.-5:00 p.m.**

**American Board of Certification Exams**

**12:00-6:00 p.m.**

**Registration Desk Open**

**1:00 p.m.**

**Optional Event: Tennis Tournament**

*Sponsored by Snell & Wilmer, LLP*

**1:00-5:00 p.m.**

**Optional Event: Kayaking the Verde River**

**4:00-6:00 p.m.**

**Exhibit Hall Open**

*Sponsored by Sherwood Partners, LLC*

**5:00-6:00 p.m.**

**Emerging Leaders & Judges' Roundtable** *(invite only)*

*Sponsored by Stinson Leonard Street LLP*

**6:00-8:00 p.m.**

**Opening Reception**

*Sponsored by FTI Consulting, Inc.*

*Bar service sponsored by Jenner & Block LLP, SSG Capital Advisors, LLC and Womble Carlyle*

*Sandridge & Rice, LLP*

## Friday, December 4

**7:30 a.m.**

**Breakfast**

*Sponsored by Gordon Silver*

**8:00-9:30 a.m.**

**Plenary Session**

*Great Debates*

*Polling sponsored by BMC Group*

**Douglas E. Deutsch, Moderator**

*Chadbourne & Parke LLP; New York*

**Resolved:**

*A chapter 11 plan can grant a third-party release.*

**Pro: Hon. Barbara J. Houser**

*U.S. Bankruptcy Court (N.D. Tex.); Dallas*

**Con: Hon. Dennis R. Dow**

*U.S. Bankruptcy Court (W.D. Mo.); Kansas City*

**Resolved:**

*A bankruptcy judge can disband a creditors' committee.*

**Pro: Mark T. Power**

*Hahn & Hessen LLP; New York*

**Con: Kelly Beaudin Stapleton**

*Alvarez & Marsal; New York*

**Resolved:**

*Filing a proof of claim on a time-barred debt violates the FDCPA.*

**Pro: Theodore O. Bartholow, III**

*Armstrong Kelleff Bartholow P.C.; Dallas*

**Con: Joann Needleman**

*Clark Hill, PLC; Philadelphia*

**9:30-10:45 a.m.**

**Concurrent Sessions (4)**

*BAPCPA Consumer Issues: 10-Year Anniversary Special*

Ten years ago, the consumer bankruptcy bar was facing an unknown world with the passage of BAPCPA. Areas of concern included the means test, the determination of "presumptions of abuse," the definitions of "excess disposable income" and how it varied from "disposable income," and the stringent limitations on the claims of exemptions by debtors. This panel will examine the case law that has evolved and will review how consumer bankruptcy cases are being administered in light of BAPCPA. Has the outcome been what the drafters intended it to be, or is consumer bankruptcy practice essentially the same 10 years later?

**Hon. C. Ray Mullins, Moderator**

*U.S. Bankruptcy Court (N.D. Ga.); Atlanta*

**Carol Ann Colliersmith**

*Colliersmith & Associates PC; Marietta, Ga.*

**Pam Griffiths**

*Office of the U.S. Trustee; Portland, Ore.*

**Nina M. Parker**

*Parker & Associates; Winchester, Mass.*

**Hon. Eugene R. Wedoff**

*U.S. Bankruptcy Court (N.D. Ill.); Chicago*

*The Next Big Thing?*

This panel will present a roundtable discussion.

**Ralph S. Tuliano, Moderator**

*Mesirow Financial Consulting, LLC; New York*

**Richard Engman**

*Mason Capital Management LLC; New York*

**Bryan M. Gaston**

*Conway MacKenzie; Houston*

**Lisa M. Poulin**

*Deloitte CRG; McLean, Va.*

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### *Pushing the Edges: Strategy and Survival in the Out-of-Court World*

This panel will explain what makes out-of-court restructurings different and how each constituency approaches out-of-court workouts by focusing on the strategies, incentives, risks, liabilities and potential rewards. The panelists will then turn to various out-of-court restructuring options and structures, including debt-for-equity, out-of-court sales, foreclosure sales and long-term forbearance regimes. Finally, the panel will address current cutting-edge developments and fault lines in out-of-court restructurings.

#### **Roger G. Schwartz, Moderator**

*Latham & Watkins LLP; New York*

#### **Hon. Robert E. Gerber**

*U.S. Bankruptcy Court (S.D.N.Y.); New York*

#### **Jennifer C. Hagle**

*Sidley Austin LLP; Los Angeles*

#### **Alan D. Holtz**

*AlixPartners LLP; New York*

### *Diocese and Religious Order Bankruptcies*

Well over a dozen Catholic dioceses and religious orders have filed chapter 11, from Tucson to the Arctic and from Portland to Milwaukee. A panel of attorneys involved in nearly all of these unique proceedings will provide updates on the cases and analyze the paths that have proved successful — and those that have not.

#### **Ford Elsaesser, Moderator**

*Elsaesser Jarzabek Anderson Elliott & Macdonald, Chtd. Sandpoint, Idaho*

#### **Susan G. Boswell**

*Quarles & Brady LLP; Tucson, Ariz.*

#### **James R. Murray**

*Dickstein Shapiro LLP; Washington, D.C.*

#### **James I. Stang**

*Pachulski Stang Ziehl & Jones LLP; Los Angeles*

### **10:45-11:00 a.m.**

#### **Refreshment Break**

*Sponsored by Loeb & Loeb LLP*

### **11:00 a.m.-12:15 p.m.**

#### **Committee Educational Sessions (3)**

##### *Financial Advisors & Investment Banking/Technology & Intellectual Property*

*You Are Selling My What? Valuation and Sale of Intellectual Property and Customer Information by a Distressed Company*

#### **Seth Van Aalten**

*Cooley LLP; New York*

#### **J. Scott Victor**

*SSG Capital Advisors, LLC; Conshohocken, Pa.*

#### **Hon. Brenda Moody Whinery**

*U.S. Bankruptcy Court (D. Ariz.); Tucson*

### *Ethics & Professional Compensation/Mediation*

*Ethical Issues in Professional Fee Disputes: Mediation vs. Litigation*

#### **Ramona D. Elliott (invited)**

*Executive Office for U.S. Trustees; Washington, D.C.*

#### **Robert M. Fishman**

*Shaw Fishman Glantz & Towbin LLC; Chicago*

#### **Hon. Pamela Pepper**

*U.S. District Court (E.D. Wis.); Milwaukee*

#### **Catherine L. Steege**

*Jenner & Block LLP; Chicago*

### *Commercial Fraud/Health Care*

*Lies Lies Lies, Yeah: Can a Health Care Business Reorganize When Facing Allegations of Fraud? The Role of the Forensic Accountant, Counsel and the Community*

#### **Warren J. Martin, Jr., Moderator**

*Parzio, Bromberg & Newman, P.C.; Morristown, N.J.*

#### **Carol L. Fox**

*GlassRatner Advisory & Capital Group LLC; Miami*

#### **James R. Porter**

*ToneyKorf Partners, LLC; Charlotte, N.C.*

#### **Andrew M. Troop**

*Pillsbury Winthrop Shaw Pittman LLP; New York*

### **12:15-2:00 p.m.**

#### **Luncheon Presentation**

##### **"Eye on Bankruptcy" Live**

**with invited special guest Rep. Pedro R. Pierluisi (D-P.R.)**

*Sponsored by Freeborn & Peters LLP and Mesirow Financial Consulting, LLC*

### **1:00-5:00 p.m.**

#### **Optional Event:**

##### **Desert Hike**

### **1:00-5:00 p.m.**

#### **Optional Event:**

##### **Horseback Riding**

### **2:00-3:15 p.m.**

#### **Concurrent Sessions (3)**

##### *Supreme Court Round-Up*

Join our first-ever national "round and round" update, during which bankruptcy judges will visit your table to discuss (with groups of nine or less) the Supreme Court's most recent decisions, along with any recent circuit splits of great importance.

#### **Robert J. Keach, Moderator**

*Bernstein Shur; Portland, Maine*

#### **Hon. Martin R. Barash**

*U.S. Bankruptcy Court (C.D. Cal.); Woodland Hills*

#### **Hon. Dennis R. Dow**

*U.S. Bankruptcy Court (W.D. Mo.); Kansas City*

#### **Hon. Michael A. Fagone**

*U.S. Bankruptcy Court (D. Maine); Bangor*

#### **Hon. Scott H. Gan**

*U.S. Bankruptcy Court (D. Ariz.); Tucson*

#### **Hon. Barbara J. Houser**

*U.S. Bankruptcy Court (N.D. Tex.); Dallas*

#### **Hon. Laurel Myerson Isicoff**

*U.S. Bankruptcy Court (S.D. Fla.); Miami*

#### **Hon. C. Ray Mullins**

*U.S. Bankruptcy Court (N.D. Ga.); Atlanta*

#### **Hon. Pamela Pepper**

*U.S. District Court (E.D. Wis.); Milwaukee*

#### **Hon. Madeleine C. Wanslee**

*U.S. Bankruptcy Court (D. Ariz.); Phoenix*

#### **Hon. Eugene R. Wedoff**

*U.S. Bankruptcy Court (N.D. Ill.); Chicago*

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### *A New Weapon in Mega-Bankruptcy Cases: The Trust Indenture Act*

Courts and commentators have long agreed that the Trust Indenture Act (TIA) provides protection against majority amendment to certain core terms. Given recent aggressive maneuvers in mega-cases, the TIA has become a weapon of choice for bondholders to fight back. More pressing questions, however, concern the breadth of this protection in nonconsensual debt restructurings. Should the TIA protect the ability, and not merely the formal right, to receive payment in some circumstances? Is it limited to conduct that disenfranchises the minority, or does it have broader uses as a weapon against unilateral conduct by the issuer that hurts bondholders' recovery?

#### **My Chi To, Moderator**

*Debevoise & Plimpton LLP; New York*

#### **David M. Dunn**

*Arrowgrass Capital Partners LP; New York*

#### **Sandra E. Horwitz**

*CSC Trust Company; Wilmington, Del.*

#### **James H. Millar**

*Drinker Biddle & Reath LLP; New York*

#### **Sean Romanoff**

*Exec-Comm LLC; New York*

### *iPad II: Essential Tools & Tricks for Insolvency Professionals*

Join our leading iPad and Android experts in this returning fan favorite. Learn how to maximize the value of your tablet for your practice, and hear about the latest apps that are being used by other bankruptcy professionals.

#### **Hon. Bruce A. Harwood, Moderator**

*U.S. Bankruptcy Court (D. N.H.); Manchester*

#### **Karim Guirguis**

*American Bankruptcy Institute; Alexandria, Va.*

### **3:15-3:45 p.m.**

#### **Margarita Reception**

*Sponsored by Proskauer*

### **3:45-5:00 p.m.**

#### **Committee Educational Sessions (3)**

##### *Business Reorganization/Real Estate*

##### *Big and Little Boxes: The Ins and Outs of Retail Restructuring*

#### **Martin J. Bienenstock**

*Proskauer; New York*

#### **Jack Butler**

*Hilco Global; Northbrook, Ill.*

#### **Hon. Mary Grace Diehl**

*U.S. Bankruptcy Court (N.D. Ga.); Atlanta*

#### **Lorenzo Marinuzzi**

*Morrison & Foerster LLP; New York*

#### **David L. Pollack**

*Ballard Spahr LLP; Philadelphia*

### *Bankruptcy Litigation/Labor & Employment*

#### *Distress & Labor in the Courtroom: Pensions and CBA Rejections*

#### **Frank Anderson**

*Pension Benefit Guaranty Corporation; Washington, D.C.*

#### **John C. Goodchild**

*Morgan Lewis & Bockius LLP; Philadelphia*

#### **Jordan A. Kroop**

*Perkins Coie LLP; Phoenix*

#### **Kenneth Pasquale**

*Stroock & Stroock & Lavan LLP; New York*

### *Asset Sales/Bankruptcy Taxation*

#### *Selling Unusual Assets in Bankruptcy and Their Tax Aspects (Pot, Porn and Puppies)*

#### **Vernon Calder**

*Berkeley Research Group, LLC; Salt Lake City*

#### **Maria Ellena Chavez-Ruark**

*Saul Ewing LLP; Baltimore*

#### **S. Gregory Hays**

*Hays Financial Consulting, LLC; Atlanta*

#### **Gary A. Norton**

*Whitfield & Eddy, P.L.C.; Des Moines, Iowa*

### **5:00-6:00 p.m.**

#### **Women's Reception**

*Sponsored by the International Women's Insolvency and Restructuring Confederation (IWIRC)*

#### **American Board of Certification Wine and Cheese Reception (invite only)**

*Sponsored by the American Board of Certification*

### **6:00-7:00 p.m.**

#### **Networking Reception**

*Sponsored by Development Specialists, Inc. and Gavin/Solmonese LLC*

### **9:30-11:30 p.m.**

#### **Casino Night**

*Sponsored by BakerHostetler, Bryan Cave LLP, Gray Reed & McGraw P.C., Greenberg Traurig, LLP, Pachulski Stang Ziehl & Jones LLP, Perkins Coie LLP, Rust Omni and Shaw Fishman Glantz & Towbin LLC*

## Saturday, December 5

### **7:30-8:00 a.m.**

#### **Breakfast**

*Sponsored by McGuire Woods LLP*

### **8:00-9:30 a.m.**

#### **Concurrent Sessions (3)**

##### *Perfecting the Pitch*

A professional speaking coach will start this session with general comments on speaking, then provide specific critiques on two teams that will make a mock pitch for a new creditor group representation (ad hoc group or committee).

#### **Franklind Davis Lea, Moderator**

*Tactical Financial Consulting, LLC; Alpharetta, Ga.*

#### **Steven Cimalore**

*Wilmington Trust; Wilmington, Del.*

#### **Nicole R. Horton**

*Ernst & Young LLP; Los Angeles*

#### **Eve H. Karasik**

*Levene Neale Bender Yoo & Brill L.L.P.; Los Angeles*

#### **Daniel Polsky**

*Getzler Henrich & Associates LLC; New York*

#### **Thomas J. Salerno**

*Stinson Leonard Street LLP; Phoenix*

#### **Wayne R. Walker**

*CohnReznick LLP; Philadelphia*

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### *Estate Planning, Divorce and Bankruptcy: When Worlds Collide*

Estate-planning efforts and divorce proceedings can result in trustees being able to reach property that had previously been considered beyond the reach of creditors. Be prepared to explore the intersections of these laws with an expert panel who will address the impact of bankruptcy on estate plans, homestead exemptions, life estates, the sale of remainder interests and more.

**Elizabeth Gunn, Moderator**

*Virginia Office of the Attorney General; Richmond, Va.*

**Stephen E. Berken**

*Berken & Associates; Denver*

### *Modern-Day 363 Sale Best Practices*

When is the sale over (*Revel*), when can I credit bid (*Fisker*), and what is the right price (MPM)? These and other 363 topics will be addressed during this session.

**Kurt F. Gwynne, Moderator**

*Reed Smith LLP; Wilmington, Del.*

**Hon. Brenda Kay Martin**

*U.S. Bankruptcy Court (D. Ariz.); Phoenix*

**Nancy A. Mitchell**

*Greenberg Traurig, LLP; New York*

**Samuel E. Star**

*FTI Consulting, Inc.; New York*

**Mark G. Stingley**

*Bryan Cave LLP; Kansas City, Mo.*

## **9:30-10:45 a.m.**

### **Committee Educational Sessions (3)**

#### *Unsecured Trade Creditors/Young and New Members*

*A Road to Recovery: How to Navigate the Twists and Turns of Insider Litigation*

**Eric D. Madden**

*Reid Collins & Tsai LLP; Dallas*

**Nancy A. Peterman**

*Greenberg Traurig, LLP; Chicago*

**David M. Posner**

*Kilpatrick Townsend & Stockton LLP; New York*

**Russell C. Silberglied**

*Richards, Layton & Finger, PA; Wilmington, Del.*

#### *International/Secured Credit*

*Collateral Protection and Competing Priorities: Secured Credit in the International Arena*

**Rebecca A. Roof**

*AlixPartners LLP; New York*

**E. Patrick Shea**

*Gowlings; Toronto*

**Fredric Sosnick**

*Shearman & Sterling LLP; New York*

**Prof. Jay L. Westbrook**

*University of Texas School of Law; Austin*

### *Consumer Bankruptcy/Legislation*

*Recent and Pending Legislation Regarding Student Loans and CFPB Regulations for Mortgage Servicing*

**Edward C. Boltz**

*The Law Offices of John T. Orcutt, PC; Durham, N.C.*

**Prof. Susan E. Hauser**

*North Carolina Central University School of Law; Durham, N.C.*

**Debra L. Miller**

*Standing Chapter 13 Trustee; South Bend, Ind.*

## **10:45-11:00 a.m.**

### **Refreshment Break**

*Sponsored by Bernstein Shur*

## **11:00 a.m.-12:30 p.m.**

### **Concurrent Sessions (2)**

#### *Judges' Hot Topics*

A panel of judges will discuss hot topics, including the latest developments.

**Jeffrey N. Pomerantz, Moderator**

*Pachulski Stang Ziehl & Jones LLP; Los Angeles*

**Hon. Martin R. Barash**

*U.S. Bankruptcy Court (C.D. Cal.); Woodland Hills*

**Hon. Kevin J. Carey**

*U.S. Bankruptcy Court (D. Del.); Wilmington*

**Hon. Daniel P. Collins**

*U.S. Bankruptcy Court (D. Ariz.); Phoenix*

**Hon. John T. Gregg**

*U.S. Bankruptcy Court (W.D. Mich.); Traverse City*

#### *Understanding the Ethical Limits: Retention Issues*

This is the first in our new series on understanding basic ethics concepts. This panel will address the classic conflict problems that exist for business and consumer attorneys when they are retained. More advanced discussion points will focus on representing multiple entities or individuals in cases.

**Richard W. Engel, Jr., Moderator**

*Armstrong Teasdale LLP; St. Louis*

**Susan M. Freeman**

*Lewis Roca Rothgerber LLP; Phoenix*

**Hon. Laurel Myerson Isicoff**

*U.S. Bankruptcy Court (S.D. Fla.); Miami*

**Margaret M. Manning**

*Gavin/Solmonese LLC; Wilmington, Del.*

## **12:30 p.m.**

### **Adjourn**