88th Annual Meeting

Chicago

October 8 - 11, 2014
This year the NCBJ is holding its annual gathering in Chicago. Please join us!

Reason # 1  The NCBJ’s meeting is the best place each year to meet with judges, bankruptcy practitioners, and support professionals - and to get the benefit of the some of the best bankruptcy educators in the country. The ABA, the American College, ABI, AIRA, CLLA, INSOL, IWIRC, and other groups will be putting on their own programs in conjunction with the NCBJ, making for a uniquely rich learning environment.

Reason # 2  The City of Chicago is special. Chicago is my hometown, and fall is its best time of year. You can enjoy some of the country’s most celebrated dining; take in the blues, jazz, an opera or symphony; go on a tour of Chicago’s architecture; shop an amazing variety of retailers; or just walk along the beautiful lake shore. It’s an easy plane ride from just about anywhere, and Chicagoans love visitors.

Reason #3  The special events at this year’s meeting will be fantastic. Among what we’ve got planned is a performance by some of Second City’s premier members at our final night dinner, memorable late night parties, and a reception by the local insolvency professionals at The Art Institute of Chicago, with its galleries of impressionist paintings open for our private viewing.

So don’t miss it! We’ll look forward to seeing you in Chicago on October 8-11th.

Honorable Eugene R. Wedoff
2014 NCBJ President
Conference Information Hub

www.NCBJmeeting.org

Registration

Visit www.NCBJmeeting.org On the home page, in the Pre-Conference column, choose Conference Registration. Then click on the red “Here” button to make or modify your registration. Early Bird NCBJ registration fee is $895 until September 8th. Optional programs produced by ABA, ABI, AIRA and CLLA, plus tours and guest registration are also included on the NCBJ registration system. You may pay online with a credit card, or by mailing a check to the NCBJ office.

Hyatt Regency Chicago Hotel

Visit www.NCBJmeeting.org On the home page, in the Pre-Conference column, choose Hotel Reservations, then click on the red “Here” button. This links to the Hyatt reservation system at the group discounted prices. The standard room rate is $269 plus taxes. We encourage you to reserve at the Hyatt Regency to maximize your networking, judicial interaction and ease of participation in all the programs and activities. The final cut-off date is September 12 or whenever the block sells out. Attendees may also call Hyatt Reservations at 800-421-1442 and ask for the NCBJ – National Conference of Bankruptcy Judges’ GROUP RATE.

The Chicago Marathon is on Sunday following the NCBJ conference. The downtown hotels will be jammed beginning Friday night. We encourage you to book your Hyatt room TODAY.

Conference Schedule, Program Details & Written Materials

All the details are available and frequently updated on www.NCBJmeeting.org The schedule includes various organization’s working meetings, the complete education program detail, all the social and networking opportunities, exhibits information, Chicago tours and more. On the website home page visit Pre-Conference > Schedule-Planning or Education Programs. On the Education Program page, click on each organization’s logo for their detailed educational program offerings.

CLE and CPE Credit

The NCBJ Annual Conference applies for CLE accreditation from all states that require legal continuing education. Attendees must put their bar numbers for all states in which they desire credit on the conference registration form, plus complete the CLE grid on site, indicating which programs were attended, and turn in the paper grid at the NCBJ Chicago registration desk in the East Tower, Grand Ballroom Foyer by 12:30pm on Saturday, October 11, 2014. All forms for accountant CPE credit are processed by AIRA. The ABA coordinates the CLE credit for the ABA-produced programs and their registration desk is also in the Grand Ballroom Foyer.

*Attendees Are Responsible For Signing The DAILY ROSTERS And Turning In Attendance Grids By October 30th, 2014 If They Want CLE Credit. Turn in grids onsite or mail to: NCBJ, 954 La Mirada St., Laguna Beach, CA 92651. Attendance Report lists are turned in to the states at this time and late arriving forms cannot be added.*
**Wednesday, October 8, 2014**

7:00 AM – 5:00 PM | Grand Ballroom Foyer  
**ABA REGISTRATION & ABA PROGRAMS**  
**CLE DESK OPEN**

7:30 AM – 6:00 PM | Grand Ballroom Foyer  
**NCBJ REGISTRATION DESK OPEN**

8:00 AM – 1:00 PM | Regency Ballroom CD  
**NCBJ BOARD OF GOVERNORS MEETING & LUNCHEON**  
By invitation only

1:30 PM – 3:30 PM | Columbus KL  
**NCBJ NEXT GENERATION ROUNDTABLE**  
By invitation only

2:00 PM – 4:00 PM | Crystal Ballroom A  
**ABA Program**  
**PRO BONO SERVICE ON A BOARD OF A NOT-FOR-PROFIT IN CRISIS/FULFILLING YOUR NOT-FOR-PROFIT’S MISSION DURING FINANCIAL DISTRESS. In memoriam of U.S. Bankruptcy Judge Nancy Dreher, District of Minnesota.**  
Not-for-profit organizations, including charities, are often under enormous financial pressure and frequently face numerous challenges in order to keep their doors open. This panel will discuss corporate governance issues faced by the board members of a distressed non-profit, what happens to non-profits in bankruptcy, director and officer insurance issues from the viewpoints of a D&O insurer, and the roles and perspectives of the financial advisor and attorney trying to assist the non-profit through its crisis, a bankruptcy trustee, and the judge presiding over a non-profit’s bankruptcy case.

**MODERATOR**  
Andrew Troop  
Pillsbury Winthrop Shaw Pittman LLP  
New York, NY

3:00 PM – 5:00 PM | Columbus GH  
**ABA Program**  
ABA Business Law Section, Business Bankruptcy Committee. Sponsoring Subcommittees: Membership, Executory Contracts and Claims & Priorities  
**(ALMOST) EVERYTHING YOU WANTED TO KNOW ABOUT...EXECUTORY CONTRACTS**  
Virtually every bankruptcy requires parties to resolve competing rights and claims under “executory contracts,” a term encompassing agreements as varied as supply contracts, service agreements, leases, licenses, options, and rights of first refusal. From diverse perspectives, the panel will thoroughly review the basic rules for identifying, treating, and disposing of such contracts in bankruptcy; the surprising ways in which contract rights can remain uncertain, even unenforceable, in bankruptcy, and practical strategies for protecting those rights. The panel will also probe more deeply into problems peculiarly associated with certain types of contracts, including intellectual property licenses, real estate leases, and contracts with governmental units.

**MODERATOR**  
Christopher Combest  
Quarles & Brady LLP  
Chicago, IL

**SPEAKERS**

- **Deborah Gutfeld**  
  Perkins Coie  
  Denver, CO

- **Martha E.M. Kopacz**  
  Phoenix Management Services  
  Boston, MA

- **Raymond T. Lyons**  
  Fox Rothschild LLP  
  Princeton, NJ

- **Parvathy Sree**  
  First Nonprofit Group  
  an AM Trust Financial Company  
  Chicago, IL

- **Kenneth J. Young**  
  Buerger, Moseley & Carson, PLC  
  Franklin, TN

- **Hon. Carol A. Doyle**  
  U.S. Bankruptcy Court  
  Northern District of Illinois  
  Chicago, IL

- **Ashley Champion**  
  Law Clerk  
  Southern District of Mississippi

- **Prof. Andrea Coles-Bjerre**  
  University of Oregon  
  School of Law  
  Portland, OR

- **Paul R. Hage**  
  Jaffe Raitt Heuer & Weiss P.C.  
  Southfield, MI

- **Lisa M. Schweitzer**  
  Cleary Gottlieb Steen & Hamilton LLP  
  New York, NY

- **Jill C. Walters**  
  Poyner Spruill LLP  
  Raleigh, NC
5:30 PM – 7:30 PM | Regency Ballroom

NCBJ CONFERENCE OPENING RECEPTION

7:00 AM – 6:00 PM | Grand Ballroom Foyer
ABA REGISTRATION & ABA PROGRAMS CLE DESK OPEN

7:30 AM – 4:30 PM | Grand Ballroom Foyer
NCBJ REGISTRATION DESK OPEN

7:30 AM – 9:00 AM | Grand Ballroom Foyer
ATTENDEE CONTINENTAL BREAKFAST

7:30 AM – 8:45 AM | Comiskey
ABA Business Law Section, Business Bankruptcy Committee. Sponsoring Subcommittee: Avoiding Powers (Business Bankruptcy) and Consumer Bankruptcy Committee

CONCURRENT A
THE UNIFORM VOIDABLE TRANSACTION ACT
This panel will discuss the proposed amendments to the Uniform Fraudulent Transfer Act.

MODERATOR
Bruce Borrus
Riddell Williams P.S.
Seattle, WA

SPEAKERS
Patricia A. Redmond
Sears Weaver Miller Weissler Alhadef & Sitterson, P.A.
Miami, FL

Edwin E. Smith
Bingham McCutchen LLP
Boston, MA and New York, NY

7:30 AM – 8:45 AM | Gold Coast
ABA Business Law Section, Business Bankruptcy Committee. Sponsoring Subcommittee: Use and Disposition of Property

CONCURRENT B
IT'S NOT ABOUT THE MONEY! (OR IS IT?): GARNERING SUPPORT FOR BANKRUPTCY SALES WITHOUT INCREASING THE PURCHASE PRICE
This highly-entertaining and energized panel boasts experience in all aspects of bankruptcy purchases and sales—Bankruptcy Judge, Attorney, Financial Advisor, and Principal Investor. The panelists will share their real world experiences as they discuss and debate what purchasers can do to increase the likelihood of being the successful bidder for assets in bankruptcy sales and how to execute on a winning strategy, all without increasing the purchase price.

MODERATORS
Marc J. Carmel
Paul Hastings LLP
Chicago, IL

Steven N. Cousins
Armstrong Teasdale LLP
St. Louis, MO

SPEAKERS
Hon. Timothy A. Barnes
U.S. Bankruptcy Court
Northern District of Illinois

Robert A. Klyman
Gibson Dunn & Crutcher
Los Angeles, CA

Adam C. Maerov
McMillan LLP
Calgary, Canada

7:30 AM – 8:45 AM | Water Tower
ABA Business Law Section, Business Bankruptcy Committee. Sponsoring Subcommittees: Individual Chapter 11 Debtors and Small Business

CONCURRENT C
ENGAGEMENT AGREEMENTS WITH INDIVIDUAL CHAPTER 11 DEBTORS
The Small Business and the Individual Chapter 11 Debtor Subcommittees are co-sponsoring a program on representing individual debtors in Chapter 11 cases. This panel of attorneys with experience in representing debtors will discuss the debtor’s duties as a debtor in possession and the issues this fiduciary position creates for the debtor and the debtor’s counsel. The importance of engagement agreements that address these issues will be discussed, and the panel will provide drafting tips for such agreements.

MODERATOR
Harry Greenfield
Buckley King
Cleveland, OH

SPEAKERS
Mariaelen Gayo-Guitian
Genovese, Joblove & Battista, P.A.
Ft. Lauderdale, FL

Leonard C. Walczyk
Wasserman, Jurista & Stolz, P.C.
Millburn, NJ

8:00 AM – 5:00 PM | Columbus Exhibit Area
EXHIBITS OPEN
8:45 AM – 9:00 AM | Grand Ballroom
NCBJ WELCOME BY HON. EUGENE R. WEDOFF, HON. DIANE P. WOOD AND HON. RUBÉN CASTILLO

9:00 AM – 10:00 AM | Grand Ballroom ABCDEF
NCBJ OPENING PLENARY SESSION

A TALE OF TWO CITIES
Vallejo, Detroit and other cities’ bankruptcies made the headlines. What were the root causes, how are contracts renegotiated and a municipality’s finances restructured to emerge from bankruptcy? Tough problems. Passionate constituencies. Sole source of income pensions to billions in bonds and loans at stake. The presenters will discuss “A Tale of Two Cities” from their perspectives from the municipal case trenches.

MODERATOR
Hon. Steven W. Rhodes
U.S. Bankruptcy Court
Detroit, MI

SPEAKERS
Hon. Elizabeth L. Perris
U.S. Bankruptcy Court
District of Oregon
Daniel Heimowitz
RBC Capital Markets
New York, NY
Marc A. Levinson
Orrick, Herrington & Sutcliffe, LLP
Sacramento, CA
Ron Oliner
Duane Morris, LLP
San Francisco, CA

10:00 AM – 10:30 AM | Columbus Exhibit Area
POST-PRESENTATION HUDDLE WITH THE SPEAKERS

10:30 AM – 11:30 AM | Grand Ballroom CDEF
ALL IN THE FAMILY: ADVISING THE CLOSELY-HEL D COMPANY
A lawyer representing a closely held corporation in Chapter 11 works for the corporation, not the company’s principals--everyone knows that. But how does the idea play out in practice? May a debtor’s attorney advocate for reorganization plans that benefit the principals? May that lawyer take into account the principals’ needs and concerns--their liabilities for trust fund taxes, or under guarantees? How does the company lawyer strike the balance between retaining the principals’ cooperation and crossing the line into representation? And what happens when a lawyer crosses that line? This panel will discuss all of that and more.

SPEAKERS
Michael St. Patrick Baxter
Covington & Burling, LLP
Washington, DC
Whitman L. Holt
Klee, Tuchin, Bogdanoff & Stern, LLP
Los Angeles, CA

11:30 AM – 11:45 AM | Grand Ballroom Foyer
BREAK

11:30 AM – 11:45 AM | Columbus Exhibit Area
POST-PRESENTATION HUDDLE WITH THE SPEAKERS

11:45 AM – 12:45 PM | Grand Ballroom AB
NCBJ CONCURRENT PROGRAMS

RETIREMENT ASSETS IN BANKRUPTCY: PROTECTING, OR TARNISHING, A DEBTOR’S ASSETS IN THE GOLDEN YEARS
Retirement savings for most Americans are woefully inadequate, but does a fresh start include the ability to keep retirement savings and make contributions? What are the results when bankruptcy, tax and pension law collide? Our panel will unravel the mysteries of retirement assets in bankruptcy from both the business and consumer perspective.

SPEAKERS
Hon. William Houston Brown (Ret.)
U.S. Bankruptcy Court
District of Tennessee
Prof. Katherine Porter
UC Irvine School of Law
Irvine, CA
Hon. Brian D. Lynch
U.S. Bankruptcy Court
Western District of Washington
Calvin Hwang
Land of Lincoln Legal Assistance Foundation
East St. Louis, IL
ASSURING eDISCOVERY DOES NOT BECOME eDISASTER

Given the rapidly evolving electronic discovery landscape, and in particular a spate of recent decisions sanctioning parties for failing to adequately preserve relevant electronically stored information (ESI), e-discovery remains top-of-mind for many litigation attorneys. This subject, however, has largely been ignored by bankruptcy professionals. As made clear by emerging jurisprudence, bankruptcy professionals should be vigilant and diligent about compliance because the sanctions for non-compliance can be severe. An experienced panel will explore ESI issues that arise in large and small bankruptcy cases and discuss practical strategies for satisfying ESI preservation and discovery obligations in a reasonable and cost-efficient manner.

SPEAKERS

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<tr>
<th>Speaker</th>
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<tr>
<td>Hon. James F. Holderman</td>
<td>Pepper Hamilton, LLP</td>
<td>New York, NY</td>
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<td>Stephen D. Lerner</td>
<td>Fulbright &amp; Jaworski, LLP</td>
<td>Dallas, TX</td>
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<td>Camisha Simmons</td>
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<td>Jason Lichter</td>
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12:45 AM – 12:45 PM | Grand Ballroom CDEF

1:00 PM – 3:15 PM | Regency Ballroom CD

HEIDT AWARD / CHAPTER 11 LUNCHEON
WHAT EVERY DISTRESSED INVESTOR SHOULD ASK WHEN VENTURING OFFSHORE. ARE CHAPTER 11 SKILL SETS AND EXPERIENCE ALIVE AND WELL (AND RELEVANT) IN EUROPE? (TICKETED/CLE PROGRAM)

U.S.-based investors are very comfortable with U.S. Bankruptcy Courts, Chapter 11 proceedings and restructuring professionals. How has this perspective impacted on the expectations and experiences of distressed investors when they venture offshore? What happens when principles fundamental to U.S. bankruptcy law, such as favoring debt over equity in insolvent situations, are not universally applied? This program will explore recent developments in offshore restructurings, including how the experience and mindset of U.S. investors and their advisors are playing a vital role in changing the face of distressed investing in Europe and elsewhere, and the challenges that every U.S. investor should be aware of when investing outside of the U.S. so as not to be caught by surprise.

MODERATOR
Corinne Ball
Jones Day
New York, NY

SPEAKERS

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<tr>
<td>Hon. Shelley Chapman</td>
<td>Skadden Arps</td>
<td>New York, NY</td>
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<td>Eckart Budelmann</td>
<td>FTI Consulting</td>
<td>London, UK</td>
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<td>Jay Goffman</td>
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<td>Simon Granger</td>
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William A. Strauss joined the Federal Reserve in 1982. His chief responsibilities include analyzing the current performance of both the Midwest economy and the manufacturing sector for use in monetary policy. He produces the monthly Chicago Fed Midwest Manufacturing Index and organizes the Bank’s Economic Outlook Symposium and Automotive Outlook Symposium. In addition, he conducts several economic workshops and industrial roundtables throughout the year.

William A. Strauss has taught as an adjunct faculty member at Loyola University Chicago and Webster University in Chicago. He currently teaches at DePaul University Kellstadt Graduate School of Business and at the University of Chicago Graham School of General Studies. At the latter institution, he was named winner of the 2010 Excellence in Teaching Award in the Business and Professional Programs.

THE COMMERCIAL LAW LEAGUE OF AMERICA LUNCHEON & PROGRAM (TICKETED)


William A. Strauss joined the Federal Reserve in 1982. His chief responsibilities include analyzing the current performance of both the Midwest economy and the manufacturing sector for use in monetary policy. He produces the monthly Chicago Fed Midwest Manufacturing Index and organizes the Bank’s Economic Outlook Symposium and Automotive Outlook Symposium. In addition, he conducts several economic workshops and industrial roundtables throughout the year.
2:00 PM – 4:00 PM  
Columbus GH  
NCBJ & INSOL  

**BORN IN THE USA: GROWN ABROAD – HOW DIFFERENT FOREIGN JURISDICTIONS Restructure MAJOR CORPORATE GROUPS (CLE PROGRAM)**

Using the U.S. Chapter 11 case of *Cengage Learning, Inc.* as a case study, the panel will explore how the *Cengage* case would have played out both in and out of court had it occurred in other countries, including, Australia, Brazil, Hong Kong and South Africa. The panel will discuss: potential issues posed by sponsors who hold positions across the capital structure; preference actions; (un)encumbered assets; the mediation process and a variety of other issues. The panel discussion also will focus on the differences among varying jurisdictions both in and out of court regarding the approaches and outcomes of each of these issues.

**MODERATOR**  
James H. M. Sprayregen  
Kirkland & Ellis, LLP  
Chicago, IL

**PANELISTS**

Adam Harris  
Bowman Gilfillan Africa Group  
Cape Town, South Africa  

Edward Middleton  
KPMG China

Luiz Fernando Valente de Paiva  
Pinheiro Neto Advogados  
Sao Paulo, Brazil  

Mark Robinson  
PPB Advisory  
Australia

3:00 PM – 5:15 PM | Grand Ballroom AB

363 SALES: WHAT YOU GET - AND WHAT YOU ARE STUCK WITH

Section 363 sales are as popular as ever, but the limits and benefits of Section 363(f) protections have recently been the subject of emerging circuit conflicts. Clashes between intellectual property law and bankruptcy principles have sharpened, particularly with respect to the scope of Section 365(n), the effect of pre-existing licenses, and the implications of cross-border contracts. Successor liability issues continue to create headaches for both giant GM and the small company down the street. The panel will report the latest developments and analyze longer range impacts.

**MODERATOR**  
Hon. David H. Coar (Ret.)  
JAMS  
Chicago, IL

**PANELISTS**

Barry Bressler  
Schnader Harrison Segal & Lewis LLP  
Philadelphia, PA  

Hon. Lisa Hill Fenning (Ret.)  
Arnold & Porter LLP  
Los Angeles, CA  

George W. Shuster, Jr.  
Wilmer Cutler Pickering Hale & Dorr LLP  
New York, NY  

Richard W. Young  
Quarles & Brady LLP  
Chicago, IL

A series of decisions over the past year indicate a potential emerging trend in which bankruptcy courts are increasing the scrutiny of claims trading transactions. This program will examine key issues impacting secondary market purchases of claims including whether a purchase of a claim in order to control the underlying Chapter 11 process should justify designating the vote of the purchase as invalid, whether a claim purchaser takes the claims subject to the same infirmities as the original claim holder, whether a transfer of a claim could result in reclassification, and how claims purchased from insiders are treated.

**MODERATOR**  
James H. M. Sprayregen  
Kirkland & Ellis, LLP  
Chicago, IL

**PANELISTS**

Hon. Jeffery A. Deller  
U.S. Bankruptcy Court  
Pittsburgh, PA  

Debra Grassgreen  
Pachulski Stang Ziehl & Jones, LLC  
San Francisco, CA  

David L. Eaton  
Kirkland & Ellis LLP  
Chicago, IL  

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

Adam Harris  
Bowman Gilfillan Africa Group  
Cape Town, South Africa  

Edward Middleton  
KPMG China  

Luiz Fernando Valente de Paiva  
Pinheiro Neto Advogados  
Sao Paulo, Brazil  

Mark Robinson  
PPB Advisory  
Australia
**Friday, October 10, 2014**

**7:00 AM – 9:30 AM | Crystal Ballroom AB**

**JUDGES’ BREAKFAST AND NCBJ ANNUAL MEETING**

By invitation only

**7:00 AM – 6:00 PM | Grand Ballroom Foyer**

**ABA REGISTRATION & ABA PROGRAMS CLE DESK OPEN**

**7:30 AM – 4:30 PM | Grand Ballroom Foyer**

**NCBJ REGISTRATION DESK OPEN**

**7:30 AM – 8:45 AM | Columbus IJ**

**AIRA**

**WHAT INPUT CAN I HAVE?**

(Breakfast Program, Ticketed)

Join a very brief overview of the existing “Fee Guidelines” for attorneys and then a highly interactive discussion with the audience of the issues and concerns about future guidelines applicable to financial advisors and accountants. We will submit the recommendations and concerns developed to the U.S. Trustee Program for consideration.

**MODERATOR**

Stephen B. Dar

Mesirow Financial Consulting, LLC

Boston, MA

**PANELISTS**

Guy Davis

Protiviti, Inc.

Richmond, VA

James Patton

Young Conaway Stargatt & Taylor, LLP

Wilmington, DE

James S. Feltman

Mesirow Financial Consulting, LLC

New York, NY

**8:45 PM – 11:00 PM | The Art Institute of Chicago**

Hosted by: The Chicago Restructuring and Insolvency Professional Committee

**THE ART OF RESTRUCTURING IN CHICAGO, DESSERT AND COCKTAIL RECEPTION & VIEWING OF THE PRITZKER GALLERIES OF IMPRESSIONALISM & POST-IMpressionISM**

**7:30 AM – 8:45 AM | Plaza AB**

ABA Business Law Section, Business Bankruptcy Committee. Sponsoring Subcommittee: Trustees and Examiner

**CONCURRENT A**

**IS THERE ROOM IN THE CHAPTER 11 ARK FOR TRUSTEES, EXAMINERS, RECEIVERS AND CROS?**

This panel will discuss the underlying common law surrounding receiverships (including federal receivers), case law and statutory authority relating to the appointment of trustees and examiners, and the use of crisis restructuring officers in...
Chapter 11. The panel will focus on recent trends including cases resulting from the use of foreign subsidiaries to access the U.S. market through reverse mergers, cross border fiduciary duties, fraud cases, and cases related to gross mismanagement. Special attention will be paid to the practical limitations of using receivers, CROs, trustees and examiners.

MODERATOR
Rafael X. Zahralddin-Aravena
Elliott Greenleaf, P.C.
Wilmington, DE

SPEAKERS
Katherine R. Catanese
Foley & Lardner LLP
New York, NY

Benjamin I. Finestone
Quinn Emanuel Urquhart & Sullivan, LLP
New York, NY

William K. Harrington
U.S. Trustee
Boston, MA

Judith W. Ross
Law Offices of Judith W. Ross
Dallas, TX

Sheila T. Smith
Deloitte CRG
New York, NY

7:30 AM – 8:45 AM | Skyway 260
ABA Business Law Section, Business Bankruptcy Committee. Sponsoring Subcommittees: Claims & Priorities, Executory Contracts, Insurance and Small Business

CONCURRENT C
DISCOVERY & JUDICIAL/LEGISLATIVE DEVELOPMENTS IN MASS TORTS AND ASBESTOS TRUSTS
Asbestos trusts established pursuant to confirmed plans of reorganization currently hold in excess of $30 billion in assets. They resolve and process large numbers of asbestos personal injury tort claims. Asbestos claims filed with an asbestos trust, unlike claims filed in the tort system, are not publicly filed, and there is an issue as to whether lack of transparency in the trust system has led to abuse of the trusts and of the tort system—as recently illustrated by the Garlock bankruptcy court decision on claim estimation. In Garlock it was found that claimants gave materially different work histories to trusts from which they recovered payments, on the one hand, and to Garlock, in connection with the bankruptcy, on the other— which the court found to show a "startling" "pattern of misrepresentation."
504 B.R 71, 86 (Bankr. W.D.N.C. 2014). The panel will focus on the need for trust discovery in asbestos bankruptcies, legislative proposals as to trust transparencies, and judicial and rule responses to the issue.

MODERATOR
Hon. Judith K. Fitzgerald (Ret.)
Indiana Tech Law School
Fort Wayne, Indiana
Tucker Arensberg, P.C.
Pittsburgh, PA

SPEAKERS
Leslie A. Davis
Crowell & Moring LLP
Washington, DC

Charles H. Mullin
Bates White LLC
Washington, DC

Trevor Swett III
Caplin & Drysdale, Chartered
Washington, DC

Patricia Rynn
Rynn & Janowsky
Newport Beach, CA

Jennifer SUCHER
GE Capital
Chicago, IL

7:30 AM | 8:45 AM | Comiskey

CONCURRENT B
RESTAURANT BANKRUPTCIES—SHOULD I MAKE A RESERVATION NOW?
Industry reports project an increase in the number of restaurants filings, especially by casual dining restaurants. Restaurant bankruptcies raise a number of complex issues that are not found in the typical manufacturer case or in cases involving other service businesses. Our panelists will discuss: (1) What is cash collateral subject to the lien of the secured lender?; (2) How do you deal with the franchise agreement, which may have very high cure costs?; (3) Can the Bankruptcy Court authorize the transfer of the liquor license?; (4) Why the broccoli supplier may be one of the case’s most important creditors; and (5) Why you especially don’t want coffee spilled on you when you are visiting the restaurant? (hint--the claim is probably uninsured).

The panelists will speak from a variety of views, including those of the secured creditor, the debtor, the Chapter 11 trustee of a restaurant franchisor and the suppliers.

MODERATOR
Ryan T. Schultz
Fox, Swibel, Levin & Carroll, LLP
Chicago, IL

William Brown
Nashville, TN

Phillip Martino
Quarles & Brady
Chicago, IL

Mario Ponce
Partners in Hospitality
Chicago, IL

SPEAKERS
Bobby Guy
Frost Brown
Nashville, TN

Patricia Rynn
Rynn & Janowsky
Newport Beach, CA

Jennifer SUCHER
GE Capital
Chicago, IL
8:00 AM – 4:00 PM | Columbus Exhibit Area
EXHIBITS OPEN

9:00 AM – 10:00 AM | Grand Ballroom
NCBJ Plenary Session
WATCHING THE HEDGES GROW: INSIDE THE MIND OF DISTRESSED INVESTORS

Love them or hate them, distressed hedge fund investors are here to stay in Chapter 11 cases, often dominating a case’s dynamics and outcome. This panel will explore not only what happens in the trenches, but also behind the scenes, with panelists from two major distressed hedge funds and a uniquely experienced set of experts who have had major roles in the most significant Chapter 11 cases.

PANELISTS
Hon. James M. Peck (Ret.)
Morrison Foerster
New York, NY
Bruce Bennett
Jones Day
Los Angeles, CA
Mark D. Brodsky
Aurelius Capital Management, LP
New York, NY
William Q. Derrough
Moelis & Co.
New York, NY
Ken Liang
Oak Hill Advisors, LP
Los Angeles, CA

10:00 AM – 10:30 AM | Columbus Exhibit Area
POST-PRESENTATION HUDDLE WITH THE SPEAKERS

10:30 AM – 11:30 AM | Grand Ballroom
NCBJ Plenary Session
ALL THE COURTROOM’S A STAGE: HONING COURTROOM PRESENTATION SKILLS

Substance matters most in the courtroom, but style counts, too. This panel will focus on honing presentation skills for lawyers and witnesses. Four "rising star" bankruptcy litigators will examine and cross-examine an expert witness on issues involving plan confirmation, valuation and applicable interest rate. The examinations will take place before a judging panel, composed of experienced appellate judges, a lawyer, and a Second City performer. The judging panel will provide a critique both of the substance of the examinations and the litigators' advocacy skills, style and strategies. Come pick up tips for upping your courtroom game!

PANELISTS
Hon. Barbara J. Houser
U.S. Bankruptcy Court
Northern District of Texas
Ross M. Kwasnienet
Kirkland & Ellis, LLP
Chicago, IL
Jeffrey N. Pomerantz
Pachulski Stang Ziehl & Jones
Los Angeles, CA

11:30 AM – 11:45 AM | Columbus Exhibit Area
POST-PRESENTATION HUDDLE WITH THE SPEAKERS

11:45 AM – 12:45 PM | Grand Ballroom
NCBJ Plenary Session
WHOSE CASE IS THIS ANYWAY? SHOULD A CHAPTER 11 CASE BE RUN SOLELY FOR THE BENEFIT OF THE SECURED CREDITORS?

Balance sheets of corporate debtors are increasingly dominated by blanket liens, including second and third liens. When a Chapter 11 case commences, the amount of secured debt may exceed the value of the enterprise. DIP financings and cash collateral orders often dictate the outcome of cases, and quick sales of substantially all of the debtor’s assets, benefitting only secured creditors, are increasingly common. This panel will consider the implications of cases dominated by secured creditors, including recent court decisions testing the limits of blanket liens, quick sales, and credit bidding by distressed investors.

PANELISTS
Hon. James M. Peck (Ret.)
Morrison Foerster
New York, NY
Bruce Bennett
Jones Day
Los Angeles, CA
William Q. Derrough
Moelis & Co.
New York, NY
Ken Liang
Oak Hill Advisors, LP
Los Angeles, CA

Hon. Bernice Bouie Donald
Sixth Circuit Court of Appeals
Memphis, TN
Hon. Ann Claire Williams
Seventh Circuit Court of Appeals
Chicago, IL
Richard L. Wynne
Jones Day
Los Angeles, CA

"YOUNG GUNS"
Shay A. Agsten
von Briesen & Roper, S.C.
Milwaukee, WI
Stephen E. Hessler
Kirkland & Ellis, LLP
New York, NY
Ori Katz
Sheppard, Mullin, Richter & Hampton LLP
San Francisco, CA
Demetra L. Liggins
Thompson & Knight, LLP
Houston, TX

"EXPERT WITNESS"
Timothy J. Dragelin
FTI Consulting
Charlotte, NC

"JUDGES"
Hon. Bernice Bouie Donald
Sixth Circuit Court of Appeals
Memphis, TN
Hon. Ann Claire Williams
Seventh Circuit Court of Appeals
Chicago, IL
Richard L. Wynne
Jones Day
Los Angeles, CA
9:00 AM – 12:30 PM

ABI - NCBJ ROUNDTABLE PROGRAMS (Two Rooms, Three Sessions Each) (Limited seating, tickets required. Seating for non-ticketed attendees at the door on space available basis.)

9:00 AM – 10:00 AM | Columbus EF
NEW BANKRUPTCY RULES, AGAIN? A PREVIEW OF THE UPCOMING NEW RULES AND A REVIEW OF ISSUES ARISING UNDER CURRENT RULE 3002.1

PANELISTS
C.R. "Chip" Bowles
Bingham Greenebaum Doll LLP
Louisville, KY

Ford Elsaesser
Elsaesser Jarzabek Anderson
Elliott & Macdonald, Chtd.
Sandpoint, ID

Richardo I. Kilpatrick
Kilpatrick & Associates, PC
Auburn Hills, MI

Prof. Nancy B. Rapoport
William S. Boyd School of Law
University of Nevada, Las Vegas
Las Vegas, NV

9:00 AM – 10:00 AM | Columbus KL
CAN THE TRUSTEE BRING THAT LAWSUIT? EXPLORING STANDING AND IN PARI DELICTO ISSUES IN CHAPTER 11 CASES

PANELISTS
Hon. Mary Grace Diehl
U.S. Bankruptcy Court
Atlanta, GA

Robert M. Fishman
Shaw Fishman Glantz & Towbin LLC
Chicago, IL

Edward T. Gavin
Gavin/Solmonese LLC
Wilmington, DE

Ronald R. Peterson
Jenner & Block LLP
Chicago, IL

10:00 AM – 10:20 AM
BREAK

10:20 AM – 11:20 AM | Columbus EF
ABI-NCBJ Roundtable
STILL MORE QUESTIONS THAN ANSWERS: UNRESOLVED AND PROBLEM ISSUES IN INDIVIDUAL CHAPTER 11 CASES

PANELISTS
Hon. Gregg W. Zive
U.S. Bankruptcy Court
Reno, NV

Mary Joanne Dowd
Arent Fox LLP
Washington, DC

Prof. Margaret Howard
Washington & Lee School Law
Lexington, VA

10:20 AM – 11:20 AM | Columbus KL
ADVANCING STRAIGHT TO GO: AVOIDING PITFALLS IN PRE-PACKAGED & PRE-ARRANGED CHAPTER 11 PLANS

PANELISTS
Hon. Robert E. Gerber
U.S. Bankruptcy Court
New York, NY

Mark D. Collins
Richards, Layton & Finger, PA
Wilmington, DE

Rebecca A. Roof
AlixPartners LLP
New York, NY

11:20 AM – 11:30 AM
BREAK

11:30 AM – 12:30 PM | Columbus EF
ABI-NCBJ Roundtable
WHO IS DRIVING THIS TRAIN? THE PROPER ROLES OF THE JUDGE AND THE TRUSTEE IN CHAPTER 13 CASES

PANELISTS
Hon. C. Ray Mullins
U.S. Bankruptcy Court
Atlanta, GA

Deborah B. Langehennig
Chapter 13 Trustee
Austin, TX

Prof. Lois R. Lupica
University of Maine School of Law
Portland, ME

Mark Wheeler
Wheel & Patel LLP
Chicago, IL
**11:30 AM – 12:30 PM | Columbus KL**

ABI-NCBJ Roundtable

**SO YOU DON’T WANT TO FILE FOR CHAPTER 11?**

**EXPLORING THE PROS AND CONS OF COMMON ALTERNATIVES TO CHAPTER 11 INCLUDING ABCS, FORECLOSURES, RECEIVERSHIPS AND OTHER STATE LAW REMEDIES**

**PANELISTS**

- **Geoffrey L. Berman**  
  Development Specialists, Inc  
  Los Angeles, CA

- **Deborah A. Crabbe**  
  Foster Pepper PLLC  
  Seattle, WA

- **Jordan A. Kroop**  
  Perkins Coie LLP  
  Phoenix, AZ

**1:00 PM – 3:00 PM | Crystal Ballroom ABC**

**ABI LUNCHEON KEYNOTE ADDRESS, FEATURING JEFFREY LACKER (TICKETED/CLE PROGRAM)**

Jeffrey Lacker has served as President of the Fifth District Federal Reserve Bank since 2004. He was a voting member of the Federal Open Market Committee in 2012, 2009 and 2006.

Dr. Lacker has a BA (Economics, 1977) from Franklin & Marshall College and a Ph.D. (Economics, 1984) from University of Wisconsin. He was an assistant professor of economics at the Krannert School of Management at Purdue University from 1984 to 1989 before joining the Bank in 1989 as an economist in the banking area of the Research Department. He has held multiple positions, including Research Officer (1994), VP (1996) and Sr. VP and Director of Research (1999).

Dr. Lacker is the author of numerous scholarly articles on monetary, financial and payment economics. From 1992 through 1993, he taught at The College of William and Mary, and in 1997, he was a visiting scholar at the Swiss National Bank. Mr. Lacker is a member of the executive committee of Venture Richmond and serves as director for the boards of the Council for Economic Education, the World Affairs Council of Greater Richmond and Richmond’s Future.

**SPEAKER**

**Jeffrey Lacker**  
President, Federal Reserve Bank of Richmond  
Richmond, VA

**1:00 PM – 3:00 PM | Regency Ballroom CD**

ABA Business Law Section, Business Bankruptcy Committee. ABA Program Sponsoring Subcommittee: Secured Creditors and Trust Indentures

**HERDING CLIENTS: WORKING WITH MULTIPLE SECURED CREDITORS (TICKETED/CLE PROGRAM)**

Panelists regularly representing indenture trustees, hedge funds and financial institutions will discuss issues arising in restructurings and Chapter 11 cases when secured creditor clients have constituent groups, including communications with participants and beneficiaries, driving consensus on interim and exit strategies, obtaining direction from majorities and meeting rights of minorities, funding bridge or DIP financing, decision-making on credit bidding, and plan voting logistics.

**MODERATOR**

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

**SPEAKERS**

- **Bryant D. Barber**  
  Lewis Roca Rothgerber LLP  
  Phoenix, AZ

- **Jeanne P. Darcey**  
  Sullivan & Worcester  
  Boston, MA

- **Jennifer C. Hagle**  
  Sidley Austin LLP  
  Los Angeles, CA

- **William P. Smith**  
  McDermott Will & Emery LLP  
  Chicago, IL

**3:00 PM – 5:00 PM | Columbus IJKL**

**ABI, AMERICAN BANKRUPTCY INSTITUTE BANKRUPTCY COMMISSION REPORT**

**3:15 PM – 4:45 PM | Columbus GH**

ABA Business Law Section, Business Bankruptcy Committee. Sponsoring Subcommittee: Current Developments Task Force

**CURRENT DEVELOPMENTS**

This popular panel will discuss current developments in the areas of claims, exemptions, priorities and Chapter 11.

**MODERATOR**

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

**SPEAKERS**

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

- **Monique D. Hayes**  
  Genovese Joblove & Battista, PA  
  Miami, FL

- **Jennifer R. Hoover**  
  Benesch, Friedlander, Coplan & Aronoff LLP  
  Wilmington, DE

- **Robert B. Millner**  
  Dentons  
  Chicago, IL

- **Monique D. Hayes**  
  Genovese Joblove & Battista, PA  
  Miami, FL

- **Jennifer R. Hoover**  
  Benesch, Friedlander, Coplan & Aronoff LLP  
  Wilmington, DE

- **Robert B. Millner**  
  Dentons  
  Chicago, IL
6:30 PM – 7:30 PM | Grand Ballroom Foyer
NCBJ FINAL NIGHT DINNER RECEPTION
(Ticketed)

7:30 PM – 10:00 PM | Grand Ballroom
NCBJ FINAL NIGHT DINNER WITH SECOND CITY COMEDY
(Ticketed)

Saturday, October 11, 2014

7:00 AM – 1:30 PM | Grand Ballroom Foyer
ABA REGISTRATION & ABA PROGRAMS CLE DESK OPEN

8:00 AM – 1:30 PM | Grand Ballroom Foyer
NCBJ REGISTRATION DESK OPEN

8:00 AM – 9:00 AM | Grand Ballroom Foyer
ATTENDEE CONTINENTAL BREAKFAST

8:45 AM – 9:00 AM | Grand Ballroom
AMERICAN INNS OF COURT, DISTINGUISHED SERVICE
AWARD PRESENTATION

9:00 AM – 10:00 AM | Grand Ballroom
MINDING YOUR BUSINESS: MAINTAINING FOCUS IN
MODERN LAW PRACTICE

Seeking to live a calmer, more productive life? Convinced you have too many emails, too many meetings, too many deadlines, too many things you want to do? Wish the world would just stop so you could catch your breath? This program reviews breaking scientific developments about mindfulness; it examines mindfulness practices that can help reduce stress in your life and work, and improve your health and concentration. From ancient teachings to modern science, with a practice session included, this is a "must see."

PANELISTS
Hon. Colleen A. Brown
U.S. Bankruptcy Court
District of Vermont

Scott L. Rogers
Lecturer in Law, Director
Mindfulness in Law Program
University of Miami School of Law
Coral Gables, FL

Paul Steven Singerman
Berger Singerman LLP
Miami, FL

Hon. A. Benjamin Goldgar
U.S. Bankruptcy Court
Northern District of Illinois

Timothy F. Nixon
Godfrey & Kahn, S.C.
Green Bay, WI

Christine E. Devine
Mirick, O'Connell, DeMaillie & Lougee, LLP
Westborough, MA

Hon. Neil P. Olack
U.S. Bankruptcy Court
Southern District of Mississippi

Prof. Nancy B. Rapoport
University of Nevada Las Vegas
William S. Boyd School of Law
Las Vegas, NV

Hon. Erithe A. Smith
U.S. Bankruptcy Court
Central District of California

10:00 AM – 10:30 AM | Grand Ballroom Foyer
POST-PRESENTATION HUDDLE WITH THE SPEAKERS

10:30 AM – 11:15 AM | Grand Ballroom
WAIT, WAIT...DON'T TELL ME! AN ETHICS SHOW GAME*

Loosely following the format of the popular "Wait, Wait . . . Don't Tell Me!" radio program from National Public Radio and WBEZ in Chicago, this program features judges, lawyers and law professors debating ethical conundrums of relevance to bankruptcy lawyers, lenders and workout professionals. Expect some high jinks and surprises as the panelists compete over such thorny issues as limited scope representation, disclosure requirements for experts and consultants, and fiduciary duties of Chapter 7 trustees. Who will win the coveted voice mail message from a bankruptcy celebrity? Come and find out! (1 hour CLE ethics credit)

"EMCEE"
Hon. James B. Haines (ret.)
U.S. Bankruptcy Court
District of Maine

"CONTESTANTS"

* Wait, Wait ... Don't Tell Me! is a federally registered trademark used with permission, courtesy National Public Radio, Inc.

11:15 AM – 11:30 AM | Grand Ballroom Foyer
POST-PRESENTATION HUDDLE WITH THE SPEAKERS
The Social Side

Wednesday, Oct. 8 | 5:30 pm – 7:30 pm
Opening Reception at the Hyatt Regency Ballroom
Hosted by AIRA

Thursday, Oct. 9 | 8:45 pm – 11 pm
The Art of Restructuring in Chicago: Dessert and Cocktail Reception and Viewing of the Pritzker Galleries of Impressionism and Post-Impressionism
The Art Institute of Chicago hosted by The Chicago Restructuring and Insolvency Professional Committee

Friday, Oct. 10
Firday Night Reception 6:30 - 7:30pm
Grand Ballroom Foyer, East Tower

Final Night Dinner with Second City Comedy 7:30 - 10:00 pm
Grand Ballroom, East Tower (Ticketed Event)