

States' Association of Bankruptcy Attorneys ("SABA")
Bankruptcy from a Governmental Perspective

Virtual Seminar Agenda
October 27 – 28, 2021
November 2 – 4, 2021
All Times Eastern Time

Wednesday, October 27	
12:45 pm – 1:00 pm	Welcome <i>Karen Cordry, NAAG Bankruptcy Counsel</i>
1:00 pm – 2:15 pm	Breakout 1 – Stay, discharge, priority issues for Regulators <i>Steve Sakamoto-Wengel, MD OAG</i> <i>Bernard Eskandari, CA OAG</i> Breakout 2 – Stay, discharge, priority issues for Taxing Authorities <i>Donn Rosenblum; OH OAG</i> <i>Robert Lynch, IL OAG</i>
2:15 pm – 2:30 pm	Break
2:30 pm – 3:45 pm	Breakout 1 – Regulators -- Planning for an Impending Bankruptcy; Drafting to Protect Your Settlements Planning for bankruptcy in preparing your case, drafting settlements, judgments. Cleanup orders versus monetary judgments; obtaining financial assurances and insurance; violator' registries, permit denials. Avoiding avoidance actions, etc. Can your state laws/regulations be updated to put you in a better position? <i>Alan Tenenbaum, US DOJ</i> <i>Jason Binford, TX OAG</i> <i>Stephen Nagle, NY OAG</i>

	<p>Breakout 2 – Tax Agencies -- Yikes, My Taxpayer Just Filed; What Can/Should I Have Done?</p> <p>Thinking your case out in advance; what are immediate options on the filing date. Auditing/assessing rights during the case. Using Sections 521, 1112, 1308, and 959/960, and conversion/ dismissal provisions to get returns filed and taxes paid. Treatment of your liens.</p> <p><i>Stephen Murphy, MA DOR</i> <i>Carol Momjian, PA OAG</i> <i>Fred Rudzik, FL DOR</i></p>
3:45 pm – 4:00 pm	Break
4:00 pm – 5:00 pm	<p>Claims Preparation and Filing – A Procedural Primer</p> <p>All you need to know about putting your claim together (including the bankruptcy specific discovery tools); how to present the contingent, disputed, and/or unliquidated claim; and other nuts and bolts aspects of getting it filed, including seeking recognition of “informal proof of claim.”</p> <p><i>Cory Steinmetz, OH OAG</i> <i>Joan Smuda, Bureau Chief, IL OAG</i></p>
Thursday, October 28	
12:45 pm – 2:00 pm	<p>Getting the Case Started – Facing the Fire Hose of First Day Orders</p> <p>Most big cases begin with an onslaught of motions. Which ones do you need to analyze; when do you need to fight? This session will sort out the routine from the reckless and let you know what to look for. We’ll look at cash collateral and financing orders (and who gets preferred/protected); appointment of creditors’ committees; retention of professionals; and how to ensure the debtor is budgeting for ongoing regulatory and tax expenses. KEIPS & KERPS, critical vendor motions; interim vs. final order protections. And, when and where do Subchapter V cases get vetted?</p> <p><i>Jay Befort, KS OAG, Moderator</i> <i>Beth Weller, LGBS</i> <i>Hon. Michelle Harner, Bankr. D. Md.</i> <i>Mark Silverschotz, Anderson Kill</i> <i>Debra Grassgreen, Pachulski, Stang</i></p>

2:00 pm – 2:10 pm	Break
2:10 pm – 3:30 pm	<p>Avoidance Actions Turnover, preferential, fraudulent, and postpetition actions; elements and defenses.</p> <p><i>Prof. Jack Williams, Georgia State Univ.</i> <i>Karen Cordry, NAAG Bankruptcy Counsel</i></p>
3:30 pm – 3:40 pm	Break
3:40 pm – 5:00 pm	<p>Breakout 1 – Executory Contracts/363 Sales/Abandonment: Can You Reject/Sell Out the Government?</p> <p>Conflict between regulator’s authority and ability to reject/abandon/sell. Revocation of licenses, effects of section 525. Debtor’s duty to obey the law versus needs of reorganization.</p> <p>Venoco; Verity Hosp.I; First Energy, Port of Corpus Christi</p> <p><i>Stephen Nagle, NY OAG</i> <i>Lynn Butler, Husch Blackwell</i> <i>Margaret Newell, US DOJ, Civil Division</i> <i>Sam Maizel, Dentons US LLP</i> <i>Hon. Marvin Isgur, Bankr. S.D. TX.</i></p> <p>Breakout 2 – Advanced Tax Issues/Hot Topics</p> <p>Special issues affecting LLCs, S Corps – dealing with pass-through income, changing their status during the case, etc. One-day late issue. Hospital tax – quick sale; escheat law and unclaimed funds; Su. Ct. decision on tax group.</p> <p><i>John Stern, TX OAG</i> <i>Cory Steinmetz, OH OAG</i> <i>Peter Roth, NH OAG</i></p>
5:00 pm – 6:00 pm	<p>Happy Hour Breakouts</p> <p>Small groups with a SABA Board member; a chance to say hello, greet old friends and meet some new ones.</p>
Tuesday, November 2	

12:45 pm – 2:00 pm	<p>Litigating Discharge Exceptions Filing the complaint, practicalities of presenting cases; specific examples including fraud cases, student loans, etc.</p> <p><i>Mary Long, MO OAG</i> <i>Ryan Blansett, MO OAG</i> <i>Donn Rosenblum, OH OAG</i> <i>Carolyn Wade, OR OAG</i></p>
2:00 pm – 2:15 pm	<p>Break</p>
2:15 pm – 3:30 pm	<p>Advanced Stay and Discharge Issues Standards for imposing sanctions after Taggart; strategies to keep your client out of trouble while you keep enforcing your laws. Effects of det'm that assets are not property of the estate under these sections. Scope of Section 1141(d)(6). Asking for permission – who do you ask, when do you need to ask?</p> <p><i>William Pursell, FL OAG</i> <i>Stuart Wilson-Patton, TN OAG</i> <i>Hon. Elizabeth Gunn, Bankr. D. D.C.</i></p>
3:30 pm – 3:45 pm	<p>Break</p>
3:45 pm – 5:00 pm	<p>Breakout 1 - Chapter 11 Plan Preparation -- Introduction</p> <p>Drafting of disclosure statements and plans; process and requirements for confirmation of plans</p> <p><i>Lynn Butler, Husch Blackwell LP</i> <i>Jonathan Alden, FL DEP</i></p> <p>Breakout 2 - Chapter 11 Operations and Plan Preparation – Issues in regulating charitable entities and others imbued with a public interest.</p> <p>Special Code provisions for charities (Section 1112(c)). Do “charities” have debts (dealing with the scam charity and whether it is making enforceable promises)? Do these entities qualify for Subchapter V? Regulating charitable and public interest entities facing mass tort or other major liability (Boy Scouts, NRA, PG&E, etc.)</p>

	<p><i>Abigail Ryan, TX OAG</i> <i>Joelle Gotwals, VA OAG</i> <i>Stephen Thompson, NY OAG</i> <i>Debra Grassgreen, Pachulski, Stang</i> <i>Michael Bujold, Office of UST</i></p>
Wednesday, November 3	
12:45 pm – 1:00 pm	Voting Session for SABA Officers
1:00 pm – 2:15 pm	<p>Ethics and Professional Responsibility</p> <p>States' role in regulating incompetent or bad actors among debtor's counsel and their own employees. Separating roles as regulator versus litigation opponent. Bar discipline what is stay/discharge effects on proceedings in bankruptcy cases, sanctions imposed. Supporting Each Other/Lawyer Competence Issues in the Age of COVID.</p> <p><i>Heather Crockett, IN OAG</i> <i>Gill Geldreich, TN OAG</i> <i>Patricia Lazich, OH OAG</i></p>
2:15 pm – 2:30 pm	Break
2:30 pm – 3:10 pm	<p>A Candid Afternoon's Discussion with the Judiciary on the State of the Mega Case</p> <p><i>Hon. Robert Drain, Bankruptcy Court, S.D. N.Y.</i> <i>Others TBA</i></p> <p><i>Moderators:</i> <i>Karen Cordry; NAAG Bankruptcy Counsel, Part 1</i> <i>Professor Ralph Brubaker; U. of Ill. College of Law, Part 2</i> <i>Brian Shaw, Cozen O'Connor, Part 3</i></p> <p><u>1. Jurisdiction, Venue and Forum Shopping – In the Post-COVID Era</u></p> <p>A primer on the Code's jurisdiction and venue provisions; ongoing efforts to pick one's forum and how well they work. The Texas two-step. Setting up "mega case" judge designations. How have the COVID changes on court appearances affected dealing with distant cases</p>

3:10 pm – 3:20 pm	Break
3:20 pm – 4:05 pm	<p><u>2. Confirmation Issues</u></p> <p>How do “instant” bankruptcies fit into the requirements for plan solicitation/approval. Third party releases – the elephant in the room and their corollary – new value plans.</p> <p>Should Congress be regulating these releases (and venue)? If so, in what ways? How would such regulation affect the dynamics of the cases?</p>
4:05 pm – 4:15 pm	Break
4:15 pm – 5:00 pm	<p><u>3. Post-Confirmation Issues in Mega Chapter 11 Cases</u></p> <p>Scope of court’s post-confirmation jurisdiction – and interaction with States’ sovereign immunity (To extent assets aren’t property of estate (as in Philadelphia Ent’mt and Venoco, what limits does that put on immunity waivers). Claims versus injunctive orders. (Mallinckrodt, Ches. Petroleum; Purdue operations)</p>
Thursday, November 4	
1:00 pm – 2:30 pm	<p>Where do we go from here on these mega-case issues?</p> <p>Organizational Issues in the big Cases; multistate/Federal Cooperation.</p> <p>How to get along when states don’t get agree internally or among each other? (Dealing with inter-agency disputes; common interest agreements.)</p> <p>Can we/should we try to push for statutory solutions/ judicials standards? Current legislative efforts.</p> <p><i>Matt Indrisano, US DOJ</i> <i>Patricia Molteni, NAAG Tobacco Bankruptcy Council</i> <i>Brian Edmunds, MD OAG</i> <i>Gillian Feiner, MA OAG</i></p>
2:30 pm – 2:45 pm	Break
2:45 pm – 4:00 pm	<p>Chapter 13 Case Handling</p> <p><i>Layla Milligan, TX OAG</i> <i>Marvin Clements, TN OAG</i></p>
4:00 pm – 5:00 pm	Conference Wrap Up and Good-Byes to Those Who Have Retired or Will be Leaving Soon

