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

Virtual Seminar Agenda  
All Times Eastern Time

Nov. 9	
12:00 – 1:00	<p><b><u>Welcome and a Look Backwards and Forward</u></b>  <b>Moderator: Karen Cordry, NAAG Bankruptcy Counsel</b></p> <p><b>Judge Robert Mark</b>, Bankr. S.D. FL (1990 – 2032)  <b>Judge Harlin Hale</b>, Bankr. N.D. Tex. (2002- 2030)  <b>Judge Craig Goldblatt</b>, Bankr. D. Del. (2021 –2035)  <b>Judge Elizabeth Gunn</b>, Bankr. D. D. Col. (2020 –2034)</p> <p>Looking back 30 years; what's changed? What will the next 30 years look like?</p>
1:00 – 2:15	<p><b><u>Jurisdiction, Venue and Forum Shopping in the Post-COVID Era</u></b>  <b>Moderator: Jay Befort, Kansas Attorney General's Office</b></p> <p><b>Professor Bruce Markell</b>, Northwestern Pritzker School of Law  <b>Judge Michael B. Kaplan</b>, Bankr. D. N.J.  <b>Judge Christopher Sontchi</b>, Bankr. D. Del. (retired 6/22).</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. Using "mega case" designations and judge assignments?. How have the COVID changes on court appearances affected dealing with distant cases? Purdue? LTL? One-day cases.</p>
2:15 – 2:30	<p><b>Break</b></p>
2:30 – 3:45	<p><b><u>Getting the Case Started – What Are the Options;</u></b>  <b><u>Facing the First Day Orders Fire Hose</u></b>  <b>Moderator: Heather Crockett, IN Attorney General's Office</b></p> <p><b>Judge Michelle Harner</b>, Bankr. D. Md.  <b>Debra Grassgreen</b>, Pachulski, Stang, Ziehl &amp; Jones  <b>Mark Silverschotz</b>, Anderson Kill, L.L.P.  <b>Alan Tenenbaum</b>, US DOJ</p>

	<p>Chapter 11 filings are usually accompanied by a barrage of motions. Which ones do you need to analyze; when do you need to fight? We'll start with cash collateral and financing (and making sure you're not left out) and move on to appointment of creditors' committees; retention of professionals; how to ensure the debtor is budgeting for ongoing regulatory and tax expenses. KEIPS &amp; KERPS, critical vendor motions; what can go into interim/final orders, and serial filings.</p>
3:45 – 4:00	<b>Break</b>
4:00 – 5:00	<p><b><u>Subchapter V – The New Kid on the Block</u></b></p> <p><b>Judge Paul W. Bonapfel</b>, Bankr. N.D. Ga.  <b>Abigail Ryan</b>, Texas Attorney General's Office  <b>Brian Shaw</b>, Cozen O'Connor</p> <p>Discussion of Subchapter V cases – how do they differ from standard Chapter 11s; how do you vet/object to them and limit when they can be used; what are the tradeoffs, how do you keep up with their timetable?</p>
<b>Nov. 10</b>	
12:00 – 1:00	<p><b><u>Claims Preparation and Filing – A Procedural Primer</u></b></p> <p>All you need to know about presenting your claim (including bankruptcy specific discovery tools); how to present contingent, disputed, and/or unliquidated claims; other nuts and bolts aspects of getting it filed, including seeking recognition of "informal proofs of claim."</p> <p><b>Joan Smuda</b>, Illinois Attorney General's Office  <b>Bill Pursell</b>, Florida Attorney General's Office  <b>Cory Steinmetz</b>, OH Attorney General's Office</p>
1:00 – 2:00	<p><b><u>Discharge Breakouts – Individual Exceptions</u></b></p> <p><b>Breakout 1 – Regulatory Specific Exceptions</b>  <b>Dina Yunker</b>, Washington Attorney General's Office  <b>Carolyn Wade</b>, Oregon Attorney General's Office</p> <p>Focus on specific discharge exceptions typically used by government regulators looking at both the substance and procedural requirements.</p> <p><b>Breakout 2 – Tax Specific Exceptions and Protections</b>  <b>Bob Lynch</b>, Illinois Dept. of Revenue  <b>Trish Lazich</b>, Ohio Attorney General's Office  <b>Beth Weller</b>, <i>Linebarger, Goggan, Blair &amp; Sampson</i>  Focus on tax-specific discharge exceptions, including any new or hot topics.</p>

2:00 – 2:15	<b>Break</b>
2:15 – 3:45	<p><b><u>Advanced Stay and Discharge Issues</u></b>  <b>Moderator: <i>Donn Rosenblum, OH Attorney General's Office (emeritus)</i></b></p> <p><b>Judge Nancy Lord</b>, Bankr. S.D. N.Y.  <b>Mary Long</b>, Missouri Attorney General's Office  <b>Autumn Highsmith</b>, Texas Attorney General's Office</p> <p>Litigating the issues – filing discharge complaints and practicalities of presenting cases. Scope of Sec. 1141(d)(6). Standards for defending against sanctions after <b>Taggart</b>; strategies to keep your client out of trouble while you keep enforcing your laws and proving what is police and regulatory. Asking for permission to move forward in the face of the stay – who do you ask, when do you need to ask?</p>
3:45 – 4:00	<b>Break</b>
4:00 – 5:00	<p><b><u>Avoidance Actions</u></b></p> <p><b>Karen Cordry</b>, NAAG Bankruptcy Counsel  <b>Professor Jack Williams</b>, Georgia State University</p> <p>Turnover, preferential, fraudulent, and post-petition actions; elements and defenses. Recovering from victims in Ponzi schemes and similar scams. When does the government push such efforts; when must it defend against them.</p>
5:00 – 6:00	<p><b>Happy Hour Breakouts</b></p> <p>Small groups with a SABA Board member; a chance to say hello, greet old friends and meet some new ones.</p>
<b>Nov. 14</b>	
12:00 – 12:15	<b>Voting Session for SABA Officers</b>
12:15 – 1:15	<p><b><u>Working Together on the Mega-Cases</u></b>  <b>Moderator: <i>Patricia Molteni, NAAG Tobacco Bankruptcy Council</i></b></p> <p><b>Tad Berger</b>, Pennsylvania Attorney General's Office;  <b>Max Brauer</b>, Maryland Attorney General's Office  <b>Matt Indrisano</b> – US DOJ</p> <p>Organizational Issues in the big Cases; multistate/Federal cooperation; common interest agreements. How to get along when states don't get agree internally or</p>

	among each other? Dealing with inter-state disputes when you're trying to "get to yes." Mediation as an option.
1:15 – 2:30	<p><b><u>Operating Issues – Current Topics</u></b></p> <p>Breakout 1 – Executory Contracts/Abandonment/363 Sales: Can You Reject/Sell Out the Government?  <b>Moderator: Maureen Leary, New York Department of Public Service, Office of Hearings and Alternate Dispute Resolution</b></p> <p><b>Judge Marvin Isgur, Bankr. S.D. Texas</b>  <b>Bernard Eskandari, CA Dept. of Justice</b>  <b>Lynn Butler, Husch Blackwell</b>  <b>Margaret Newell, Civil Division, U.S. Dept of Justice</b></p> <p>The conflict between regulator's authority and debtor's ability to reject contracts, or abandon or sell assets. Revocation of licenses, effects of section 525. Debtor's duty to obey the law versus needs of reorganization.</p> <p>Breakout 2 – Advanced Tax Issues/Hot Topics  <b>Moderator: John Stern, Texas Attorney General's Office</b></p> <p><b>Cara Porter; CA Dept. of Justice</b>  <b>Florence Saenz; LA Dept. of Revenue</b>  <b>Fred Rudzik; FL Dept. of Revenue</b></p> <p>A potpourri of topics, including: the scope of Section 505 and how Section 505 motion differs from Section 502 objection; officer liability responsibility statutes; common plan objections; setoff and recoupment by and against the government and a debtor's right of offset.</p>
2:30 – 2:45	<b>Break</b>
2:45 – 3:30	<p><b><u>Digging Into the Economic Details</u></b></p> <p><b>Seth Freeman; B. Riley Advisory Services</b>  <b>George Demos; B. Riley Advisory Services</b></p> <p>A quick primer on how to read debtor financials and use them to review motions and plans and decide when and how to object.</p>
3:30 – 5:00	<p><b><u>Chapter 11 Plan Preparation, Confirmation, and Objections</u></b></p> <p><b>Jonathan Alden, Fla. Dept. of Environmental Protection;</b>  <b>Lynn Butler, Husch Blackwell LP</b>  <b>Whitney Groff, Ga Attorney General's Office</b></p>

	Drafting of disclosure statements and plans; process and requirements for confirmation of plans; objections – which ones can you file and which ones will succeed, tactics and strategies for playing the bankruptcy end game..
<b>Nov. 15</b>	
12:00 – 1:00	<p><b><u>Bankruptcy Appeals: Procedures and Tactics</u></b></p> <p><b>Sam Maizel</b>, Denton’s  <b>Samantha Rubens</b>, Denton’s</p> <p>So, you don’t like the order that just issued – what do you need to do and when do you need to do it? Bankruptcy appeals move on expedited schedules with many quirks; if you wait to figure out what to do until the court has already ruled, you may be too late. This session will alert you to many of those complexities and how to cope, including topics such as how to avoid mootness, which forum should you choose, standing to appeal, and when is your order final.</p>
1:00 – 2:15	<p><b><u>Thinking Ahead to Stay Ahead</u></b></p> <p>Breakout 1 – Regulators – Anticipating a Bankruptcy; Protecting Your Settlements  <b>Moderator: Margarita Padilla, CA Attorney General’s Office (emeritus)</b></p> <p><b>Roma Desai</b>, Texas Attorney General’s Office  <b>Stephen Nagle</b>, New York Attorney General’s Office  <b>Jeanne Cohn</b>, US Department of Justice  <b>Kayci Hines</b>, US Department of Justice</p> <p>Planning for bankruptcy in preparing your case, drafting settlements, judgments. Injunctive 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?</p> <p>Breakout 2 – Tax Agencies -- Yikes, My Taxpayer Just Filed; What Could/ Should I Have Done Before?  <b>Moderator: Carol Momjian, Pennsylvania Attorney General’s Office</b></p> <p><b>Stephen Murphy</b>, Massachusetts Department of Revenue  <b>Ari Kunofsky</b>, Trial Attorney, US Dept. of Justice – Tax Division</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. Getting liens, getting them filed, and making sure they’re enforceable.</p>

2:15 – 2:30	<b>Break</b>
2:30 – 3:30	<p><b><u>Ethics and Professional Responsibility: Regulating Representation of Individual Debtors – Is there a viable model?</u></b>  <b>Moderator: <i>Karen Cordry, NAAG Bankruptcy Counsel</i></b></p> <p><b>Hon. Stephen C. St. John</b>, Judge, Bankr. E.D. Va  <b>Hon. William Sawyer</b>, Judge, Bankr. M.D. Ala. (retired)  <b>Lisa Tracy</b>, Deputy General Counsel, Exec. Office of the U.S. Trustee  <b>Kelly Groover</b>, Tennessee Attorney General’s Office</p> <p>The rise in non-attorney involvement in individual cases – the good, the bad, and the ugly. Providing representation for individual debtors is costly and difficult to provide and results in many issues, including how attorneys can set appropriate fee arrangements, actions by predatory entities preying on debtors they purport to assist parties, and good faith efforts by nonprofits to assist debtors. How do those efforts relate to standard “unauthorized practice of law” regulations.</p>
3:30 pm – 5:00 pm	<p><b><u>Chapter 13 Case Handling</u></b></p> <p><b>Marvin Clements</b>, Tennessee Attorney General’s Office  <b>Layla Milligan</b>, Texas Attorney General’s Office  <b>AJ Swenson</b>, New Mexico Attorney General’s Office</p> <p>An overview of the unique world of Chapter 13 cases and what governmental counsel need to think about when you get assigned to one. Eligibility limits and how they will likely change in the future. The effects of remote appearances and how they are changing the practice.</p>
5:00 – 6:00	<b>Conference Wrap Up, Bankruptcy Trivia, and Goodbyes to Those Who Have Retired or Will be Leaving Soon</b>