



2015 Business Bankruptcy Committee Fall Meeting  
September 27-29, 2015  
Fontainebleau, Miami Beach

Big "P" Programs by Day

Sunday, September 27, 2015

2:30 – 4:30 p.m.

Location: Glimmer 1

**CLE Program: Almost Everything You Wanted to Know About... Tax Issues In Bankruptcy**

Presented by: Business Bankruptcy Committee

Tax issues permeate virtually every aspect of life; filing for bankruptcy does not change that fact. To effectively represent clients in financial restructurings, bankruptcy lawyers must understand the common tax issues that arise in bankruptcy and how to identify, resolve and leverage them, to complete a successful turnaround. Our expert panel will explore current hot topics for both business cases (such as tax sharing agreements, monetization of tax attributes and tax treatment of liquidation vehicles) and consumer cases (including the discharge ability of taxes and tax elections), as well as provide practical tips and strategies for ensuring that your client uses the tax code to benefit their restructuring.

*Moderator:*

Jeffrey M. Sklarz, Green & Sklarz LLC, New Haven, CT

*Speakers:*

Frances D. Sheehy, Law Offices of Frances D. Sheehy, Esq., Coconut Creek, FL

Howard Steinberg, CPA, CIRA, MBA, KPMG LLP, New York, NY

Kimberly J. Lam, CPA, CIRA, CFF, BACHECKI, CROM & CO., LLP, San Francisco, CA

George Klidonas, Baker Hostetler, New York, NY

3:00 – 5:00 p.m.

Location: Splash 10, 11, 12

**CLE Program: Making Law, Doing Good -- Pro Bono Appellate Advocacy from the BAP to the Supreme Court**

Presented by: Business Bankruptcy Committee

You've provided pro bono services to a client in a bankruptcy case – and now an appeal is looming. What do you do next? Are you prepared to take on the appeal on a pro bono basis? Or are you interested in developing an appellate practice, and eager to take on a pro bono appeal, but not sure what is involved or how to find an opportunity? This panel of experienced Supreme Court appellate practitioners will discuss:

- the role of pro bono advocacy at the appellate level;
- how appellate cases find their pro bono counsel;
- how appellate advocates approach their cases;
- advice and stories "from the trenches"; and
- what it's really like to appear in the US Supreme Court.

*Ethics:* The ethics portion of the program will include a discussion of [the various model rules regarding competence, scope of representation issues, diligence, confidentiality, managing conflicts of interest, referral of cases, and supervision of non-lawyers.

This program is in memoriam to Judge Nancy Dreher who served as a U.S. Bankruptcy Judge in the District of Minnesota for many years and who wrote and spoke on the importance of pro bono services.

*Moderator:*

Honorable Elizabeth S. Stong, U.S. Bankruptcy Court, E.D.N.Y., Brooklyn, NY

*Speakers:*

G. Eric Brunstad, Dechert LLP, Hartford, CT

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

Catherine L. Steege, Jenner & Block, LLP, Chicago, IL

Honorable Eugene Wedoff, U.S. Bankruptcy Court, N.D. Ill., Chicago, IL (tentative)

## **Monday, September 28, 2015**

### **7:30 – 8:45 a.m.**

Location: Splash 7, 8

#### **CLE Program: The Erosion of Defenses in Fraudulent Transfer Litigation**

Presented by: Business Bankruptcy Committee and Consumer Bankruptcy Committee

The panel will discuss recent developments in fraudulent transfer law, with a focus on the 2014 Uniform Voidable Transactions Act, new cases, Ponzi scheme cases, and practical advice to litigators involved in fraudulent transfer cases.

*Moderator:*

Linda Leali, Linda Leali, P.A., Miami, FL

*Speakers:*

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

Steve Fender, Greenspoon Marder Law, West Palm Beach, FL

Patricia Redmond, Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A., Miami, FL

### **1:00 – 2:45 p.m.**

Location: Splash 9, 10, 11, 12

#### **Chapter 11 Luncheon and CLE Program: Chapter 11 and the Church: “Open the Door and See All the People”**

Presented by: Business Bankruptcy Committee

The panel will discuss:

- Who are the key players in a chapter 11 bankruptcy case of a religious organization –
- The Debtor / Affiliated Parishes, Schools and Organizations / The Clergy, Religious and Religious Order / The Survivors of Abuse / The Lay Employees/ The Survivors of Abuse / Secured Creditors / Unsecured Creditors / Local, State and Federal Government / Insurance Carriers / Volunteers and Religious Committees
- Determining the property of the estate - whose property is it anyway? Diocese property / Parish property / Affiliated Non-Debtor property / Trust property / Charitable Contributions Comingling of assets.
- What law applies – federal/ state / cannon law
- Unique issues in Church Reorganization Cases: Sex Abuse Claims / Lay Employee Claims / Clergy and Religious Claims/ Avoidance Actions / Standing

- The Insurers Perspective –
- A Mediator’s Perspective –
- Lessons learned from existing Church cases

**3:30 – 5:30 p.m.**

Location: Splash 3, 4

**CLE Program: From Vegas With Love - The Story of the Fontainebleau Las Vegas**

Presented by: Business Bankruptcy Committee

The panel, all veterans of the Fontainebleau Las Vegas bankruptcy, will recount the story of the bankruptcy case, in the process addressing many cutting edge legal issues that arose during the case, including, among others, the permissible scope of bar orders, the doctrine of equitable subrogation, the meaning of adequate protection in the context of use of cash collateral, and the impact of title insurance on the bankruptcy of a failed construction project.

*Moderator:*

Sidney P. Levinson, Jones Day, 555 South Flower Street, Fiftieth Floor, Los Angeles, CA

*Panelists:*

Paul J. Battista, Genovese, Joblove & Battista, 100 SE 2nd Street, Fl 44, Miami, FL

Honorable A. Jay Cristol, United States Bankruptcy Court for the Southern District of Florida, C. Clyde Atkins U.S. Courthouse, 301 N. Miami Ave, 7<sup>th</sup> Floor, Miami, FL

James D. Gassenheimer, Berger Singerman LLP, 1450 Brickell Ave., Ste 1900, Miami, FL

Gabrielle A. Hamm, Gordon Silver, 1888 Century Park East, 15th Floor, Los Angeles, CA

Soneet R. Kapila, Kapila & Company, 1000 South Federal Highway, Suite 200, Fort Lauderdale, FL

## **Tuesday, September 29, 2015**

**1:00 – 3:00 p.m.**

Location: Splash 9, 10, 11, 12

**Secured Creditor Luncheon and CLE Program: Intercreditor Agreements: Problem-solver or an Invitation to a Fight?**

The panel will discuss: the top things bankruptcy lawyers should know about intercreditor agreements; what are the most litigated issues for bankruptcy lawyers regarding intercreditor agreements; and a review of the recent cases involving the enforcement of intercreditor agreements in bankruptcy.

*Moderator:*

Samuel R. Maizel, Pachulski Stang Ziehl & Jones LLP, 10100 Santa Monica Boulevard, 13th Floor, Los Angeles, CA

*Panelists:*

David E. Lemke, Waller Lansden Dortch & Davis, LLP, Nashville City Center, 511 Union Street, Suite 2700, Nashville, TN

Celeste Boeri Pozo, Hughes Hubbard & Reed LLP, 201 South Biscayne Boulevard, Suite 2500, Miami, FL

Mary Ann Welsh, Quarles & Brady Streich Lang LLP, Renaissance One, Two North Central Avenue, Phoenix, AZ

## Little "P" Programs by Day

### Sunday, September 27, 2015

**3:30 – 5:30 p.m.**

Location: Fontaine

**Chairs & Vice Chairs Subcommittee Meeting**

Presented by: Business Bankruptcy Committee

### Monday, September 28, 2015

**7:30 – 8:30 a.m.**

Location: Splash 5, 6

**Small Business Subcommittee Meeting**

Presented by: Business Bankruptcy Committee

**7:30 – 8:45 a.m.**

Location: Splash 11, 12

**E-Newsletter Subcommittee Meeting**

Presented by: Business Bankruptcy Committee

**7:30 – 9:30 a.m.**

Location: Splash 3

**Too Big to Fail**

Presented by: Bankruptcy Court Structures and Insolvency Process

**7:30 – 8:30 a.m.**

Location: Splash 4

**Monetization Working Meeting**

Presented by: Bankruptcy Court Structures and Insolvency Process

**8:30 – 9:30 a.m.**

Location: Splash 4

**White Collar Crime Working Meeting**

Presented by: Bankruptcy Court Structures and Insolvency Process

**8:30 – 9:30 a.m.**

Location: Splash 5, 6

**Pro Bono Subcommittee Meeting**

Presented by: Business Bankruptcy Committee

**9:30 – 10:30 a.m.**

Location: Splash 4

**Electronic Information Subcommittee Meeting**

Presented by: Bankruptcy Court Structures and Insolvency Process

**9:30 – 10:30 a.m.**

Location: Splash 5, 6

**Health Care and Non-Profit Subcommittee Meeting**

Presented by: Business Bankruptcy Committee

**10:30 – 11:30 p.m.**

Location: Splash 5, 6

**Subcommittee on Individual Chapter 11s**

Presented by: Business Bankruptcy Committee

**10:30 – 12:00 p.m.**

Location: Splash 4

**Publications Working Meeting**

Presented by: Business Bankruptcy Committee

**11:30 – 12:30 p.m.**

Location: Splash 5, 6

**Business Court Structures Working Meeting**

Presented by: Business Court Structures and Insolvency Process

**12:00 – 1:00 p.m.**

Location: Splash 4

**Publications – Reorganizing Failing Businesses Book Project Working Meeting**

Presented by: Business Bankruptcy Committee

**3:30 – 5:30 p.m.**

Location: Splash 7, 8

**Bankruptcy Committees**

Presented by: Business Bankruptcy Committee

**Tuesday, September 29, 2015**

**7:30 – 8:30 a.m.**

Location: Flash

**Ethics and Law Firm Dissolution and Bankruptcy Subcommittee Meeting**

Presented by: Business Court Structures and Insolvency Process

**7:30 – 8:30 a.m.**

Location: Splash 5, 6

**Webinars Subcommittee**

Presented by: Business Bankruptcy Committee

**7:30 – 8:45 a.m.**

Location: Splash 3, 4

**Trustees and Examiners Working Meeting**

Presented by: Business Bankruptcy Committee

**7:30 – 9:30 a.m.**

Location: Splash 7, 8

**Consumer Bankruptcy Working Meeting**

Presented by: Consumer Bankruptcy Committee

**8:30 – 10:30 a.m.**

Location: Splash 5,6

**Model Code Project Business Subcommittee/Model Code Project Consumer Subcommittee Meeting**

Presented by: Business Court Structures and Insolvency Process

**3:00 – 4:00 p.m.**

Location: Splash 7

**Programs Subcommittee**

Presented by: Business Bankruptcy Committee

**4:00 – 5:30 p.m.**

Location: Splash 9, 10, 11, 12

**Current Developments Committee Meeting**

Presented by: Business Bankruptcy Committee