

**NATIONAL ASSOCIATION OF ATTORNEYS GENERAL (NAAG)
 NATIONAL ATTORNEY GENERALS' TRAINING INSTITUTE (NAGTRI)
 STATES' ASSOCIATION OF BANKRUPTCY ATTORNEYS (SABA)
 BANKRUPTCY FROM A GOVERNMENT PERSPECTIVE SEMINAR
 HILTON SANTA FE, HISTORIC PLAZA
 SANTA FE, NM – SEPTEMBER 26-29, 2016**

AGENDA

MONDAY, SEPTEMBER 26, 2016

12:00 p.m. to 5:00 p.m. **Registration**

2:00 to 5:00 p.m. **Breakouts**

<p>Bankruptcy 001 – A Quick Tour of the Basics <i>Tracy Essig, Essig Law, AZ</i></p> <p>Concepts and terminology of bankruptcy and collection issues for bankruptcy novices of all kinds; a short intro to the overall seminar.</p>	<p>Advanced Session – Expert Reports – “Both Sides Now” <i>TBD</i></p> <p>Challenging an expert report when you’re the defendant. Finding the holes; can you attack on your own, do you need a separate expert?</p>
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3:30 to 3:45 p.m. **Break**

6:00- 8:00 pm **Reception – Pranzo (easy walking distance from both hotels)
 540 Montezuma Ave.**

TUESDAY, SEPTEMBER 27, 2016

7:30 a.m. to 9:00 a.m. **Registration, breakfast** (on your own; per diem provided)

8:45 a.m. to 9:00 a.m. **Conference Opening:** Welcome SABA/NAAG;
 Opening Remarks: Hector Balderas, Attorney General, New Mexico

9:00 a.m. to 10:15 a.m. **Breakouts**

<p>Introduction to Bankruptcy <i>Margarita Padilla, CA OAG Beth Weller, Linebarger Goggan Blair & Sampson, LLP</i></p> <p>Types of Petitions; eligibility to file; involuntary Conversion & dismissal Parties in the case – trustees, creditors, committees Claims – what, when, and where to file</p>	<p>Tax Session – <i>Gill Geldreich, TN OAG Fred Rudzik, FL DOR Others TBD</i></p> <p>Priority, discharge and stay issues applicable to tax claims in bankruptcy – the basics and beyond.</p>
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10:15 a.m. to 10:30 a.m. **Break**

10:30 am to 12:00 p.m.

Breakouts

<p><i>Introductory – Regulators</i> <i>Maureen Leary, NY OAG</i> <i>Esther Tryban Telsler, City of Chicago (ret.)</i></p> <p>Priority, discharge, and stay issues for regulators Section 362(b)(1),(3),(4), etc. Section 105 Section 507 – Admin. non-tax priorities Section 523, 727 –discharge exceptions and objections</p>	<p><i>Advanced – Protecting State Concerns</i> <i>Mark Silverschotz, Anderson Kill</i> <i>Jim Newbold, IL OAG</i> <i>Jim Holden, CO OAG</i></p> <p>Reacting to a Section 363 sale; protecting statutory obligations/covenants from attack, adequate protection for statutory “interests” Protecting escrow obligations against debtor attacks (workers comp, self-insurance for cleanups, etc.) Bankruptcy-proofing your settlements</p>
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12:00 p.m. to 1:15 p.m.

Lunch (on your own)

1:15 p.m. to 2:30 p.m.

Plenary - Introduction to Hypothetical First Day Orders

Moderator: Karen Cordry (introduction)

Hon. Nancy Hershey Lord, Bankruptcy Judge, ED NY

Debtor’s counsel – Lynn Butler, Husch Blackwell LP

US Trustee representative TBD

Multistate Committee representative for States – Zach Mosner, WA OAG

An interactive look at first day activities in a case where the States have been investigating: cash collateral orders, payments to employees, taxing authorities, and vendors; retention of counsel and professionals, etc.; venue determinations; trustee motions

2:30 p.m. to 2:45 p.m.

Break

2:45 p.m. to 3:45 p.m.

Plenary – Anatomy of a Ponzi Scheme

Kathy Bazoian Phelps, Diamond McCarthy, LLP

Hon. Stephen Rhodes, former Bankruptcy Judge, E.D. Mich.

3:45 p.m. to 4:00 p.m.

Break

4:00 p.m. to 5:00 p.m.

Plenary – Examiners and Trustees In Chapter 11

U.S. Trustee representative – TBD

Sam Maizel, Dentons

Considerations on when they should – or should not – be utilized and for what purposes

WEDNESDAY, SEPTEMBER 28, 2016

8:00 a.m. to 5:00 p.m.

Registration

(Breakfast on your own; per diem provided)

9:00 a.m. to 10:30 a.m.

Plenary – Fraudulent Transfer Avoidance Actions

Jim Jacobsen, NM OAG
Kathy Bazoian Phelps, Diamond McCarthy, LLP
Keith Murphy, Baker Hostetler

Elements of avoidance action and defenses – insolvency, intent to defraud, what is “value,” who is the transferee (conduit defenses), good faith as element of Section 548(c) and Section 550(b), differences between avoidance and recovery; special issues in Ponzi scheme cases; Section 544 allegations. How to decide whether to “hold” or “fold” when the Trustee comes calling

10:30 a.m. to 10:45 a.m. **Break**

10:45 a.m. to 12:15 p.m. **Plenary – Discovery Under the New Federal Rules**
Hon. Robert H. Jacobovitz, Chief Bankruptcy Judge, NM
Hon. David T. Thuma, Bankruptcy Judge, NM
 Interactive Session dealing with discovery issues arising out of the hypothetical.

12:15 p.m. to 1:15 p.m. **Lunch** (on your own)

1:15 p.m. to 2:30 p.m. **Breakouts**

<p>Chapter 11 – Introduction -- Filing to Confirmation</p> <p><i>Jonathan Alden, FL DEP</i> <i>Lynn Butler, Husch Blackwell LLP</i></p> <p>A brisk walk through Chapter 11 from operations during the case to confirmation</p>	<p>Chapter 11 – Advanced – Issues in Plan Confirmation and Beyond</p> <p><i>Jim Newbold, IL OAG, Moderator</i> <i>Hon. Stephen Rhodes, frmr Bankr. Judge, ED Mi.</i> <i>US Trustee TBD</i> <i>Keith Murphy, Baker Hostetler</i></p> <p>Structured dismissals, plan terms to watch out for; post-confirmation liquidating, litigation trusts.</p>
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2:30 p.m. to 2:45 p.m. **Break**

2:45 p.m. to 4:00 p.m. **Breakouts -- Chapter 13**

<p>Chapter 13 – Introductory</p> <p><i>Keith Jones, MT DOR</i> <i>Whitney Groff, GA OAG</i></p>	<p>Chapter 13 – Advanced – Hot Topics</p> <p><i>Fred Rudzik, FL DOR</i> <i>Elizabeth Gunn, VA OAG</i></p>
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4:00 pm. to 5:00 p.m. **Plenary – Jurisdiction Issues; Keeping Your Case Where You Want It to Be**
Karen Cordry, NAAG Bankruptcy Counsel
 Bankruptcy court jurisdiction; special police/regulatory and tax provisions; *Stern* decision; mandatory and discretionary abstention; withdrawal of reference

5:00 p.m. **Session ends**

Evening **Optional Activity**

THURSDAY, SEPTEMBER 29, 2015

8:00 a.m. to 5:00 p.m. **Registration**
(Breakfast on your own; per diem provided)

8:45 a.m. to 9:00 a.m. **SABA Business** – Election of Board; report to membership; award

9:00 a.m. to 10:45 a.m. **Plenary -- Practical Ethics for Government Attorneys**
Richard Rifkin, Special Counsel, Senior Director, NY State Bar Assn. (invited)
Zach Mosner, WA OAG
Exploring the unique ethical issues facing governmental entities. What happens when two agencies have conflicting agendas as to the debtor’s conduct. Other topics TBA.

10:45 a.m. to 11:00 a.m. **Break**

11:00 a.m. to 12:30 p.m. **Breakouts**

<p>Regulators – Consumer Protection Issues <i>Jim Holden, CO OAG</i> <i>Others TBD</i></p> <p>Role of AG – can they file priority claims for consumers (what will qualify), can they file discharge actions; <i>parens patriae</i> role. Notice Issues – using social media tools Special claim forms; bar date issues Automatic Stay – restitution, penalties, fees; what can you pursue; criminal case considerations Multistate cases – considerations in applying the jurisdictional rules (including facing Section 105 motions); working together with other states before and after</p>	<p>Tax Session – Reporting and Filing Issues for Pass-Through Entities <i>Carolyn Wade, OR DOJ</i> <i>Donn Rosenblum, OH Dept. of Job and Family Services</i></p> <p>Primer on Pass-Through entities, including treatment of income for federal and state tax purposes; reporting duties for companies; requiring direct payment by companies; model statute discussion</p>
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12:30 p.m. to 2:00 p.m. **Lunch on your own**

2:00 p.m. to 4:00 p.m. **Breakouts**

<p>Tax <i>Jim Jacobsen, NM OAG</i> <i>Tracy Essig, Essig Law, AZ</i> <i>Gill Geldreich, TN OAG</i> <i>Kim Davis, USAA</i></p> <p>Avoidability of tax sales Section 544 sovereign immunity Sections 505 and 1305 Collecting taxes – practical tips Outside tax collectors – FDCPA</p>	<p>Regulators – Environmental Topics <i>Maureen Leary, NY OAG</i> <i>Margarita Padilla, CA OAG</i> <i>Jonathan Alden, FL DEP</i> <i>Alan Tenenbaum, US DOJ</i></p> <p>Energy Company Bankruptcies – administrative claims, financial assurances; permit/license transfers; abandonment; 363 sales and plans; unexpired leases, settlement and compliance issues</p>	<p>Local Government Issues Roundtable <i>Jay Befort, Befortlaw, KS</i> <i>Esther Tryban Telser, City of Chicago (ret.),</i> <i>Beth Weller, Linebarger Goggan Blair & Sampson, LLP</i></p> <p>Topics TBA</p>
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4:00 p.m.

Conference Ends

4:15 pm - ??

Meet and Mingle

Optional After Session for Those Staying Over
Open discussion of all those “easy” issues that give you fits
Speakers available for small group discussions

Where do I start? Admission to practice in bankruptcy courts;
PACER and ECF; Local and judge’s rules, when can you call
Chambers; when should I object and what should an objection
look like; how do I know who to serve? Ask your questions, we’ll
try to get you answers.