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CALIFORNIA DREAMING

AMERICAN BANKRUPTCY INSTITUTE WINTER LEADERSHIP PROGRAM

DECEMBER 1-3 • TERRANEAN RESORT • RANCHO PALOS VERDES, CA



TERRANEAN
L.A.'S OCEANFRONT RESORT



PROGRAM



Thursday, December 1

8:00 a.m.

Optional Event

Golf Tournament and ABI

Golf Tour at Trump National

Sponsorship opportunities available

9:00 a.m.-5:00 p.m.

American Board of Certification Exams

12:00-6:00 p.m.

Registration Desk Open

1:00 p.m.

Optional Event

Tennis Tournament

at the Peninsula Racquet Club

4:00-6:00 p.m.

Exhibit Hall Open

5:00-6:00 p.m.

Emerging Leaders Reception

Sponsored by Burford Capital LLC

6:00-8:00 p.m.

Opening Reception

Sponsored by FTI Consulting, Inc.

Bars sponsored by Jenner & Block LLP, McGuireWoods LLP and SSG

Friday, December 2

7:30 a.m.

Breakfast

Sponsored by Young Conaway Stargatt & Taylor, LLP

8:00-9:20 a.m.

Plenary Session

Great Debates

Douglas E. Deutsch, Moderator

Clifford Chance US LLP; New York

Resolved: A “workaround” contract provision is enforceable after *Baker Botts v. ASARCO*.

Pro: **Michael R. Nestor**

Young Conaway Stargatt & Taylor, LLP; Wilmington, Del.

Con: **Nan Roberts Eitel**

Executive Office of the U.S. Trustee; Washington, D.C.

Resolved: If a mortgage includes a security interest in a mortgage escrow account, the mortgage loan can be modified under § 1322.

Pro: **Edward C. Boltz**

The Law Offices of John T. Orcutt, PC; Durham, N.C.

Con: **Hon. Eugene R. Wedoff (ret.)**

Oak Park; Ill.

Resolved: Section 1129(a) requires an impaired accepting class for each debtor.

Pro: **Hon. Kevin J. Carey**

U.S. Bankruptcy Court (D. Del.); Wilmington

Con: **Hon. James M. Peck (ret.)**

Morrison & Foerster LLP; New York



9:30-10:30 a.m.

Concurrent Sessions (3)

DIP Best Practices

Chapter 11 filings are up in 2016, and so is the use of DIP financing. This panel of leading experts will discuss cutting-edge issues in DIP financing for large and middle-market cases, including how to leverage the best results whether you're representing the DIP lender, subordinate secured creditors, debtor or creditors' committee.

Damian S. Schaible, Moderator

Davis Polk & Wardwell LLP; New York

Shane V. Azzara

Citigroup Global Markets, Inc.; New York

Robert J. Dehney

Morris, Nichols, Arsht & Tunnell LLP; Wilmington, Del.

Hon. Sean H. Lane

U.S. Bankruptcy Court (S.D.N.Y.); New York

Paul H. Zumbro

Cravath, Swaine & Moore LLP; New York

Obtaining and Retaining Clients in Tough Times: A Primer

Although work levels for restructuring/insolvency professionals have been difficult the last few years, there are many restructuring and insolvency professionals who have maintained and even increased their client base despite these difficult years. This panel will discuss the skills, traits and strategies necessary to maintain and increase your book of business in these current economic times.

Ronald E. Gold, Moderator

Frost Brown Todd LLC; Cincinnati

Colin McNeill Adams

Morgan Stanley & Co., Inc.; New York

Justin Brass

Burford Capital LLC; New York

Cherie Schaible

Ankura Consulting Group; Mamaroneck, N.Y.

Rapid Fire: Strategies for a Quick Reorganization

Today's bankruptcy cases are almost all done in record time. Join our nationally recognized experts as they discuss a range of best strategies for both debtors and creditors to expedite both in- and out-of-court business reorganizations. This panel will discuss out-of-court remedies, prepacks and other procedures to increase efficiency in reorganizing struggling businesses.

Richard L. Wynne, Moderator

Jones Day; Los Angeles

Laura Davis Jones

Pachulski Stang Ziehl & Jones LLP; Wilmington, Del.

Samuel M. Stricklin

Gruber Elrod Johansen Hail Shank LLP; Dallas

Patricia B. Tomasco

Jackson Walker L.L.P.; Austin, Texas

10:30-11:00 a.m.

Networking Break

Sponsorship opportunities available

11:00 a.m.-12:00 noon

Concurrent Sessions (5)

Drafting Primer: How to Draft a Plan and Disclosure Statement

In ABI's returning series on best drafting practices, we turn to plans and disclosure statements. Our panel will explore cutting-edge issues in drafting plans and disclosure statements, as well as current trends and best practices. This program will be geared toward small, mid-sized and large bankruptcy cases.

Kathryn A. Coleman

Hughes Hubbard & Reed LLP; New York

Mark I. Duedall

Bryan Cave LLP; Atlanta

Thomas Michael Horan

Shaw Fishman Glantz & Towbin LLC; Wilmington, Del.

Kay Standridge Kress

Pepper Hamilton LLP; Southfield, Mich.

How Distressed Investors Think About Things

How do hedge funds and other distressed investors think about the world? Our panelists know the answers! Come and learn how distressed investors examine opportunities in bankruptcy cases and how they think about pursuing their objectives during a bankruptcy case.

Kristopher M. Hansen, Moderator

Stroock & Stroock & Lavan LLP; New York

Arif Y. Gangat

Cross Sound Management LLC; Wilton, Conn.

Mark P. Kronfeld

Tennenbaum Capital Partners; New York

Richard Stevenson

Crescent Capital Group LP; Los Angeles



Making Appeals More Appealing: When and How to Appeal

The bankruptcy judge ruled against you. Now what? Motion to reconsider? Appeal to the district court? Appeal to the (gulp) court of appeals? HELP! This panel of experienced practitioners and judges will help you think through when, and how, to appeal.

Craig Goldblatt

WilmerHale; Washington, D.C.

Hon. Pamela Pepper

U.S. District Court (E.D. Wis.); Milwaukee

Abid Qureshi

Akin Gump Strauss Hauer & Feld LLP; New York

Hon. Laura Stuart Taylor

U.S. Bankruptcy Court (S.D. Cal.); San Diego

Utilizing Expert Witnesses

Join us to learn whether, when and how to effectively use an expert witness in bankruptcy litigation. Let our panel also show you how to avoid successful motions *in limine* and disqualification of your expert.

Peter Sabin Willett, Moderator

Morgan, Lewis & Bockius LLP; Boston

Philip Bentley

Kramer Levin Naftalis & Frankel LLP; New York

Hon. Barbara J. Houser

U.S. Bankruptcy Court (N.D. Tex.); Dallas

Martha E.M. Kopacz

Phoenix Management Services; Boston

Wayne P. Weitz

EisnerAmper LLP; New York

Chapter 22 or 33: An FA Post-Mortem

Every reorganized debtor's chapter 11 confirmation order has a § 1129(a)(11) finding that confirmation is not likely to be followed by the liquidation or further need of financial reorganization of the reorganized debtor. Nevertheless, it is common to see chapter 22s and chapter 33s in bankruptcy courts. This panel of leading financial advisors and industry experts are on the front lines of successful and not-so-successful restructurings. They will also discuss the myriad reasons that chapter 22s and chapter 33s occur and the lessons learned from those cases.

Timothy G. Skillman, Moderator

Deloitte CRG; Los Angeles

Stanley Mastil

Gavin/Solmonese LLC; Wilmington, Del.

Gregory F. Rayburn

Former CEO, Hostess Brands; Charleston, S.C.

Steven L. Victor

Development Specialists, Inc.; Chicago

12:00-1:45 p.m.

Keynote Luncheon

Featuring Dean Erwin Chemerinsky, University of California - Irvine School of Law
Sponsored by Cravath, Swaine & Moore LLP

1:45-2:45 p.m.

Concurrent Sessions (3)

Puerto Rico, "Super Chapter 9" and the Future of Sovereign Debt: A Canary in a Coal Mine?

Presented by the Legislation Committee

Sam J. Alberts, Moderator

Dentons; Washington, D.C.

Sonia Colon

Ferraiuoli, LLC; Orlando, Fla.

Richard J. Cooper

Cleary Gottlieb Steen & Hamilton LLP; New York

Lisa J. Donahue

AlixPartners LLP; New York

Mediating Valuation, Intercreditor and Other Issues Affecting Secured Creditors in Bankruptcy

Presented by the Mediation and Secured Credit Committees

Hon. Stephani W. Humrickhouse, Moderator

U.S. Bankruptcy Court (E.D.N.C.); Raleigh

Hon. Raymond T. Lyons (ret.)

Fox Rothschild LLP; Lawrenceville, N.J.

Richard E. Mikels

Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, PC; Boston

Scott Y. Stuart

Esquify, Inc.; Chicago

Supreme Court Casts a Wide Net for Actual Fraud Under § 523: Husky and Its Potential Impact

Presented by the Bankruptcy Litigation and Commercial Fraud Committees

Prof. Bruce A. Markell

Northwestern University School of Law; Chicago



Bradley E. Pearce

Pearce Law PLLC; Charlotte, N.C.

Deborah A. Reperowitz

McGlinchey Stafford PLLC; New York

Irving E. Walker

Cole Schotz P.C.; Baltimore

4:30-5:30 p.m.

**Plenary Session
“Shark Tank”**

In a riff on the popular television show “Shark Tank,” bankruptcy practitioners will pitch arguments of several commercial and consumer hot-button issues to a panel of judicial “sharks.”

Ethical Issues that Arise When Supervising Attorneys Work with Junior Attorneys and Nonattorney Professionals

Presented by the Ethics & Professional Compensation and Young & New Members Committees

Jennifer B. Kimble, Moderator

Prime Clerk; New York

Michelle K. Ostrye

Askew & Mazel, LLC; Albuquerque, N.M.

Nancy J. Whaley

Standing Chapter 13 Trustee; Atlanta

2:45-3:00 p.m.

Grab-'n-Go Refresher Break

Sponsorship opportunities available

3:00-4:00 p.m.

Repeat Concurrent Sessions (5)

Drafting Primer: How to Draft a Plan and Disclosure Statement

How Hedge Funds Think About Things

Making Appeals More Appealing: When and How to Appeal

Utilizing Expert Witnesses

Chapter 22 or 33: An FA Post-Mortem

4:00-4:30 p.m.

Margarita Reception

Sponsored by Development Specialists, Inc. and Proskauer

Michael P. Richman, Moderator

Hunton & Williams LLP; New York

Hon. Daniel P. Collins

U.S. Bankruptcy Court (D. Ariz.); Phoenix

Hon. Dennis R. Dow

U.S. Bankruptcy Court (W.D. Mo.); Kansas City

Hon. Michael A. Fagone

U.S. Bankruptcy Court (D. Maine); Bangor

Jeffrey N. Pomerantz

Pachulski Stang Ziehl & Jones LLP; Los Angeles

Thomas J. Salerno

Stinson Leonard Street LLP; Phoenix

Keith J. Shapiro

Greenberg Traurig, LLP; Chicago

Nancy A. Valentine

Ice Miller LLP; Cleveland

6:00-7:00 p.m.

Women’s Reception

Sponsorship opportunities available

6:00-7:00 p.m.

American Board of Certification Reception

7:00-10:00 p.m.

Final Night Dinner

Featuring Comedian Sebastian Maniscalco

Sponsored by Gavin/Solmonese, LLC

Entertainment sponsored by Freeborn & Peters LLP, Greenberg

Traurig, LLP and Pachulski Stang Ziehl & Jones, LLP

9:30-10:30 p.m.

Anthony H.N. Schnelling Endowment Fund Dessert Reception

Sponsored by Rust Omni



Saturday, December 3

7:45-8:30 a.m.

Breakfast Session

45 Apps in 45 Minutes

Karim Guirguis

American Bankruptcy Institute; Alexandria, Va.

8:45-9:45 a.m.

Concurrent Sessions (3)

Tackling Taxing Employment Issues

in Bankruptcy

Presented by the Bankruptcy Taxation and Labor & Employment Committees

Dennis N. Brager

Brager Tax Law Group; Los Angeles

Jay D. Crom

Bachecki, Crom & Co., LLP; San Francisco

Hon. Mary Grace Diehl

U.S. Bankruptcy Court (N.D. Ga.); Atlanta

Henry Riordan

U.S. Department of Justice, Tax Division; Washington, D.C.

Fuse, Sever and Heal: Issues Impacting

Health Care Facilities in Bankruptcy

Presented by the Health Care and Real Estate Committees

Thomas R. Califano

DLA Piper; New York

Patricia B. Jefferson

Miles & Stockbridge P.C.; Baltimore

Shawn M. Riley

McDonald Hopkins LLC; Cleveland

Frank P. Terzo

GrayRobinson, P.A.; Fort Lauderdale, Fla.

Disruptive Engagement: The Role of Creditors' Committees and Individual Creditors in Asset Sales

Presented by the Asset Sales and Unsecured Trade Creditors Committees

Melissa A. Hager

Morrison & Foerster LLP; New York

Brian S. Hermann

Paul, Weiss, Rifkind, Wharton & Garrison LLP; New York

Mark S. Indelicato

Hahn & Hessen LLP; New York

Elissa D. Miller

SulmeyerKupetz, APC; Los Angeles

9:45-10:00 a.m.

Networking Break

Sponsorship opportunities available

10:00-11:00 a.m.

Concurrent Sessions (3)

ABI Bankruptcy Ideas Worth Spreading

Join ABI for its first recreation of the infamous "TED Talks," with speakers focusing on topics only a bankruptcy guru could love, such as whether litigious hedge funds are a problem, a study of activism, requirements for surcharge, understanding the benefit test, and successor liability and the bankruptcy system.

Prof. Jared A. Ellias

University of California - Hastings; San Francisco

Hon. Robert E. Gerber (ret.)

Joseph Hage Aaronson LLC; New York

Israel Shaked

The Michel-Shaked Group; Boston

Megan W. Murray

Trenam Law; Tampa, Fla.



Round-and-Round Program: Leading Cases

In this round-and-round format, visit with leading judges (each at their own roundtable) to discuss and debate the nation's most important recent business and consumer bankruptcy decisions.

Prof. Ralph Brubaker, Moderator

University of Illinois College of Law; Champaign, Ill.

Hon. Daniel P. Collins

U.S. Bankruptcy Court (D. Ariz.); Phoenix

Hon. Mary Grace Diehl

U.S. Bankruptcy Court (N.D. Ga.); Atlanta

Hon. Dennis R. Dow

U.S. Bankruptcy Court (W.D. Mo.); Kansas City

Hon. Robert D. Drain

U.S. Bankruptcy Court (S.D.N.Y.); White Plains

Hon. Michael A. Fagone

U.S. Bankruptcy Court (D. Maine); Bangor

Hon. Bruce A. Harwood

U.S. Bankruptcy Court (D. N.H.); Manchester

Hon. Pamela Pepper

U.S. District Court (E.D. Wis.); Milwaukee

Hon. Deborah L. Thorne

U.S. Bankruptcy Court (N.D. Ill.); Chicago

Hon. Eugene R. Wedoff (ret.)

Oak Park; Ill.

Practicing in the Limelight:

Celebrity Bankruptcies

Representing public figures whose livelihood depends on their public image presents particular challenges for bankruptcy professionals. This panel of lawyers, each with their own experiences representing celebrities and other prominent figures in their bankruptcy cases, will share with their thoughts on the process and the issues that are unique in these cases.

James Patrick Shea, Moderator

Armstrong Teasdale LLP; Las Vegas

Leslie A. Cohen

Leslie Cohen Law PC; Santa Monica, Calif.

Lee M. Kutner

Kutner Brinen Garber, PC; Denver

Kristin B. Mayhew

*McElroy, Deutsch, Mulvaney & Carpenter, LLP
Southport, Conn.*

David L. Neale

Levene, Neale, Bender, Yoo & Brill, L.L.P.; Los Angeles

11:00-11:30 a.m.

Refreshment Break

Sponsorship opportunities available

11:30 a.m.-12:30 p.m.

Concurrent Sessions (4)

Social Media & Ethics

This panel will explore cutting-edge issues dealing with the ethical implications of social media and advancing technology on the practice of law.

David W. Houston, III

Mitchell, McNutt & Sams; Aberdeen, Miss.

Hon. Laurel Myerson Isicoff

U.S. Bankruptcy Court (S.D. Fla.); Miami

Prof. Lauri L. Levenson

Loyola Law School; Los Angeles

William J. Rochelle, III

ABI Editor-at-Large; New York

Not Everything Has to End This Way: Strategies for Keeping Your Retailer Out of Chapter 11

Presented by the Business Reorganization and Financial Advisors & Investment Banking Committees

James F. Wallack, Moderator

Goulston & Storrs PC; Boston

David M. Guess

Klee, Tuchin, Bogdanoff & Stern LLP; Los Angeles

Benjamin L. Nortman

Hilco Global; Northbrook, Ill.

Mark G. Samson

Getzler Henrich & Associates LLC; New York

Ronald M. Tucker

Simon Property Group; Indianapolis

Cross-Border Tech Talk

Presented by the International and Technology & Intellectual Property Committees

TBD

TBD

12:30 p.m.

Adjourn

Winter
Leadership
Conference



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