



**NATIONAL ASSOCIATION OF ATTORNEYS GENERAL (NAAG)
 NATIONAL ATTORNEY GENERALS' TRAINING INSTITUTE (NAGTRI)
 STATES' ASSOCIATION OF BANKRUPTCY ATTORNEYS (SABA)
 BANKRUPTCY FROM A GOVERNMENT PERSPECTIVE SEMINAR
 SANTA FE, NM – SEPT. 12-15, 2010**

TENTATIVE AGENDA

SUNDAY, SEPTEMBER 12, 2010

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, AZ</i> Concepts and terminology of bankruptcy and collection issues for bankruptcy novices of all kinds; a short intro to the next three days</p>	<p>Advanced Session – Protecting the Government Up Front: Drafting Your Way Around the Issues <i>Zach Mosner, WA OAG</i> <i>Jim Newbold</i> <i>Others TBD</i> Litigating is great; solving the problem up front with properly drafted legislation is even better; tips, topics, and brainstorming on how to work proactively</p>
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6:00 p.m. to 8:00 p.m. **Reception – Hotel Santa Fe**

MONDAY, SEPTEMBER 13, 2010

7:30 a.m. to 9:00 a.m. **Registration**, breakfast (included in registration)

8:30 a.m. to 8:45 a.m. **Conference Opening:** Welcome SABA/NAAG

8:45 a.m. to 9:00 a.m. **Opening Remarks** - *NM OAG Gary King*

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

<p>Introduction to Bankruptcy <i>Christie Kincannon, MO DIF</i> <i>Karen Cordry, NAAG</i> 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>Nuts and Bolts <i>Jay Befort, Assistant UST, Kansas City – Moderator</i> <i>Others TBD</i> Monitoring and collecting payments in Chapter 1, 13 Claims Issues – filing, what evidence do you have to include; getting the evidence in – new proposed rules. New timing rules Section 547(h) – using credit counseling settlement plans to protect payments Workers Comp problems</p>
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10:30 a.m. to 10:45 a.m. **Break**

10:45 a.m. to 12:30 p.m. **Breakouts**

<p>Regulators Breakout <i>Patricia Molteni, NAAG</i> <i>Jonathan Alden, Senior Asst. General Counsel</i> <i>FL Dept. of Env. Quality</i> Automatic and discretionary stay issues (Section 362(b)(1), (3), and (4), Section 105) Section 525 – licensing issues; other applications Priorities Discharge – old and new</p>	<p>Tax Breakout <i>Bruce Emard, Kronick Moskowitz Tiedmann & Girard,</i> <i>Fred Rudzik, FL OAG</i> <i>Henry Riordan, US DOJ</i> Stay Issues relating to taxes Priority requirements, including timing issues Discharge of taxes – including new provisions in Chapters 11 and 13</p>
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12:30 p.m. to 1:30 p.m. **Lunch on your own**

1:30 p.m. to 2:00 p.m.

U.S. Trustee Role in Various Chapters

*Richard Wieland, U.S. Trustee, Region 20
Jay Befort, Assistant U.S. Trustee, Kansas City*

2:00 p.m. to 3:00 p.m.

Avoidance Actions

*Jim Jacobsen
Zachary Mosner, WA OAG*

3:00 p.m. to 3:15 p.m.

Break

3:15 p.m. to 5:00 p.m.

Hot Topics in Mortgages: Lending Fraud; Foreclosure Prevention; Servicer Abuse; What’s Happening in the Field, What’s the AG’s Role

*Moderator: Karen Cordry, NAAG Bankruptcy Counsel
William Black – Professor, UM-KC, Exec. Dir., Institute for Fraud Prevention
Honorable Martin Glenn, U.S. Bankruptcy Court, S.D.N.Y.
Ramona Elliott, General Counsel, US Trustee
Professor Mark Scarberry – Pepperdine Law School
Others TBD*

This session will discuss how we got into the current mortgage/foreclosure crisis, the efforts made by state regulators prior to and during this crisis to prevent and remedy the problems from predatory lending and standard foreclosure practices, the emerging problems with loan servicing during bankruptcy cases and the reaction of the courts, the US Trustee offices, and others, and a review of the legislative proposals to modify the treatment of mortgages in Chapter 13

5:00 p.m.

Session Ends

OPTIONAL ACTIVITY

6:30 to 8:30

TUESDAY, SEPTEMBER 14, 2010

8:00 a.m. to 9:00 a.m.

Breakfast (Included in registration)

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

Breakouts – Chapter 11 Cases

<p>Beginners Session – Chapter 11 Operations During the Case <i>Lynn H. Butler, Brown, McCarroll, LLP Jonathan Alden, Senior Asst. General Counsel FL Dept. of Env. Quality</i></p> <p>“First day orders,” property of the estate issues, executory contracts, Section 363 sales, and cases arising under the new provisions in the Code.</p>	<p>Advanced Issues – Handling the Issues During the Big Cases <i>Moderator: Christie Kincannon Honorable Martin Glenn, U.S. Bankruptcy Judge, S.D.N.Y. Honorable Redfield Baum, U.S. Bankruptcy Judge, D. Arizona (invited) Honorable Dennis Montali, U.S. Bankruptcy Judge, N.D. CA (invited)</i></p> <p>Claims filing issues – omnibus objections, outside claims processors, claims trading and selling, proposed new Rule 2019. Gift plans (transferring assets to lower priority classes) – are they OK? Are there limits? Will credit bidding be a thing of the past? Will that help or hurt? Can plan terms override regulatory obligations on a going-forward basis? Others TBD.</p>
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10:30 a.m. to 10:45 a.m.

Break

10:45 p.m. to 11:30 p.m.

Mediation

*Renee Jordan, AZ
Honorable Melanie Cyganowski, Otterbourg, Steindler, Houston & Rosen,
former U.S. Bankruptcy Judge, E.D.N.Y.,
Honorable Redfield Baum, U.S. Bankruptcy Judge, D. Arizona
Other TBD*

11:30 p.m. to 12:15 p.m.

Bankruptcy Appeals

*Sam Maizel, Pachulski Stang Ziehl & Jones, LLP
Honorable Christopher Klein, U.S. Bankruptcy Judge, E.D. Cal.*

12:15 p.m. to 1:30 p.m.

Lunch (on your own)

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

Breakouts – Chapter 11 Cases

<p>Beginner Session – Confirmation and Discharge Issues <i>Honorable Chris Klein Jim Newbold, IL OAG Nick Lamberti, PA Rev. Dept.</i></p> <p>Introduction to these issues, including disclosure statements and objections thereto, plan structure – classification of claims, priorities, etc., what is needed to confirm a plan, what to object to and what happens if you don't object (<i>Espinosa</i> analysis), enforcing plans and post-confirmation jurisdiction, serial filings. We'll also have a judge's perspective on these issues.</p>	<p>Advanced Session – Bankruptcy Issues in Highly Regulated Industries <i>Moderator: Nancy Hershey Lord, NY OAG Sam Maizel, Pachulski Stang Ziehl & Jones, LLP Honorable Margaret Cangilios-Ruiz, U.S. Bankruptcy Judge, N.D.N.Y Rick Arrowsmith, GECC Sondra Everhart, NM State Ombudsman</i></p> <p>Health Care – dealing with failing institutions – setoff, recoupment issues, gov't takeovers and tensions with secured lenders, sales or conversion of non-profit to profit; effects of new health care legislation</p>
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2:30 pm. to 3:30 pm.

Breakouts Cont'd.

<p>Revenue Session <i>Moderator: Fred Rudzik Christle Yates, Acting Territory Manager Insolvency, Henry Riordan, US DOJ</i></p> <p>IRS – when do they show up? How to interact between states and IRS. Dealing with conflicts between federal and state claims</p>	<p>Specialized entities – specialized issues <i>Peter Roth, moderator Alan Kornberg Paul Weiss Others TBD</i></p> <p>Bankruptcy court jurisdiction and preemption in closely regulated industries. Can bankruptcy interfere with your ability to regulate a utility, a casino, a race track or the like? How does the stay and its exceptions apply to setting and collecting on bonds and licensing enforcement – to what extent is the debtor still bound by state law? When is a license property of the estate that the court can control? What are the effects of state law restrictions on license and permit transfers?</p>
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3:30 pm to 3:45 p.m.

Break

3:45 p.m. to 5:00 p.m.

Breakouts

<p>Collection Issues <i>Andrew Swain, IN OAG</i> <i>Manny Lucero, US DOJ</i> Dealing with the recalcitrant debtor</p>	<p>Regulators – Chapter 9 Issues <i>Lynn Butler, Brown, McCarroll, LLP– moderator</i> <i>Others TBA</i></p>
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8:00 a.m. to 9:00 a.m.

Breakfast (Included in registration)

8:45 a.m. to 9:00 a.m.

SABA Business – Election of Board; report to membership

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

Ethics and Other Practical Problems

Zach Mosner, AAG, WA OAG, Moderator
Natalie Martin, U. New Mexico Professor, former ABI Resident Scholar
Paul M. Fish, NM State Disciplinary Head

A variety of practical topics with ethical dimensions that government practitioners face during the case

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

Break

10:45 a.m. to 12:30 p.m.

Breakouts – Chapter 13 and Beyond

<p>Introduction to Chapter 13 <i>Tracy Essig – moderator</i> <i>Others TBA</i></p> <p>An introduction to the new world of Chapter 13; it’s small scale compared to Chapter 11, but the issues are just as complex and the Supreme Court has recently raised the stakes for creditors who don’t pay attention or get involved; this session will provide an overview and tips on what to look out for when a Chapter 13 case lands on your desk.</p>	<p>Advanced Hot Topics – Chapter 13 vs. Chapter 7 <i>Honorable Michael McManus – U.S. Bankruptcy Judge, E.D. Cal.</i> <i>Jan Hamilton, Chapter 13 Trustee, Kansas</i> <i>Bruce Emard, KMTG, former Chapter 7 Trustee</i></p> <p>What are the new hot issues in Chapter 13 (with emphasis on the recent and upcoming Supreme Court decisions), what are the strategic considerations for debtors and creditors (and governments in particular) in which chapter is used, dealing with property of the estate issues, strategies and tactics for converting or dismissing cases in either chapter.</p>
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12:30 p.m. to 1:45 pm.

Lunch on your own

1:45 p.m. to 3:15 pm

Breakouts

<p>Local and Municipal Issues Session</p> <p>Topics of particular concern to local governments including secured claims. Valuation issues for property tax claims.</p> <p><i>TBD</i></p>	<p>Environmental – Lessons from Recent Cases; Other Hot Topics; <i>Andrea Madigan, US EPA</i> <i>Others TBD</i> Continues after Break</p>
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3:15 p.m. to 3:30 p.m.

Break

3:30 p.m. to 5:00 pm. **Breakouts**

1. Local Issues – Continuation of session prior to the break and/or wrap-up and review of any issues raised during the conference that warrant further discussion.
2. Environmental – Continuation of session prior to the break.
3. Consumer Protection – *TBA*

Discussion of fact pattern modeled on the *Blue Hippo* case and others where multistate consumer protection actions has led the defendant to file bankruptcy. Stay issues, dealing with early motions in the case, strategies to put a trustee in place (or keep a receiver in place), dealing with the trustee if one is appointed, relating to class action counsel, and working on putting together a collective state position

4. Derivatives, credit default swaps, and state bonds – the continuing fallout from Lehman
Mark Silverschotz, ReedSmith
Mike Venditto, ReedSmith
Andrea Pincus, ReedSmith

For those dealing with bonds and/or pension plans, the collapse of Lehman and its complex web of financial instruments and interrelated transactions has created a host of new issues – and ones where decisions by the bankruptcy court are raising huge concerns with respect to the way the market thought these transactions were structured. We will have an update on the Lehman case, an explanation of the issues, a discussion of their effects on states and municipalities, and some thoughts on how to restructure transactions for the future. This will include an analysis of some of the decisions you need to know about, including, *Chicago Board of Education, Metavante* and *Perpetual*, to name a few. Lastly, the innovative and unusual Lehman claims resolution procedures will be described.

5:00 p.m. Program Ends