

DECEMBER 5-7, 2019
TERRANEA RESORT • RANCHO PALOS VERDES, CA

abi.org/events









### THURSDAY, DECEMBER 5

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

**American Board of Certification Exams** 

10:00 a.m.

9 Holes of Golf at The Links at Terranea

Sponsored by Ritchie Bros. Auctioneers



12:00-6:00 p.m.

**Membership Lounge Open** 

(ABI REGISTRATION. ABI BOOKSTORE & SILENT AUCTION)

12:00 noon

Optional Event: Tennis Tournament at the Peninsula Racquet Club

Sponsored by Snell & Wilmer L.L.P.



2:00 p.m.

**Optional Event: Afternoon Coastal Hike** 

4:00-6:00 p.m.

**Exhibit Hall Open** 

Sponsored by Sherwood Partners, Inc./agencyIP

4:30-6:00 p.m.

Annual CARE Holiday Reception (INVITE ONLY)

5:00-6:00 p.m.

"40 Under 40" Reception



(INVITE ONLY)

Sponsored by Epiq and King & Spalding LLP

#### 6:00-7:30 p.m.

#### **Opening Reception**

Sponsored by FTI Consulting, Inc.; Nelson Mullins Riley & Scarborough LLP; Skadden, Arps, Slate, Meagher & Flom LLP; and Stretto Bars sponsored by East West Bank; Getzler Henrich & Associates LLC; Jenner & Block; and SSG Capital Advisors, LLC

### FRIDAY, DECEMBER 6

6:00-7:00 a.m.

Optional Events: Winter Fun Run (5K)

Sponsored by Validity



7:30-8:15 a.m.

**Breakfast** 

8:15-8:25 a.m.

**Welcome Address** 

#### 8:25-9:25 a.m.

#### **Plenary Session: ABI Talks**

This year, the WLC opens with ABI Talks, one of our highest-rated programs ever! Based on the incredibly popular "TED Talks" format, ABI Talks address diverse and interesting bankruptcy topics. If you consider yourself a bankruptcy guru, or just want to be one, you will not want to miss this featured program!



#### Super-Speedy Prepacks: What Are They Good For?

Earlier this year, a chapter 11 case was filed and a plan confirmed in 19 hours. A one-day prepack offers several advantages to creditors and debtors alike. What cases are a good fit for a lightning-speed chapter 11, and what due process concerns must be satisfied?

#### Jay M. Goffman

Skadden, Arps, Slate, Meagher & Flom LLP; New York

#### **New Reorganization Hope for Main Street Debtors**

Will the new Small Business Reorganization Act lead to more successful restructurings and fewer liquidations of small businesses while still protecting creditors' rights?

Hon. Michelle M. Harner

U.S. Bankruptcy Court (D. Md.); Baltimore







#### The Rhetoric and Reality of Student Debt

Is there too much emphasis on reducing student loan debt, including through bankruptcy, and not enough about the real causes of skyrocketing college costs?

#### **Inez Feltscher Stepman**

Independent Women's Forum; Washington, D.C.

#### 9:30-10:30 a.m.

#### **Concurrent Sessions (4)**

#### Why Venue Matters in Chapter 11 Cases

This panel will focus on obtaining successful chapter 11 results in certain jurisdictions while analyzing why you should or shouldn't file in a particular jurisdiction. The panel will discuss advantages and disadvantages of filing in certain jurisdictions, including local rule advantages (*i.e.*, Texas) and case law advantages or disadvantages.

#### Joshua A. Sussberg, Moderator

Kirkland & Ellis LLP; New York

#### Charles A. Beckham, Jr.

Haynes and Boone, LLP; Houston

#### Hon. Kevin J. Carey

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

#### **Laura Davis Jones**

Pachulski Stang Ziehl & Jones LLP; Wilmington, Del.

#### Eric E. Walker

Perkins Coie LLP; Chicago

## Hit 'Em Below the Belt (and in the Wallet): Professional Fees and Leverage Post-ASARCO

This panel will analyze the instances over the last few years where creditors have brought challenges to estate professional fees, focusing on *Pillowtex*, retainers and other objections. How can professionals protect themselves when they are well into a case?

#### Kathryn A. Coleman, Moderator

Hughes Hubbard & Reed LLP; New York

#### **Amy Eday**

Linklaters; Washington, D.C.

#### **Kyle S. Hirsch**

Bryan Cave Leighton Paisner LLP; Phoenix

#### Hon. Barbara J. Houser

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

#### Bankruptcy & Marijuana

With the legalization of marijuana in many states, there are now large numbers of individuals and businesses that derive their income from growing and selling marijuana and from other business activities related to marijuana. This session addresses the issues that emerge when individuals and businesses in this industry encounter financial problems. What are the sources of governing law (state/federal)? Is bankruptcy an option? How are marijuana-related income and assets treated? What are a bankruptcy trustee's rights and responsibilities in dealing with a marijuana-related business? What ethical issues arise for attorneys representing individuals and entities in this industry? How does the U.S. Trustee's Office address these issues in light of the conflict between federal law and some states'laws? What is the direction of the developing body of bankruptcy case law regarding this industry?

#### Eric J. Fromme, Moderator

Theodora Oringher PC; Costa Mesa, Calif.

#### James L. Day

Bush Kornfeld LLP; Seattle

#### Jessica Scardina

Vicente Sederberg LLP; Denver

#### Litigating Issues in a Health Care Case

Hosted by the Bankruptcy Litigation and Health Care Committees

Experienced practitioners are typically able to litigate the issues that arise in most chapter 11 cases in a similar manner, regardless of the industry of a particular debtor. In the health care context, however, the identities of the litigants are often different (government agencies, patient care ombudsmen, etc.), and more importantly, those litigants' respective motivations may be vastly different than in a "typical" chapter 11 case. Economic considerations, the driver of most chapter 11 outcomes, are often superseded in a health care case by a party's perceived public policy or reputational concerns. This panel will discuss these differences and provide practical suggestions, based on their extensive experience, as to how attorneys and financial advisors can navigate these issues and reach a successful outcome for all stakeholders.

#### David E. Gordon

Polsinelli; Atlanta

#### Tania M. Moyron

Dentons; Los Angeles

#### Margaret M. Newell

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

#### **Andrew H. Sherman**

Sills Cummis & Gross, P.C.; Newark, N.J.

#### 10:30-11:00 a.m.

#### **Networking Break**

Sponsored by Proskauer

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

#### **Concurrent Sessions (4)**

#### How Investors Evaluate Distressed Deals

Restructuring professionals deal daily with distressed transactions involving all industries, shapes and sizes. Distressed investors are critical drivers of the restructuring industry and the U.S. economy as a whole. What drives distressed investors? How do they evaluate potential distressed targets? This panel consists of distressed investors and professionals representing distressed investors who evaluate these assets and close these deals.

#### Ronald E. Gold, Moderator

Frost Brown Todd LLC; Cincinnati

#### **James Gansman**

Rock Creek Advisors LLC; New York

#### Jennifer M. Meyerowitz

Summit Investment Management LLC; Atlanta

#### **Leon Szlezinger**

Jefferies; New York

#### Michael A. Teplitsky

Wynnchurch Capital; Rosemont, III.

#### Sponsor Liability, Including Liability Relating to Sponsors Purchasing Debt or Equity in Their Portfolios

Hosted by the Business Reorganization and Claims Trading Committees

#### Hon. Elizabeth S. Stong, Moderator

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

#### Richard J. Corbi

Law Offices of Richard J. Corbi; New York

#### Jay D. Rao

University of California, Berkeley; Berkeley, Calif.

#### **Fredric Sosnick**

Shearman & Sterling; New York

#### Peter J. Young

Proskauer Rose LLP; Los Angeles











## Mediating with a Higher Power: Mediation of Disputes with Governments and Governmental Agencies

Hosted by the Mediation and the Commercial and Regulatory Law Committees

Although mediation is a recommended method of dispute resolution by many government agencies, in the bankruptcy context it is often hard to get government litigants to the table. This panel will explore the issues and methods of mediating disputes in commercial cases that involve governments and such government agencies as the SEC, EPA, and FCC, as well as state attorneys general and relevant state agencies. Issues to be discussed include how to get the decision maker into the room and how to get a governmental party to the table when its policy agenda may go beyond the business issues in the case at hand. In some instances, there may be perceived statutory impediments or "conflicts" between the government agency as regulator and as creditor. The focus will be on restructuring-determinative issues involving government agencies and adversary proceedings between debtors or other creditor constituencies and government agencies. The program will not include discussions of chapter 9 mediations, which involve very different issues. The panel will include judges, mediators and public and private litigants with experience in this type of mediation.

#### Susan A. Berson, Moderator

Berson Law Group; Overland Park, Kan.

#### Ted A. Berkowitz

Moritt Hock & Hamroff LLP; Garden City, N.Y.

#### Hon. Melanie L. Cyganowski (ret.)

Otterbourg P.C.; New York

#### **David Peress**

Hilco Streambank; Boston

#### Mitchell E. Rishe

California Department of Justice; Los Angeles

#### Bankruptcy Legislation in 2019 and 2020

Hosted by the Legislation Committee

The panel will discuss proposed legislation and how it will affect bankruptcy practice, reviewing the HAVEN Act and other veteran legislation, the Small Business Reorganization Act, the Family Farmer Relief Act, various student loan bills and others.

#### Elizabeth E. Stephens, Moderator

Sullivan Hill Rez & Engel; Las Vegas

#### Hon. Michael A. Ferguson

Member of Congress, 2001-2009 BakerHostetler LLP; Washington, D.C.

#### Hon. Michelle M. Harner

U.S. Bankruptcy Court (D. Md.); Baltimore

#### Prof. Dalié Jiménez

University of California, Irvine School of Law; Irvine, Calif.

#### Robert J. Keach

Bernstein Shur; Portland, Maine

#### **Donald L. Swanson**

Koley Jessen; Omaha, Neb.

#### 12:00-1:50 p.m.

#### "40 Under 40" Luncheon

## Featuring Keynote by Dr. Jen Welter, the First Female NFL Coach

Sponsored by Cravath, Swaine & Moore LLP

Lunch sponsored by Alvarez & Marsal; Ankura; BakerHostetler LLP; Blank Rome LLP; Davis Polk & Wardwell LLP; Perkins Coie LLP; Polsinelli PC; Saul Ewing Arnstein & Lehr LLP; Skadden, Arps, Slate, Meagher & Flom LLP; Stinson LLP and Weil, Gotshal & Manges LLP



#### 1:55-2:55 p.m.

#### **Concurrent Sessions (4)**

## The Role of a Patient Care Ombudsman in a Business Bankruptcy

This session will focus on the views of patient care ombudsmen (PCOs) on the quality-of-care issues they routinely confront in chapter 11 cases; how debtor, secured lender and committee professionals react to either support or suppress the findings made by health care experts; in-depth analysis of what constitutes the proper protocol to evaluate quality of care; the differences in the approaches made to the PCO role by a doctor, nurse and/or health care administrator; whether PCOs universally should be doctors, nurses or health care administrators and not lawyers posing as health care professionals; the obligations of PCOs to tell quality-of-care stories without concern for the potential economic impact on an exit strategy in the bankruptcy (i.e., sale, potential loss of license, etc.); the impact of transfer trauma on a change of control arising from a potential sale of the health care business; how the PCO is differentiated from a state long-term-care ombudsman, Medicare and Medicaid surveyors; and the PCO's role as patient advocate in bankruptcy cases.

#### Frank P. Terzo, Moderator

Nelson Mullins Broad and Cassel; Fort Lauderdale, Fla.

#### Warren J. Martin, Jr.

Porzio, Bromberg & Newman, PC; Morristown, N.J.

#### **Daniel T. McMurray**

Focus Management Group USA, Inc.; Tampa, Fla.

#### **Dr. Jacob Nathan Rubin**

Sherman Oaks Hospital; Sherman Oaks, Calif.

#### **Jerry Seelig**

Seelig + Cussigh HCO LLC; Culver City, Calif.

## Avoiding Chapters 22, 33 and 44: Feasibility and Plan Confirmation

All constituents in the chapter 11 plan process want their reorganized debtors to be wildly successful. This panel will focus on how the chapter 11 process can be used to satisfy the feasibility standard in § 1129(a), with an emphasis on avoiding subsequent filings, and will outline the top 10 tricks to improve feasibility.

#### **Daniel F. Dooley, Moderator**

MorrisAnderson; Chicago









Hon. Robert D. Drain

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

Melissa S. Kibler

Mackinac Partners LLC; Chicago

Stanley W. Mastil

Gavin/Solmonese LLC; Wilmington, Del.

Stephen A. Spitzer

AlixPartners LLP; New York

#### Signs and Symptoms of Substance Use and Mental Health Issues Among Attorneys

This panel will be led by a senior program analyst for the Law Assistance Program for the State Bar of California and will be an interactive discussion about how prevalent substance use and mental health issues are among attorneys, and how substance use and mental health issues impair an attorney's ability to perform legal services competently. The panelists will also describe the signs and symptoms of substance abuse, addiction, depression, anxiety and stress, and provide information on lawyer-assistance programs and other resources.

#### Lita Abella

State Bar of California - Lawyer Assistance Program; Los Angeles

**Rudy J. Cerone** 

McGlinchey Stafford PLLC; New Orleans

James Patrick Shea

Kolesar & Leatham; Las Vegas

## Recent Trends in the Credit Bidding of Assets and Cross-Border Issues

Hosted by the Young and New Members and International Committees

This panel will explore recent cases and trends of credit bidding in chapter 11 cases. Many lenders are now requesting up-front approval of credit bid rights in debtor-in-possession financing orders, which would curtail the bankruptcy court's ability to modify or limit credit bidding rights under Bankruptcy Code § 363(k) later on when the assets are auctioned. The panel will examine recent decisions on credit bidding and what limitations courts have applied to a secured creditor's right to credit bid in bankruptcy cases. The panel will also explore cross-border issues concerning credit bidding on groups of assets that are be owned by foreign entities, and the interplay between courts concerning the sale of these types of assets.

#### Rafael X. Zahralddin-Aravena

Elliott Greenleaf; Wilmington, Del.

Natalie E. Levine

Cassels Brock & Blackwell LLP; Toronto

Michael S. Neumeister

Gibson, Dunn & Crutcher LLP; Los Angeles

Kaitlin R. Walsh

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.; New York

#### 2:00-4:00 p.m.

### **Optional Event: Painting by the Sea**



#### 2:55-3:10 p.m.

#### **Refreshment Break**

Sponsored by Development Specialists, Inc.

#### 3:10-4:10 p.m.

#### **Concurrent Sessions (3)**

#### **Ethics Jeopardy**

This session will be an interactive program that will inform participants and provide guidance concerning fundamental issues and best practices surrounding professional responsibility and ethical conduct. Part trivia, part panel presentation, the session will engage participants to self-select "answers" from several Jeopardy categories focused on issues of interest, then provide the corresponding "questions" (prizes will be awarded). For each answer/question, our panel will provide analysis and commentary.

## Ira L. Herman, Moderator Blank Rome LLP; New York

#### Prof. Nancy B. Rapoport

University of Nevada William S. Boyd School of Law; Las Vegas

#### Claire Ann Richman

Steinhilber Swanson LLP; Madison, Wis.

#### Hon. Eugene R. Wedoff (ret.)

Oak Park, III

### The Party's Over; Now, Who's Cleaning Up?: The Post-Apocalyptic Landscape Following a § 363 Sale

The purchaser has bought all the assets, and management has a new boss. Who is left to clean up, and what are the tax, governance, potential claims against management and D&O implications that need to be addressed should the case convert? This session will address these issues and more.

#### Ori Katz, Moderator

Sheppard, Mullin, Richter & Hampton LLP; San Francisco

#### Hon. Laurel Myerson Isicoff

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

#### James E. Van Horn

Barnes & Thornburg LLP; Washington, D.C.

#### **Donald A. Workman**

BakerHostetler; Washington, D.C.

#### Walk a Mile in My Shoes: The Ethics Challenges of Bankruptcy Attorneys Who Represent Debtors in Chapter 13 Cases

There have been significant challenges to the roles that counsel to debtors and creditors have played in chapter 13 cases since the enactment of BAPCPA, with little recognition that the success in completing a case through discharge is directly proportional to the efforts of the professionals involved in the proceeding, often in the face of contending with very difficult clients and circumstances. Many programs focus on the poor behaviors of counsel in an effort to provide examples or what "not to do." This interactive ethics panel will require the panelists to take on role-reversals and encourage audience participation and debate about what can be done to support experienced professionals, and to avoid the continued diminution of the practice by having parties take on the challenges of the"other side."

#### Hon. Martin R. Barash

U.S. Bankruptcy Court (C.D. Cal.); Woodland Hills

#### **Misty Perry Isaacson**

Pagter and Perry Isaacson, APLC; Santa Ana, Calif.











#### **Rita Kostopoulos**

Kostopoulos & Associates PLLC; Warren, Mich.

#### Kathleen A. Leavitt

Chapter 13 Trustee; Las Vegas

#### 4:10-4:40 p.m.

#### **Margarita Reception**

Sponsored by Loeb & Loeb LLP and McGuireWoods LLP

#### 4:40-5:40 p.m.

#### **Concurrent Sessions (3)**

The Intersection of the Federal Arbitration Act and the Bankruptcy Code: Whose Discretion Is It, and What Does It Mean to the Future of Bankruptcy?

Neither the Bankruptcy Code nor the Bankruptcy Code's legislative history contains an exception to the Federal Arbitration Act (FAA). As a result, bankruptcy courts grappling with whether to enforce an arbitration clause in bankruptcy have focused on whether there is an inherent conflict between the Bankruptcy Code and enforcement of arbitration pursuant to the FAA. The determination that arbitration is required could be the death knell for bankruptcy debtors. This panel will explore, in instances where arbitration is required, how to avoid jeopardizing the central objectives of the Bankruptcy Code that enable debtors to obtain a fresh start, as well as how to ensure uniformity of results to avoid what could be "wildly inconsistent" outcomes in arbitration that impact debtors on an individual and case-by-case basis.

#### **Hon. Daniel P. Collins**

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

#### Robert M. Fishman

Fox Rothschild LLP; Chicago

#### Ryan G. Foley

Acrisure LLP; Philadelphia

#### Jane Kim

Keller & Benvenutti LLP; San Francisco

## Consumer Attorney Fees: Everything You Always Wanted to Know — The Good, the Bad and the Ugly (Ethics)

Hosted by the Consumer Bankruptcy and Ethics & Professional Compensation Committees

Everyone likes to see lawyers get paid! This panel will address the differing approaches for attorney fees in chapter 13 cases across the country and discuss the allowance of debtor and creditor fees while examining and discussing the ABI Consumer Commission's recommendation on fees in chapter 13 cases generally.

#### Margaret A. Burks

Chapter 13 Trustee; Cincinnati

#### Hon. Catherine E. Bauer

U.S. Bankruptcy Court (C.D. Cal.); Santa Ana

#### Hannah W. Hutman

Hoover Penrod PLC; Harrisonburg, Va.

#### Jon J. Lieberman

Sottile & Barile Attorneys at Law; Loveland, Ohio

## Yes, You Need Them: The Value of Financial Advisors and Investment Bankers in § 363 Sales

Hosted by the Asset Sales and Financial Advisors & Investment Banking Committees

This panel will discuss the value and involvement of financial advisors and investment bankers in successful § 363 sales, as well as strategies for working with financial advisors and investment bankers to navigate negotiations of § 363 sale terms, maximizing recoveries, and handling ethical issues that may arise in § 363 sales.

#### Sheila Smith, Moderator

Gordon Brothers; Brookline, Mass.

#### **Carrianne Basler**

AlixPartners, LLP; Chicago

#### Monique D. Hayes

Goldstein & McClintock LLLP; Miami

#### Ken Mann

Equity Partners HG LLC; Easton, Md.

#### 6:00-7:00 p.m.

#### **Women's Reception**

Sponsored by AlixPartners LLP and Summit Investment Management LLC

#### **American Board of Certification Reception**

#### 7:00-10:00 p.m.

#### Winter Soirée

Sponsored by Alston & Bird LLP; BakerHostetler LLP; Baker Tilly Virchow Krause, LLP; Ballard Spahr, LLP; Fox Rothschild LLP; Gavin/Solmonese LLC; Morris, Nichols, Arsht & Tunnell LLP; and Pachulski Stang Ziehl & Jones LLP

#### 9:30-10:30 p.m.

**Anthony H.N. Schnelling Endowment Fund Event**Sponsored by Omni Agent Solutions

### **SATURDAY, DECEMBER 7**

#### <u>7:45-8:30 a.m.</u>

**Breakfast** 

#### 8:30-9:30 a.m.

#### Plenary Session: Judges' Round-and-Round

In this round-and-round format, visit with leading judges to discuss and debate the nation's most important recent business and consumer bankruptcy decisions.

#### 9:30-9:45 a.m.

**Networking Break** 









#### 9:45-10:45 a.m.

#### **Concurrent Sessions (2)**

**Current Events and Hot Topics** 

Hon. Michael A. Fagone

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

Hon. Barbara J. Houser U.S. Bankruptcy Court (N.D. Tex.); Dallas

Prof. Lois R. Lupica

University of Maine School of Law; Portland, Maine

William J. Rochelle, III

American Bankruptcy Institute; New York

## How to Negotiate and Draft Sale Documents and Pleadings in Chapter 11 Cases

This panel will focus on drafting skills for bankruptcy and restructuring attorneys. It is intended to provide a practical "how to" discussion and analysis of negotiating and drafting chapter 11 sale documents and pleadings, including asset-purchase agreements, bid-procedure motions and orders, sale motions and orders, and related documents. The session will also provide form documents and discuss heavily negotiated or scrutinized provisions.

#### Lynn Lewis Tavenner, Moderator

Tavenner & Beran, PLC; Richmond, Va.

Matthew T. Faga

Markus Williams Young & Hunsicker LLP; Denver

Jennifer B. Kimble

Lowenstein Sandler LLP; New York

#### 10:45-11:00 a.m.

**Networking Break** 

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

#### **Concurrent Sessions (3)**

## WrestleMania: Who Wins When Consumer Protection Statutes Take On the Bankruptcy Code?

The FDCPA, FCRA, TILA, RESPA and the Bankruptcy Code often are incompatible with each other. Sometimes these conflicts are one-on-one, but often one of these statutes frustrates the purpose of two or more of the other statutes simultaneously. Bankruptcy exemptions and/or guidance are rare in the consumer-protection statutes, leaving it to practitioners and courts to attempt to harmonize the statutes and regulations. This panel will focus on competing statutes and regulations and how they are intertwined with the necessity for the consumer bankruptcy attorney to ensure that there is regulatory compliance. This panel will discuss not only winners and losers, but also how debtors' counsel can best gird up for battles in the ring. This is a nuts-and-bolts approach to often-complicated arenas.

#### Hon. Janet S. Baer

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

#### **Christopher L. Hawkins**

Bradley Ārant Boult Cummings LLP; Birmingham, Ala.

#### Justin A. Kesselman

Arent Fox LLP; Boston

#### Joann Needleman

Clark Hill PLC; Philadelphia

#### Fraudulent Schemes Involving Real Estate

Hosted by the Commercial Fraud and Real Estate Committees

Real estate is red-hot right now — which means it's an attractant for both the savvy investor and the fraudster. Don't miss getting the inside scoop on the law and insights from other perspectives concerning the latest schemes and themes in real estate fraud and bankruptcy. A panel of experts with varying professional backgrounds will discuss the various forms of fraudulent schemes involving real estate pre- and post-bankruptcy, how to sniff out irregularities using various accounting and forensic tools, what to do once you realize your client has a problem (whether debtor or creditor), and how to safeguard your clients and cases from future problems.

#### Michael E. Deeba

Baker Tilly Virchow Krause, LLP; Chicago

#### Steven M. Hartmann

Freeborn & Peters LLP; Chicago

#### Cynthia A. Nelson

FTI Consulting, Inc.; Los Angeles

#### **Mark Pfeiffer**

Buchanan Ingersoll & Rooney PC; Philadelphia

#### **Alan T. Simpson**

U.S. Attorney's Office (W.D. Mo.); Kansas City

## The Continued Use of Blocking Directors and Managers in Bankruptcy-Related Transactions

Hosted by the Unsecured Trade Creditors and Secured Credit Committees

This panel will explore the efforts being taken to use blocking provisions in corporate and company organizational documents to limit the possibility of a bankruptcy filing, and will discuss the importance of independent board members in various transactions throughout the duration of a chapter 11 case and financial distress.

#### Jeremy R. Fischer, Moderator

Drummond Woodsum; Portland, Maine

#### **Thomas Strauss**

Wilmington Trust SP Services, Inc.; Wilmington, Del.

#### **Brian C. Walsh**

Bryan Cave Leighton Paisner LLP; St. Louis

#### Jordan A. Wishnew

Shearman & Sterling; New York

#### 11:00 a.m.-3:30 p.m.

**Optional Event: Whale-Watching Tour** 



12:00 noon

**Adjourn** 











### **OPTIONAL EVENTS**

#### 9 Holes of Golf at The Links at Terranea

#### Thursday, December 5, 10:00 a.m.

The Links at Terranea is a dramatic 9-hole, par 3 Southern California oceanfront golf course, with stunning views of the Pacific Ocean and Catalina Island. This is no ordinary 9-hole, par 3 course; rather, it is a collection of nine championship-caliber par 3 holes, masterfully routed and integrated with each other and the natural surroundings. \$150 per player includes golf fee and lunch. Please select the appropriate event in the online registration portal to play, and indicate your handicap.

#### **Tennis Tournament at the Peninsula Racquet Club**

#### Thursday, December 5, 1:00 p.m.

Sponsored by Snell & Wilmer L.L.P.

Located in the beautiful hills of Rancho Palos Verdes, the Peninsula Racquet Club (PRC) has a panoramic view of Catalina Island and cool ocean breezes year-round. Round-robin format. \$50 per player includes lunch, prizes and tournament fee. Please select the appropriate event in the online registration portal.

#### **Afternoon Coastal Hike**

#### Thursday, December 5, 2:00 p.m.

Come enjoy an afternoon hike led by a trained naturalist while you enjoy exploring the property and local trails. \$90 per person includes guide and water. Please select the appropriate event in the online registration portal. This event is subject to cancellation if the minimum required attendance is not met.

#### Winter Fun Run (5K)

### Friday, December 6, 6:00-7:00 a.m.

Sponsored by Validity

Join us for the annual 5K Winter Fun Run and run at your own pace around the beautiful trails of Terranea. The \$15-per-person fee includes a t-shirt and water. Please select the appropriate event in the online registration portal.

#### Tai Chi by the Sea

#### Friday, December 6, 6:00-7:00 a.m.

Ever thought about giving Tai Chi a try? Now's your chance! Start your morning off with a session of Tai Chi with your colleagues. Tai Chi is a noncompetitive, self-paced system of gentle physical exercise, done in a standing position. You'll perform a series of postures or movements in a slow, graceful manner, with each move flowing into the next so that your body is in constant, controlled motion. The cost is \$30 per person. Please select the appropriate event in the online registration portal. This event is subject to cancellation if the minimum required attendance is not met.

#### **Painting by the Sea**

#### Friday, December 6, 2:00-4:00 p.m.

Channel your inner Van Gogh with an afternoon of painting by the sea in the uniquely Californian style of plein air painting (meaning "open air" in French, the perfect setting in which to paint). With the helpful tips provided, combined with your unique expression, you will be able to create your own works of art. The cost is \$125 per person. Please select the appropriate event in the online registration portal. This event is subject to cancellation if the minimum required attendance is not met.

#### Winter Soirée

#### Friday, December 6, 7:00-10:00 p.m.

Sponsored by Alston & Bird LLP; Baker Tilly Virchow Krause, LLP; BakerHostetler; Ballard Spahr, LLP; Fox Rothschild LLP; Gavin/Solmonese LLC; Morris, Nichols, Arsht & Tunnell LLP; and Pachulski Stang Ziehl & Jones LLP
Join your colleagues for a fun-filled evening of networking! Admission is \$75 for attendees before October 5 and \$100 after October 5. Guest tickets are \$100 before October 5 and \$125 after October 5. Please select the appropriate event in the online registration portal.

#### **Whale-Watching Tour**

#### Saturday, December 7, 8:30 a.m.-12:30 p.m.

December is the beginning of gray whale season off the coast of California. Enjoy your cruise as experienced captains offer comprehensive narration and information about the characteristics of the Pacific gray whale and other local sea life. The **\$200-per-person fee** includes resort pick-up and drop-off and cruise. *Please select the appropriate event in the online registration portal. This event is subject to cancellation if the minimum required attendance is not met.* 









### **2019 WLC CONFERENCE PRICING**

# **EARLY** (BY 10/4/19)

ABI Member \$995
Join and Save\* \$1,320
Non-Member Rate \$1,520
Gov't./Aca. Member \$445
Gov't./Aca. New Member\* \$570

### **REGULAR** (10/5/19 - 11/8/19)

 ABI Member
 \$1,095

 Join and Save\*
 \$1,420

 Non-Member Rate
 \$1,620

 Gov't./Aca. Member
 \$495

 Gov't./Aca. New Member\*
 \$620

### LATE (AFTER 11/8/19)

ABI Member \$1,195
Join and Save\* \$1,520
Non-Member Rate \$1,720
Gov't./Aca. Member \$545
Gov't./Aca. New Member\* \$670

### OPTIONAL EVENTS

Ψ150
\$50
Free
\$75
\$90
\$15
\$30
\$125
Free
\$75
\$50

Winter Soirée \$100 (\$75 before October 5)
Winter Soirée (Guest): \$125 (\$100 before October 5)

Whale-Watching Tour \$200









<sup>\*</sup> Includes a one-year ABI membership for first-time members — a \$350 value! Expired members should select the member rate and add in the membership renewal fee. Membership is individual and nonrefundable.









### **2019 WLC CONFERENCE INFORMATION**

#### **HOTEL ACCOMMODATIONS**

Terranea (terra-NAY-a) Resort is poised above the Pacific on the beautiful Palos Verdes Peninsula. A hidden gem on the Los Angeles coast, this 102-acre luxury Southern California resort destination is surrounded by tranquil waves and offers a whole new world of relaxation and adventure that words just can't describe.

ABI has arranged for a special conference rate of \$360 per night. Reservations must be made with the resort by November 1, 2019, to secure this special rate. Reservations may be made only once you have registered with ABI. Upon payment of the conference registration fees, you will receive hotel reservation information with your conference confirmation. Rooms are held on a first-come, first-served basis. ABI cannot guarantee anyone a room after the specially rated ABI block is filled.

#### **CANCELLATION POLICY**

All fees, except a \$75 handling fee, will be refunded if notice of cancellation is received in writing by November 14, 2019. No refunds will be made if notice is received after November 14, although substitutions will be allowed. After November 14, upon written request, a coupon for 20% off the registration fee (not including optional events) will be issued, which can be used (by the canceling registrant only) for any ABI educational program up to one year after this conference, or for this same conference next year.

#### **TRAVEL**

Terranea is located on the Palos Verdes Peninsula, one of Southern California's most scenic and coveted coastlines overlooking the Pacific Ocean and Catalina Island. Guests can enjoy a tranquil escape in this natural haven, conveniently located 30 minutes from both Los Angeles International and Long Beach Airports and just 30 miles southwest of Downtown Los Angeles. The resort address is 100 Terranea Way, Rancho Palos Verdes, CA 90275.

#### **CONFERENCE ATTIRE**

Attire is resort casual throughout the conference.

### **2019 WLC CONTINUING EDUCATION\***

9 hours of CLE credit, including 2 hours of ethics/professionalism and 1 hour of substance abuse, are pending in states calculating CLE on a 60-minute hour, and 10.8 hours of CLE credit, including 2.4 hours of ethics/professionalism and 1 hour of substance abuse, are pending in 50-minute-hour states. Credit hours granted are subject to each state's CLE credit-approval regulations and might not be approved prior to the program. California MCLE: ABI certifies that this activity has been approved for MCLE credit in the amount of 9 hours, including 2 hours of ethics and 1 hour of competence issues. NY MCLE: This course or program has been approved in accordance with the requirements of the New York State Continuing Legal Education Board for a maximum of 10.5 credit hours, of which 10.5 credit hours can be applied toward the professional practice requirement and 3 credit hours can be applied toward the ethics professionalism requirement. 10.5 hours of CPE credit, including 3 hours of behavioral ethics, are also available.

\* ABI offers intermediate-level courses, which assume that attendees will have at least some detailed knowledge of insolvency matters (pursuant to the "Statement on Standards for CPE Programs" established by AICPA and NASBA). ABI is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE sponsors. State boards of accountancy have the final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be submitted to the National Registry of CPE Sponsors through its website, www.nasbaregistry.org.

ABI acknowledges that in some instances there will be persons who need to attend an educational seminar for CLE credit who are not able to pay full registration fees. ABI will handle such instances on a case-by-case basis and will work with the individual on alternative solutions. For persons who cannot meet the full registration rate, ABI will offer a reduced rate based on what the individual can reasonably afford to cover the cost of meals and materials. For persons unable to pay a reduced rate, we may allow the individual to work at our registration area for a few hours during attendee check-in, or assist in conference set-up. ABI also has reduced rates for government employees, professors, law clerks and students. Illinois Attorneys: If registration fees are more than \$500, attorneys who qualify will receive a reduction of at least 50% off the registration fee. For information on tuition assistance, send an e-mail to jguirguis@abiworld.org.

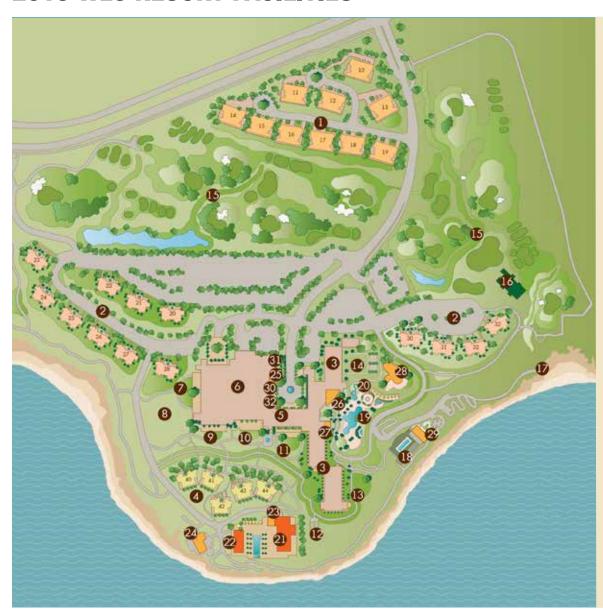








### **2019 WLC RESORT FACILITIES**



- 0 Villas
- Casitas
- **Guest Rooms**
- Bungalows
- Lobby, Lobby Bar & Terrace
- Ballroom & Meeting Rooms
- Palos Verdes Terrace & Lawn
- 8 Palos Verdes Meadows
- 9 Cove Lawn
- 10 Point Lawn
- Catalina Lawn
- Catalina Point
- 13 Ocean Lawn
- 14 Cottage Lawn
- The Links at Terranea
- 16 Golf House
- 1 Terranea Cove
- 18 Cielo Point Pool
- 19 Resort Pool
- 20 Tide Pool Kids Club
- The Spa at Terranea
- 22 Fitness & Wellness Center
- 23 Spa Café
- 24 Nelson's
- 25 Sea Beans Coffee & Retail
- 26 Catalina Kitchen
- 27 Bashi
  - Mar'sel
- 28
- **Discovery Trail Refreshments**
- 30 Marea
- Pointe Discovery
- Real Estate Office



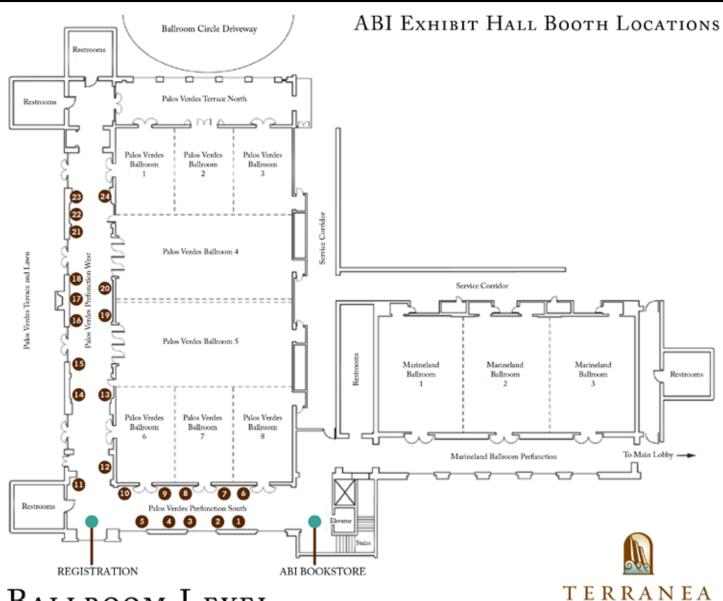








### **2019 WLC EXHIBITORS**



### Ballroom Level

### 2019 WINTER LEADERSHIP CONFERENCE EXHIBITORS

American Board of Certification **CMBG Advisors** CourtCall

ModioLegal NABS

NACTT Ritchie Bros. Auctioneers Sherwood Partners, Inc. WSJ Pro

WINTER LEADERSHIP CONFERENCE SPONSORS

### **2019 WLC SPONSORS**



**Alix**Partners

**ALSTON** & BIRD





**BakerHostetler** 



Ballard Spahr



**BLANKROME** 



CRAVATH



Deloitte.



**DONLIN RECANO** 



















JENNER & B L O C K









**McGUIREWOODS** 











































#### OPPORTUNITIES ARE STILL AVAILABLE **SPONSORSHIP**

Convenience Mini-Mart • "40 Under 40" Reception • Thursday Opening Reception • Friday Hot Breakfast Program Friday Women's Reception • Winter Soiree Dinner • Winter Soiree Entertainment • Friday Endowment Event Saturday Hot Breakfast Program • Golf Tournament • Twitter Feed • Optional Events Conference Pedometers



