

*****SAVE THE DATE! UPDATED TO INCLUDE REGISTRATION INFORMATION!*****

The Judges of the United States Bankruptcy Court for the Northern District of California and the
Bench Bar Liaison Committee for the Northern District of California Bankruptcy Court

Invite you to the Third Annual

2019 Bay Area Bankruptcy Judges' Conference

September 13, 2019

The Presidio of San Francisco – Golden Gate Club

The conference will present both commercial and consumer practitioners the opportunity to come together again in an historic setting, sharpen their legal skills as they learn about cutting edge bankruptcy issues, and interact with the bankruptcy judges of the Northern District.

Schedule of Programs and Events

9:30 a.m. – 10:00 a.m. **Registration**

*10:00 a.m. – 11:00
a.m.*

Program #1: Ethical Issues in Chapter 11 – The Panel will examine the complicated ethical issues that chapter 11 cases, large and small, regularly present. In smaller or individual chapter 11 cases, counsel often face challenges in advising and representing debtor clients who have little financial infrastructure and limited resources to devote to the bankruptcy process. These challenges are augmented not only by the debtors' frequent unfamiliarity with the requirements of chapter 11, but also by the challenges of acting as a fiduciary. Larger cases are often complicated by shifting needs and allegiances among multiple parties and counsel, and the complex and differing obligations these circumstances create under prevailing ethical rules and bankruptcy law. The Panel will explore these issues largely through hypotheticals for audience discussion, which should provide lively and practically-oriented discussion.

Panelists: Hon. William J. Lafferty, III, United States Bankruptcy Court
Bernard A. Burk, Visitor, University of Memphis School of Law
Jane Kim, Keller & Benvenuti, LLP
Amy Leitner, Law Clerk, Hon. William J. Lafferty, III

Producer: Jennifer C. Hayes, Finestone Hayes LLP

*11:00 a.m. – 12:00
p.m.*

Program #2: Conversion: Issues: From Chapter 7 to 13 and Back Again
The Panel will discuss issues arising when debtors convert from 7 to 13 – how chapter 7 trustees can oppose with *Marrama* arguments, best practices for debtors' attorneys, current state of payment of chapter 7 trustee fees upon conversion, and re-appointment on re-conversion. The Panel also will discuss conversion from 13 to 7, -1307(c) issues, what is property of the chapter 7 estate upon conversion, and conversions done in bad faith.

Panelists: Hon. M. Elaine Hammond, United States Bankruptcy Court
Martha G. Bronitsky, Chapter 13 Trustee (Panelist and Producer)
Sarah Little, Chapter 7 Trustee
Jennifer Lee, Jen Lee Law

12:00 p.m. – 1:30 p.m. **Lunch and Keynote Address** – Chief Judge Charles Novack,
State of the Court

1:30 p.m. – 2:30 p.m. **Program #3: Fifth Amendment and Bankruptcy**– Sometimes it comes in the form of a question at the 341 meeting, or maybe during your client’s 2004 exam in a “routine” bankruptcy case. Other times it happens right before you walk into an evidentiary hearing with your client as the first witness. However it arrives, you are suddenly confronted with the decision on whether or not to advise your client to “take the Fifth,” while at the same time searching for that rarely used section at the back of your Bankruptcy Code (Title 18 criminal statutes). The Panel will provide a brief overview of Title 18 bankruptcy crimes, how the Fifth Amendment works both generally and in the context of a bankruptcy case, and host a discussion focused on practical problems and suggested solutions when dealing with these complex issues.

Panelists: Hon. Stephen L. Johnson, United States Bankruptcy Court
Kyle Waldinger, United States Attorney’s Office
Producer: Wayne Silver, Law Office of Wayne A. Silver

2:30 p.m. – 3:30 p.m. **Program #4: Show Don’t Tell – Effectively Presenting Evidence and Argument with Technology.** Even the most learned bankruptcy jurist may find it difficult to find in your favor if they don’t know why you should win, or are unable to hone in on your key evidence. In the modern digital age, effectively presenting your case in a compelling, easy-to-follow way can mean the difference between winning and losing. This Panel will demonstrate easy-to- use technologies that can elevate your presentation of evidence and argument in adversary proceedings and evidentiary hearings. The Panel will strive to show, not just tell, how to use technology to effectively present your case without letting it become an anchor.

Panelists: Hon. Dennis Montali, United States Bankruptcy Court
Andrew Azarmi, Dentons US LLP
Tom Worger, Dentons US LLP
Paul Miller, Senior Art Director, Impact Trial Consulting LLC
Producer: Jennifer C. Hayes, Finestone Hayes LLP

3:30 p.m. – 4:00 p.m. Open Forum

Registration for the conference is \$125.00 per person. Payment is accepted by major credit cards, debit cards, and PayPal. The full program includes pastries, coffee, lunch, and 4.0 hours of MCLE credit, including 1.0 hour of Ethics credit. The link to register is:

<https://www.eventbrite.com/e/2019-bay-area-bankruptcy-judges-conference-tickets-68528995069>. The Conference brochure will be supplied by email only.