



AMERICAN
BANKRUPTCY
INSTITUTE

SOUTHWEST BANKRUPTCY CONFERENCE

TERRANEA RESORT & SPA
RANCHO PALOS VERDES, CA



AUGUST 20-22, 2020

abi.org/events

SOUTHWEST BANKRUPTCY CONFERENCE

TERRANEA RESORT & SPA
RANCHO PALOS VERDES, CA

Meet us in Southern California for the 2020 Southwest Bankruptcy Conference! For the first time, this year's event is being held at the beautiful Terranea Resort, near Los Angeles. An outstanding faculty of regional judges and practitioners will present information-packed sessions on a variety of topics, both business and consumer — ensuring that there is something for everyone.

Enjoy the luxuries and views of this amazing destination, and take advantage of the many networking activities planned. See you on the coast!



2020 SOUTHWEST PROGRAM CHAIRS

CHAIRS

Judicial Co-Chairs

Hon. Martin R. Barash

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

Hon. Daniel P. Collins

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

Program Co-Chairs

Patrick A. Clisham

Engelman Berger, PC; Phoenix

Jordan A. Kroop

Perkins Coie LLP; Phoenix

Sponsorship Chair

Louis M. Bubala III

Kaempfer Crowell; Reno, Nev.



2020 SOUTHWEST PROGRAM ADVISORY BOARD

BOARD

Heather LaSalle Alexis

McGlinchey Stafford PLLC; New Orleans

Thomas H. Allen

Allen Barnes & Jones, PLC; Phoenix

Steven M. Berman

Shumaker, Loop & Kendrick, LLP; Tampa, Fla.

Jeffrey Bjork

Latham & Watkins LLP; Los Angeles

Jason S. Brookner

Gray Reed & McGraw LLP; Dallas

Grant L. Cartwright

May, Potenza, Baran & Gillespie, P.C.; Phoenix

Alissa Brice Castañeda

Quarles & Brady LLP; Phoenix

Robert M. Charles, Jr.

Lewis Roca Rothgerber Christie LLP; Tucson, Ariz.

Dawn M. Cica

Carlyon Cica Chtd.; Las Vegas

Ford Elsaesser

Elsaesser Anderson, Chtd.; Sandpoint, Idaho

A. Kyle Everett

Development Specialists, Inc.; San Francisco

Matt Foster

Sonoran Capital Advisors; Mesa, Ariz.

Craig S. Ganz

Ballard Spahr LLP; Phoenix

Sasha M. Gurvitz

KTBS Law LLP; Los Angeles

Oren B. Haker

Stoel Rives LLP; Portland, Ore.

Andrew Hinkelman

FTI Consulting, Inc.; San Francisco

Steven D. Jerome

Snell & Wilmer LLP; Phoenix

Cody J. Jess

Moyes Sellers & Hendricks Ltd.; Phoenix

Robert Jordan

KCC; New York

Lance N. Jurich

Loeb & Loeb LLP; Los Angeles

Jeannie Kim

Sheppard Mullin; San Francisco

Robert J. Labate

Holland & Knight LLP; San Francisco

Bart K. Larsen

Shea Larsen; Las Vegas

John W. Lucas

Pachulski Stang Ziehl & Jones LLP; San Francisco

Eric D. Madden

Reid Collins & Tsai LLP; Dallas

Randy Nussbaum

Sacks Tierney P.A.; Scottsdale, Ariz.

Justin E. Rawlins

Winston & Strawn LLP; Los Angeles

Cathy L. Reece

Fennemore Craig, P.C.; Las Vegas

Jeffrey M. Reisner

McDermott Will & Emery; Los Angeles

Isaac D. Rothschild

Mesch Clark Rothschild; Tucson, Ariz.

Thomas J. Salerno

Stinson LLP; Phoenix

Samuel A. Schwartz

Schwartz Law, PLLC; Las Vegas

Howard J. Steinberg

Greenberg Traurig, LLP; Los Angeles

Khaled Tarazi

Bryan Cave Leighton Paisner LLP; Phoenix

Nellwyn Voorhies

Donlin, Recano & Company, Inc.; New York

Lindi M. Weber

Polsinelli PC; Phoenix

Christopher J. Wells

Alvarez & Marsal; Phoenix

Daniel R. Williams

Fenix Financial Forensics LLC; Scottsdale, Ariz.

John T. Young, Jr.

Conway MacKenzie, Inc.; Houston



PROGRAM

THURSDAY, AUGUST 20

10:00 a.m.

Optional Event

Golf Tournament: 9 Holes of Golf at The Links at Terranea

2:30 p.m.

Optional Events

Guided Biking Tour

Guided Coastal Hike

3:00-6:00 p.m.

ABI Registration Desk Open

4:30-5:30 p.m.

Optional Event

Tequila Tasting

6:00-8:00 p.m.

Opening Reception

FRIDAY, AUGUST 21

7:00 a.m.-5:00 p.m.

ABI Registration Desk Open

7:30-8:00 a.m.

Networking Breakfast

7:50-8:00 a.m.

Welcome Remarks

8:00-9:30 a.m.

ABI Talks

John W. Lucas, Moderator

Pachulski Stang Ziehl & Jones LLP; San Francisco

*Jurisdictional Battle: Bankruptcy Courts vs. FERC
in Rejection of Power Purchase Agreements*

Theodore E. Tsekerides

Weil, Gotshal & Manges LLP; New York

Ninth Circuit as Alternative to SDNY/Delaware

Tobias S. Keller

Keller Benvenuti Kim LLP; San Francisco

Current State and Near Future of Oil and Gas

Scott M. Pinsonnault

Ankura Consulting Group, LLC; Indian Hills, Colo.

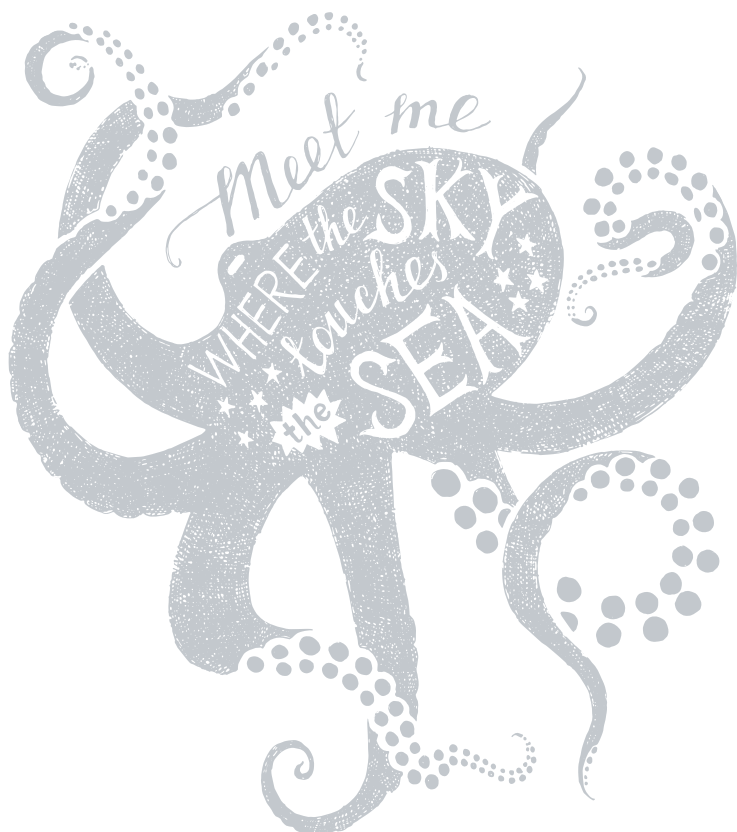
*Analytical Review of Reversal/Affirmance Rates Between
BAPs and District Courts in BAP Circuits*

Donald L. Gaffney

Snell & Wilmer LLP; Phoenix

9:30-9:45 a.m.

Coffee Break





FRIDAY, AUGUST 21 [CONTINUED]

9:45-11:00 a.m.

Concurrent Sessions (3)

Complex Confirmation Issues

This panel will focus on impairment, *TransWest* issues, third-party releases, horizontal gifting related to *Noverra* and more.

Jeffrey Bjork

Latham & Watkins; Los Angeles

Matt Foster

Sonoran Capital Advisors; Mesa, Ariz

Jordan A. Kroop

Perkins Coie LLP; Phoenix

Hon. Margaret M. Mann

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

Consumer: Consumer Cases in the Headlines

Louis M. Bubala III

Kaempfer Crowell; Reno, Nev.

Philip J. Giles

Allen Barnes & Jones, PLC; Phoenix

Jeanette E. McPherson

Schwartz & McPherson Law Firm; Las Vegas

Hon. David T. Thuma

U.S. Bankruptcy Court (D. N.M.); Albuquerque

Chapter 11 Cases in the Headlines

Hon. Martin R. Barash

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

Steven M. Berman

Shumaker, Loop & Kendrick, LLP; Tampa, Fla.

Craig S. Ganz

Ballard Spahr LLP; Phoenix

Lydia R. Webb

Gray Reed & McGraw LLP; Dallas

11:00-11:15 a.m.

Coffee Break

Sponsored by Pachulski Stang Ziehl & Jones LLP

11:15 a.m.-12:30 p.m.

Concurrent Sessions (3)

COVID-19: Infecting Employment Issues in Bankruptcy

This panel will discuss the WARN Act, KERPs and KEIPs, vacation/sick time and the § 507(a)(4) cap, varying state laws on severance claims that are driving the locations of filings, and more.

Dawn M. Cica

Carlyon Cica Chtd.; Las Vegas

Hon. Daniel P. Collins

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

Ira L. Herman

Blank Rome LLP; New York

J.D. Ivy

Alvarez & Marsal; Dallas

Consumer: Intersection of Divorce and Bankruptcy

Hon. Eddward P. Ballinger

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

Cristina Perez Hesano

Perez Law Group, PLLC; Glendale, Ariz.

Shelley D. Krohn

Shelley D. Krohn, Ltd.; Las Vegas

Randy Nussbaum

Sacks Tierney P.A.; Scottsdale, Ariz.

Proactive Planning for Distressed Real Estate Assets

Oren B. Haker

Stoel Rives LLP; Portland, Ore.

Cathy L. Reese

Fennemore Craig, P.C.; Phoenix

Hon. Paul Sala

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

Beth Jo Zeitzer

R.O.I. Properties, LLC; Phoenix

12:30-1:30 p.m.

Networking Luncheon

Luncheon Presentation: Rembrandt van Rijn: Art, Love and Insolvency in the 17th Century

Hon. Scott C. Clarkson

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



PROGRAM

FRIDAY, AUGUST 21 [CONTINUED]

1:30-2:45 p.m.

Concurrent Sessions (3)

First Look at Small Business Reorganization Act Cases

Hon. Hannah L. Blumenstiel

U.S. Bankruptcy Court (N.D. Cal.); San Francisco

Grant L. Cartwright

May, Potenza, Baran & Gillespie, P.C.; Phoenix

James E. Cross

Cross Law Firm P.L.C.; Phoenix

Consumer: Nondischargeability, Discharge Injunction Violations and BofA Sanctions

Scott B. Cohen

Engelman Berger, PC; Phoenix

Hon. Christopher M. Klein

U.S. Bankruptcy Court (E.D. Cal.); Sacramento

Bart K. Larsen

Shea Larsen; Las Vegas

Robert S. Marticello

Smiley I Wang-Ekval, LLP; Costa Mesa, Calif.

Eight COVID-19 Predictions for a Brave New Bankruptcy World: Hits, Misses and the Unforeseen

Sasha M. Gurvitz

KTBS Law LLP; Los Angeles

Hon. Mary Jo Heston

U.S. Bankruptcy Court (W.D. Wash.); Tacoma

Thomas J. Salerno

Stinson LLP; Phoenix

Howard J. Steinberg

Greenberg Traurig, LLP; Los Angeles

2:45-3:30 p.m.

Margarita Reception

4:00 p.m.

Optional Events

Ocean Kayaking

Stand-Up Paddleboarding

SATURDAY, AUGUST 22

7:30-11:00 a.m.

ABI Registration Desk Open

7:30-9:00 a.m.

Networking Breakfast

8:20-8:30 a.m.

Welcome Remarks

8:30-9:45 a.m.

Crossover Ethics Topic: Strategies and Risks of Bankruptcy as a Response to State Court Litigation

Hon. Bruce A. Harwood

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

Cody J. Jess

Moyes Sellers & Hendricks Ltd.; Phoenix

Hon. Eric D. Madden (ret.)

Reid Collins & Tsai LLP; Dallas

Samuel A. Schwartz

Schwartz Law, PLLC; Las Vegas

9:45-10:00 a.m.

Break





SATURDAY, AUGUST 22 [CONTINUED]

10:00-11:00 a.m.

Judicial Round-n-Round

Lindsi M. Weber, Moderator

Polsinelli PC; Phoenix

Hon. Eddward P. Ballinger

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

Hon. Martin R. Barash

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

Hon. Hannah L. Blumenstiel

U.S. Bankruptcy Court (N.D. Cal.); San Francisco

Hon. Scott C. Clarkson

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

Hon. Daniel P. Collins

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

Hon. Bruce A. Harwood

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

Hon. Mary Jo Heston

U.S. Bankruptcy Court (W.D. Wash.); Tacoma

Hon. Christopher M. Klein

U.S. Bankruptcy Court (E.D. Cal.); Sacramento

Hon. Margaret M. Mann

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

Hon. Paul Sala

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

Hon. David T. Thuma

U.S. Bankruptcy Court (D. N.M.); Albuquerque

11:00 a.m.

Adjourn

2020 SOUTHWEST BANKRUPTCY CONFERENCE SPONSORS

PLATINUM

Allen Barnes & Jones, PLC

GOLD

Engelman Berger, PC

Gray Reed & McGraw LLP

KCC

Perkins Coie LLP

SILVER

Moyes Sellers & Hendricks Ltd.

Pachulski Stang Ziehl & Jones LLP

Polsinelli PC

Proskauer

Sherwood Partners, Inc.

BRONZE

Baker Tilly Virchow Krause, LLP

Ballard Spahr LLP

Lewis Roca Rothgerber Christie LLP



2020 SOUTHWEST BANKRUPTCY CONFERENCE INFORMATION

HOTEL RESERVATIONS

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 **\$345 per night**. Reservations must be made with the resort by **July 29, 2020**, 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.*

DIETARY RESTRICTIONS

Breakfast and lunch will be provided, along with refreshments during breaks. We try to provide a variety of well-rounded offerings. However, if you have a specific dietary requirement, please bring it to our attention by calling **703-739-0800** or emailing adonohue@abiworld.org so that it can be accommodated.

CONFERENCE ATTIRE

Attire is casual throughout the conference.

DISCLAIMER

Speakers are subject to change.

ANTI-HARASSMENT POLICY

The American Bankruptcy Institute is dedicated to providing a harassment-free conference experience for everyone, regardless of gender, gender identity and expression, sexual orientation, disability, physical appearance, body size, race, age or religion. We do not tolerate harassment of conference participants in any form. Sexual language and imagery is not appropriate for any conference venue, including talks. Conference participants violating these rules may be sanctioned or expelled from the conference without a refund at the discretion of the conference organizers. Our anti-harassment policy can be found at <https://www.abi.org/about-us/bylaws-and-policies>.

CONTINUING EDUCATION*

This program is eligible for 8 hours of general CLE credit, including **1.25 hours** of ethics/diversity, in states calculating CLE on a 60-minute

hour, and **9.6 hours** of general CLE credit, including **1.5 hours** of ethics/diversity, in 50-minute-hour states. **Credit hours are estimated, are subject to each state's approval and credit-rounding rules 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 **8 hours**, of which **1.25 hours** will apply to ethics. 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 **9.5 credit hours**, of which **8 credit hours** can be applied toward the professional practice requirement and **1.5 credit hours** can be applied toward the ethics professionalism requirement. **9.5 hours** of CPE credit, including **1.5 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.*

FINANCIAL HARDSHIP STATEMENT

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 email to adonohue@abi.org.

CANCELLATION POLICY

All fees will be refunded if notice is received in writing by **July 7, 2020**. All fees, except a **\$75 handling fee**, will be refunded if notice is received in writing by **July 30, 2020**. No refunds will be made if notice is received after July 30, although substitutions will be allowed. After July 30, 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 the same conference next year.

2020 SOUTHWEST BANKRUPTCY CONFERENCE RATES

EARLY (by 7/17/20)

ABI Member	\$645
Join and Save*	\$995
ABI Govt./Nonprofit Member	\$345
New ABI Govt./Nonprofit Member*	\$470

REGULAR (7/18/20-8/7/20)

ABI Member	\$695
Join and Save*	\$1,045
ABI Govt./Nonprofit Member	\$395
New ABI Govt./Nonprofit Member*	\$520

LATE (AFTER 8/7/20)

ABI Member	\$795
Join and Save*	\$1,145
ABI Govt./Nonprofit Member	\$445
New ABI Govt./Nonprofit Member*	\$570

ON-SITE REGISTRATION FEES

ABI Member	\$800
Join and Save*	\$1,150

* Includes a one-year membership for first-time members only — a \$375 value! You must be an ABI member to attend. Membership is individual and nonrefundable. If your ABI membership has expired, select the member rate and add in your ABI membership-renewal fee.

OPTIONAL EVENTS PRICE

Opening Reception	Free
Opening Reception Guest	\$75
Golf Tournament at The Links at Terranea	\$150
Handicap _____	
Guided Biking Tour	\$165
Guided Coastal Hike	\$85
Tequila Tasting	\$85
Ocean Kayaking	\$175
Stand-Up Paddleboarding	\$175
Margarita Reception	Free
Margarita Reception Guest	\$50

OPTIONAL EVENTS

GOLF TOURNAMENT: 9 HOLES AT THE LINKS AT TERRANEA

Thursday, August 20, 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.*

GUIDED BIKING TOUR

Thursday, August 20, 2:30 p.m.

Departing from the resort, this guided ride takes you along the Palos Verdes coastline, showcasing spectacular scenery along the way. The **\$165-per-person** fee includes a two-hour tour with all necessary equipment, including a CPR-certified guide. *Participants must be at least 16 years of age or older. A minimum number of participants is needed for this activity.*

GUIDED COASTAL HIKE

Thursday, August 20, 2:30 p.m.

This guided hike stops at a variety of spectacular viewing points. As you walk along the coastal trails, the naturalist will point out local flora and fauna. You may see a California gnat catcher, a blue butterfly or an Allen's hummingbird, all native to Southern California. The cost per person is \$85.

TEQUILA TASTING

Thursday, August 20, 4:30-5:30 p.m.

Enjoy four samplings and an education on tier-one tequila. The cost per person is \$85. *Participants must be 21 years of age or over.*

OCEAN KAYAKING

Friday, August 21, 4:00 p.m.

Paddle through the stunning kelp beds along the Terranea coastline. This underwater forest is home to California state fish, the Garibaldi, bottlenose dolphins, seals and sea lions, and bat rays. Experience the Catalina Channel's famous underwater reserve on one of our stable sit-on-top tandem kayaks. Highly experienced instructors offer a safe, fun and informative tour, narrating highlights as you paddle. The **\$175 per person fee** includes a two-hour guided tour, water shoes and life vests. *Participants must be at least 8 years old and proficient swimmers. A minimum number of participants is needed for this activity.*

STAND-UP PADDLEBOARDING

Friday, August 21, 4:00 p.m.

Paddleboarding along the Palos Verdes coast is a must! Guided by an experienced instructor, you will test your core strength while paddling through amazing kelp beds, an endless ecosystem often referred to as an underwater rainforest. Learn about the ever-changing ocean landscape. You'll have the best seat in the house! The **\$175-per-person** fee includes 1-1.5-hour guided tour, water shoes and life vests. *Participants must be at least 10 years old and proficient swimmers. A minimum number of participants is needed for this activity.*



AMERICAN
BANKRUPTCY
INSTITUTE