



BANKRUPTCY LAW

Section Newsletter

November 2012 — Volume 11 • No. 3

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JUDICIAL PROFILE: THE HONORABLE

H. CHRISTOPHER MOTT OF THE WESTERN DISTRICT OF TEXAS UNITED STATES BANKRUPTCY COURT

*By: Heidi M. Kemple, M.S., JD/DCL Candidate,
Paul M. Hebert Law Center at Louisiana State University, May 2013, Bankruptcy Extern to
The Honorable Harlin D. "Cooter" Hale, Summer 2012.*



Balance, even-handedness, and a sense of humor: these are attributes Bankruptcy Judge Christopher Mott upholds in his courtroom and his life. The Honorable H. Christopher Mott, appointed on September 20, 2010 as the newest U.S. Bankruptcy Judge for the Western District of Texas, sits in Austin but also holds court in his hometown of El Paso.

Judge Mott began both his academic career and his professional career in El Paso, Texas. He recalls always knowing he would follow in his mother's footsteps in choosing a legal career. "My mother was a legal secretary and I knew as early as high school that I wanted to go to law school. It's just what I always wanted to do." Graduating from Eastwood High School, he travelled to "Harvard on the Plains" and received his B.B.A. with Highest Honors and his J.D. with High Honors from Texas Tech University.

At a time when no specialized bankruptcy courses were offered at Tech, Judge Mott found secured transactions to be his most interesting law school course. He was actively involved in his school's Law Review as a business editor as well as a member of the Moot Court Board and Tech's Winner of the Outstanding Oralist Award.

After law school, Judge Mott returned to El Paso to begin his professional career, where he co-founded the firm that became Gordon, Mott & Davis P.C. As a young lawyer, he quickly began the first of his twenty-seven years of practice in the bankruptcy arena by becoming involved in oil industry cases in

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A MESSAGE FROM YOUR CHAIR

Dear Section Members,

MoneyWise Rocks! One of the priorities for the council this year is to raise the profile of our very own Moneywise program. It is a fabulous program that the entire section should be very proud. We urge you to consider volunteering in some form or fashion.

MoneyWise – High School Program

MoneyWise is a comprehensive financial education program targeted to high school students, provided at no charge to the school or the students. The program is presented by a lawyer from our section, and is 45 minutes to an hour in length – the perfect fit for a class period. MoneyWise includes a Flashpoint® presentation with corresponding handouts, and encourages students to explore real-life scenarios involving budgets, college expenses, and planning for the future. MoneyWise is approved by the Texas Education Agency as satisfying the personal financial literacy requirement for graduation as well.

We need more volunteers across the state. If you're interested in volunteering or learning more about MoneyWise, please contact Lynn Butler, Vice President of Public Education for the Bankruptcy Section. His contact information is:

Statewide MoneyWise Coordinator

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111 Congress Avenue, Suite 1400
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MoneyWise – Adult Program

We are proud to announce that the section is launching a MoneyWise program geared towards adults. This is in the early stages and we definitely need help. If you are interested, please contact our current leader, Jermaine Watson, at:

Roberts & Watson, P.C.
325 N. Saint Paul St., Ste. 200, Dallas 75201
P: 214-999-1335 • F: 214-999-1384
E-mail: jwatson@robertswatsonlaw.com

Let's elevate our MoneyWise program to another level. Look forward to hearing from you.

Sincerely,

Tom A. Howley
President, Bankruptcy Law Section

AS YOU MAKE YOUR CREDIT BID, MUST YOU LIE UPON IT? SUPREME COURT RULES ON SALES THROUGH CRAMDOWN PLANS

By: Travis James Cox, Judicial Extern to the Honorable Harlin D. Hale and second-year law student at the Baylor Sheila & Walter

Umphrey Law Center (Travis_Cox1@baylor.edu)

INTRODUCTION

On April 23, 2012, the United States Supreme Court heard oral arguments for *RadLAX Gateway Hotel, LLC v. Amalgamated Bank* (Docket No. 11-166), 2011 WL 3499633 (Dec. 12, 2011). About a month later, in an opinion Justice Scalia called an “easy case,” a unanimous Court resolved a circuit split on the interpretation of section 1129(b)(2)(A) dealing with cramdown plan procedures and held cramdown plans including the sale of a secured party’s collateral must allow the creditor the right to credit bid its debt. The earlier decisions involved in this case were discussed in the February newsletter, which is available on the Section website at statebaroftexasbankruptcy.com.

SECTION 1129(B)(2)(A)

In general, section 1129 lays out the requirements for a Chapter 11 plan of reorganization to be confirmed by the court. Among those requirements is that the creditors consent to the plan or their rights are unimpaired by the plan. However, section 1129(b) is an exception to the acceptance requirement, allowing a proponent to “cramdown” a plan over the objection of creditors. To be confirmed under 1129(b), a plan must be “fair and equitable” with respect to each class of claims that is impaired and has not accepted the plan. Section 1129(b)(2)(A) specifically grants three methods to satisfy the fair and equitable standard. Under section 1129(b)(2)(A)(i), the plan is fair and equitable if the lien holder retains its liens to the extent of its allowed secured claim, and is paid deferred cash payments totaling the secured claim. Subsection (ii) allows collateral to be sold free and clear, with the creditor’s lien attaching to the proceeds. Under subsection (ii), a creditor is allowed to credit bid at the auction sale (bid his debt as an offset). Subsection (iii), at prime importance in this case, allows a cramdown if the creditor will receive the “indubitable equivalent” of their secured claim. *See* Charles Jordan Tabb, *The Law of Bankruptcy*, 1160 (2nd ed. 2009) (discussing how the term indubitable equivalent came into existence).

THE PLANS

For a detailed recap of the facts of the case, please see the February newsletter article by Victoria Welch titled “As You Make Your Credit Bid, Must You Lie Upon It?”

The case is an appeal from the Seventh Circuit’s consolidated opinion of *River Rd. Hotel Partners, LLC v. Amalgamated Bank* (*In re River Rd. Hotel Partners, LLC*), 651 F.3d 642 (7th Cir. 2011). In the present case, the reorganization plan called for the debtor to sell virtually all business assets through an auction. The lenders objection to the plan related to sale procedures. The procedures called for an initial bid by a stalking horse bidder to be lined up post-petition, but pre-confirmation. *Id.* at 645. The plan did not allow for credit bidding. Amalgamated argued that the plan could not conform with section 1129(b)(2)(A) allowing the sale of encumbered assets without allowing the secured creditor to credit bid. *Id.* The Seventh Circuit found multiple reasonable interpretations of subsections (ii) and (iii), and ruled (in a split with the Third and Fifth Circuits) a plan cannot be confirmed under the indubitable equivalent standard without allowing a secured creditor to credit bid. *Id.* at 651-52.

The Seventh Circuit ruled Section 1129(b)(2)(A) was ambiguous and called for detailed statutory construction analysis. Whereas, the Third and Fifth Circuits did not find any ambiguity. *See In re Philadelphia Newspapers, LLC*, 599 F.3d 298, 304-05 (3rd Cir. 2010); *Bank of New York Trust Co., NA v. Official Unsecured Creditors’ Comm. (In re. Pacific Lumber Co.)*, 584 F.3d 229, 245 (5th Cir. 2009). The Seventh Circuit found allowing an auction sale under subsection (iii) that does not follow subsection (ii) renders subsection (ii) superfluous. *River Rd. Hotel Partners* 651 F.3d at 651-52. The Seventh Circuit also considered the treatment of secured parties at auction sales in other parts of the bankruptcy code. *Id.* at 652.

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San Antonio Bankruptcy Court Limits the Application of 11 U.S.C 362(c)(3)(a)

By: James Evans, JD/D.C.L. Candidate, Paul M. Hebert Law Center, Louisiana State University – May 2013
Bankruptcy Intern for the Honorable Judge Harlin D. Hale – Summer 2012

On June 15, 2012, the United States Bankruptcy Court for the Western District of Texas, San Antonio Division issued an important decision that effectively limited the scope and application of the early termination of the automatic stay under 11 U.S.C. § 362(c) (3)(a). *See, In re Scott Hood*, 473 B.R. 133 (Bankr. W.D. Tex. 2012). The issue before the court was whether under section 362(c)(3)(a), the automatic stay terminates as to the property of the estate, or only as to the property of a debtor. **Judge Leif M. Clark** held that for the repeat filer, early termination of the stay applies only with respect to the debtor individually, to debtor's exempt property that is collateral for debt, and with respect to certain leases, but does not terminate as to property of the estate.

BACKGROUND

Sandra Lee Scott Hood's first bankruptcy proceeding was dismissed on August 19, 2011. Almost two months later, on October 11, 2011, Hood filed a subsequent Chapter 13 proceeding. Hood took no further action in the second filing, such as seeking an extension of the automatic stay. On March 1, 2012, JPMorgan Chase Bank ("Chase"), one of Hood's creditors, filed a Motion for Orders Confirming Termination of Automatic Stay under 11 U.S.C. § 362(j). On March 6th, the court entered an Order Determining Status of Automatic Stay, and confirmed that the stay had terminated with respect to Chase, and further provided that Chase could take all legal action necessary to enforce its rights under non-bankruptcy law. On March 16, 2012 Hood filed a Motion to Reconsider and/or Vacate Order Granting Motion for Orders Confirming Termination of Stay, and for Order Determining that Stay Remains in Effect as to Actions Taken Against Property of the Estate, which was the subject of the court's decision.

THE PLAIN MEANING APPROACH TO 362(C)(3)(A)

In order to determine the scope of the property included in section 362 (c)(3)(a), the court had to ascertain the meaning of the statute. Section 362 (c)(3)(a) states that in the event that a debtor files a case within one year of a previously pending and dismissed case:

- (A) The stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case.

11 U.S.C. § 362(c)(3)(a). The statutory language the court struggled to define was "with respect to the debtor." The court had to determine whether the stay terminated as to only the debtor and his property, or whether it included the property of the estate as well. The court noted that this issue was especially important in the Western District because pursuant to 11 U.S.C. § 1327(b), "our confirmation orders in chapter 13 cases contain standard language to the effect that property of the estate does *not* revert in the debtor upon confirmation." Opinion at 3. Therefore, the court noted, "an early termination of the stay under section 362(c)(3)(a) could be meaningless if the stay does not terminate as to property of the estate." Opinion at 3.

The first step in the court's analysis was to review the majority and minority views regarding this very situation, as there are no decisions from the Fifth Circuit on the issue. The majority view, the court said, was that section 362(c)(3)(a) applies only to the debtor's property, and does not terminate the stay with respect to proceedings against the estate. Opinion at 3. The minority view was that the language of the statute was ambiguous, and in order to determine the intent of Congress, the statute should include both the debtor's property *and* the property of the estate. Opinion at 4.

The option before the court, then, was to analyze the language of the statute or to ascertain the original meaning of Congress. Rather than follow the minority view and determine the original intent of Congress, the court attempted to take a plain meaning approach to the statutory language. It stated, "resort to legislative history is unnecessary when a statute's chosen language is clear." Opinion at 4, citing *Lamie v. United States Trustee*, 540 U.S. 526, 534 (2004). The court further noted that

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2013 ELLIOTT CUP IN HOUSTON, TEXAS

EXPERIENCED BANKRUPTCY LAWYERS SOUGHT AS JUDGES FOR BANKRUPTCY MOOT COURT

The Bankruptcy Law Section of the State Bar of Texas is seeking experienced bankruptcy lawyers to serve as judges for the annual Texas/Fifth Circuit Bankruptcy Moot Court Event for the 2013 Elliott Cup. The event is sponsored by the Bankruptcy Section of the State Bar of Texas, and is named in honor of the late Joseph C. Elliott, U.S. Bankruptcy Judge for the Western District of Texas. The Elliott Cup event includes law schools throughout the entire Fifth Circuit. The Elliott Cup event is designed to serve as a formal practice competition for law school teams that will compete in the National Duberstein Moot Court Competition at St. John's University School of Law in New York City.

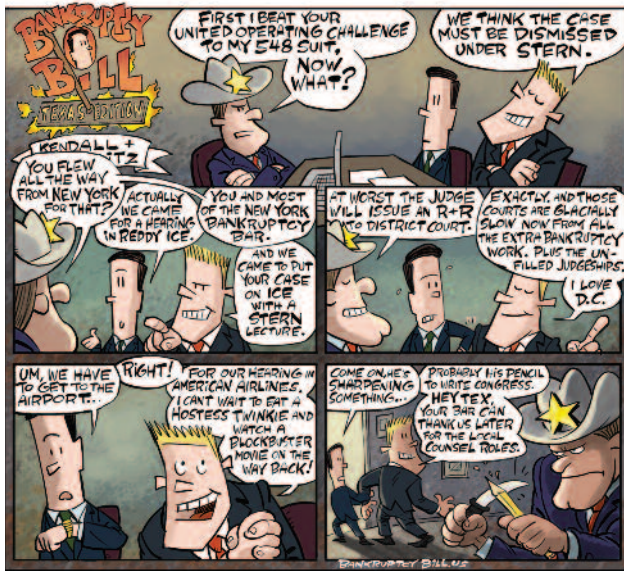
This year, the Elliott Cup will travel to Houston, Texas. The event has continued to expand in stature, such that the event has grown to include over two days of oral arguments with opening rounds held in the afternoon on Friday, February 22, 2013, at the United States Courthouse in Houston, Texas (515 Rusk Avenue, Houston, TX). Lawyers will need to be at the Courthouse by *12:30 p.m.* on Friday, February 22, 2013 to judge the rounds, which should be completed by 4:30 p.m. that day. The second round will occur on Saturday, February 23, 2013, at the United States Courthouse in Houston, Texas (515 Rusk Avenue, Houston, TX). Lawyers will need to be at the United States Courthouse by *8:15 a.m.* on Saturday, February 23, 2013 to judge the rounds, which should be completed by 2 p.m. that day. Scoring for the Elliott Cup event will be based solely on oral argument. Lawyers will be requested to score each competitor and provide constructive input to the teams following each preliminary round. A trophy (the Elliott Cup) will be awarded to the first place team, and awards given to the second place team and best oral advocates.

Participating lawyers are also invited to attend the Team Dinner, where awards will be presented (to be held that Saturday night, February 23) and a Welcoming Cocktail Reception (to be held on Friday night, February 22, from 6:00 p.m. to 8:00 p.m.).

Please consider participating in this event for the benefit of future bankruptcy lawyers in the State of Texas and Fifth Circuit.

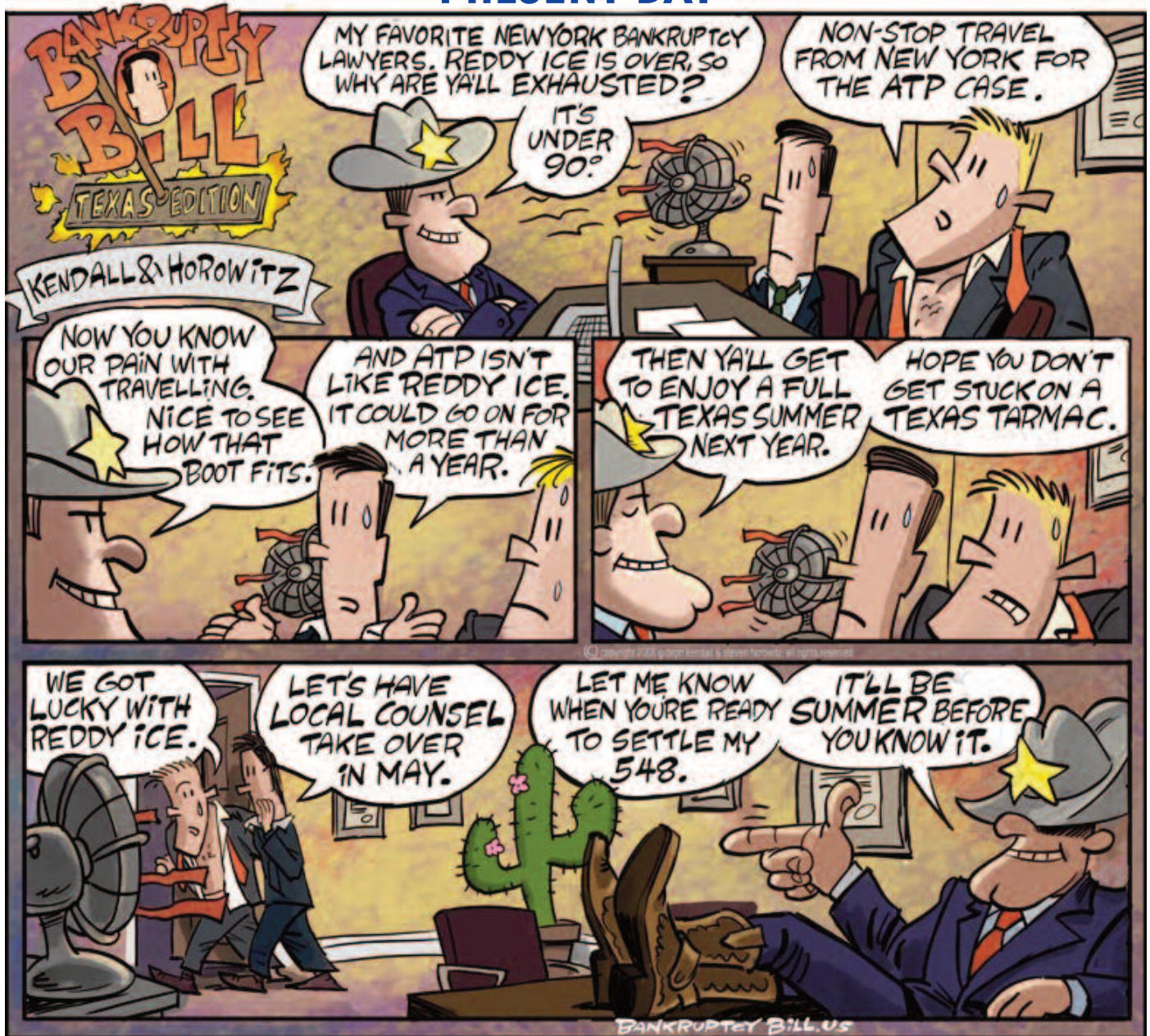
If you are willing to serve as a judge for the 2013 Elliott Cup, please mark your calendar with the date of February 22-23, 2013, and provide your name, phone number, and email address to:

Thomas Rice
Cox Smith Matthews Incorporated
112 E. Pecan St., Ste. 1800
San Antonio, Texas 78205
Tel. 210-554-5511
email: trice@coxsmith.com



BANKRUPTCY BILL "BACK IN MAY"

BANKRUPTCY BILL "PRESENT DAY"



Review of the 30th Annual Advanced Business Bankruptcy Course Houston, Texas – September 13th and 14th, 2012

By: **Trey A. Monsour**, Partner at HaynesBoone (trey.monsour@haynesboone.com)

The State Bar of Texas held its 30th Annual Advanced Business Bankruptcy Course on September 13–14th in Houston, Texas. Course Director (**Trey Monsour**) and Co-Course Director (**John F. Higgins**) led a great program this year with an outstanding faculty of highly-regarded judges and leading practitioners from both in and outside of Texas to bring business bankruptcy practitioners up to date on the latest case law, emerging trends and issues in large, smaller and individual Chapter 11 cases. The Honorable Robert E. Gerber presiding over the General Motors bankruptcy case and The Honorable Leslie Southwick from the Fifth Circuit Court of Appeals were featured speakers. Other programs included a discussion on the impact of the economy on our practice, what general counsel looks for in hiring lawyers, the impact of the internet on our practice, and aspects of small business bankruptcies, among other great programs. Sysco Corporation, The F&M Bank & Trust Company and The Solon Group were represented on the General Counsel Panel. The Course also hosted Keynote Speakers Paul Begala, Political Analyst and Commentator (CNN, Newsweek, and the Daily Beast), and Houston Mayor Annise Parker. Both addressed the economy and their perspectives of the upcoming election.”



The Honorable Richard S. Schmidt, Vice President Professional Education, Bankruptcy Law Section of the State Bar of Texas, Trey Monsour, Course Director, Theresa Mobley, Course Planning Committee Member and Moderator, The Honorable Harlin D. “Cooter” Hale, Immediate Past Chair, Bankruptcy Law Section of the State Bar of Texas.

Southern District of Texas Bench-Bar Bankruptcy Conference Review

By: Justin Audilet, Associate at Maida Laws Firm, P.C. (jaudilet@maidalaw.com)

The Southern District bench-bar bankruptcy conference was held June 21-22, 2012 at the Moody Gardens Hotel in Galveston, Texas. Practitioners from across the district and state joined the Southern District bankruptcy judges for a relaxed and informative one day and a half day conference. **Chief Judge Jeff Bohm** and **Judges Karen Brown, Marvin Isgur, Letitia Paul, Richard Schmidt,** and **David Jones** all attended.



Judges Bohm, Jones, Isgur, Schmidt, Brown, and Paul

The first day of the conference began with an informative and engaging discussion on recent case law decisions with an emphasis on Fifth Circuit and Southern District rulings. Judge Bohm led the panel and supplied well-written synopses of each case presented.

Next, **Judge Schmidt** led a panel discussion on the Texas bankruptcy listserv. The discussion reviewed the purpose of the listserv and the function that it serves. Previous listserv posts were reviewed and ethical implications of postings were discussed. All parties in attendance were reminded that the listserv is an excellent tool when used properly, which is utilized by many practitioners throughout the state.



Andy Black, Tony Davis, Judge Bohm, and Judge Schmidt

Judge Brown led a panel discussion on client interview best practices focusing on initial client interviews. The panel presented hypothetical factual scenarios to the audience and best practices were discussed.

Loren Steffy, columnist at the Houston Chronicle, was the luncheon speaker. Mr. Steffy spoke about current economic issues affecting the Houston community and took questions on various economic and non-economic topics, including airline bankruptcies, utility company de-regulation, and the general state of the economy.

Professor Lois Lupica provided an engaging review of consumer bankruptcy attorney's fees post-BAPCPA. Professor Lupica presented a slide show that conveyed the results of her empirical study on the impact of the BAPCPA reform legislation. The results of this study may be found at http://www.abiworld.org/fee_study/cfsfinalreport_final_dec7.pdf.

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Western District of Texas 2012 Bankruptcy Bench Bar Review

By: Sean Flynn, Associate at Fears Nachawati (sflynn@fnlawfirm.com)

The Bankruptcy Law Section held its biannual 2012 Bankruptcy Bench Bar Conference for the Western District of Texas on June 6th – 8th at the beautiful Barton Creek Resort in Austin, Texas. The conference was well attended by bankruptcy judges, lawyers, and financial professionals. The Bench-Bar Conference offered a two-day, program featuring large group sessions and separate break-out sessions.

The conference kicked off on Wednesday night with a reception dinner, providing a great opportunity for networking and socializing. The following morning participants were treated to a continental breakfast and welcoming remarks by **The Honorable H. Christopher Mott**. In his opening remarks Judge Mott, quoting Justice Anton Scalia, welcomed participants to gain a better understanding of the Bankruptcy code which, as Justice Scalia put it is “an expansive (and sometimes unruly) area of law.”

Thursday Presentations

The Law of the West: An Update on the Case Law in the Western District of Texas

The panel was composed of **The Honorable Leif Clark, Stephen Sather** and **Tom Rice**, and focused on recent published and unpublished opinions coming out of the Western District. The remarks focused on issues of judicial estoppel, the Supreme Court’s decisions in *Schwab v. Reilly* and exemptions.



Ron Hornberger and Liz Cohen

Effective Assistance of Counsel: Addressing Your Client’s Emotional Needs

Liz Cohen and **Ron Hornberger** shared insights on how to deal with the emotional needs of a bankruptcy client. The panel discussed the stages that an individual may go through when facing bankruptcy and the emotional turbulence that it may cause them and their loved ones. The panel also discussed how people deal with crisis and advised on the warning signs for dealing with clients in crisis. The panel concluded by offering suggestions and referrals to provide to clients who develop severe emotional issues as a result of or in connection with filing for bankruptcy.

Technology in the Courtroom Made Easy

The Honorable Russell Nelms from the Northern District gave a humorous presentation on using technology in the courtroom to better present your case. Judge Nelms reviewed the different types of technology already available in the court rooms and stressed the effectiveness of using the technology over the big black binders. Judge Nelms explained how to use such items as the court’s elmo (overhead projector not the character from Sesame Street), PowerPoint, and the court’s large monitors.

These Rules Are Not Made to be Broken

This panel provided an update on the new Western District of Texas Local Rules by members of the Rules Committee: **The Honorable Craig Gargotta, Yvonne Knesek-Foltz, Debbie Langehennig, and Mike Kelly**. Judge Gargotta provided an outline of the revision process for the local rules and explained that the rules were being revised to create more conformity in the district and to more closely follow the national rules. This was followed by an outlining of the revisions of the local rules, and then the panel opened the discussion to the conference attendees. The panel



Mike Kelly, Debbie Langehennig, Yvonne Knesek-Foltz, and Judge Gargotta

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Northern District of Texas Bankruptcy Bench/Bar Conference Review

By: Rachel Kingrey, Associate at Gardere Wynne Sewell, LLP (rkingrey@gardere.com)



Paul Lopez, Laura Schultz, Holly Meister, Rob Colwell, Laurie Babich, and Frances Smith (Law Clerk Panel)



Roger Cox, Angela Degeyter, Judge Houser, and Omar Alaniz (Stern v. Marshall Panel)



Sam Stricklin, Holly O'Neil, Judge Jones, and Martin Sosland (Ch. 11 Claims Retention Panel)

This year marked yet another successful Bankruptcy Bench/Bar Conference in the Northern District. Attorneys from all over the district, including a healthy dose from the way-out-West Texas District, attended the conference held on Friday, June 8, 2012 at Infomart in Dallas, Texas. Up for grabs were 6.25 hours of CLE credit, which seemed too good to be true given the fine speakers and programs on the agenda.

Participants were welcomed by the gracious **Chief Judge Barbara Houser** and immediately treated to a candid and entertaining program entitled, “We’ll Tell You What We Want, What We Really, Really Want” by the talented law clerks, **Laurie Babich, Rob Colwell, Paul Lopez, Holly Meister, Laura Schultz**, and moderated by **Francis Smith**.

Next up, **Judge Hale, Gerald Bracht, William J. Bridge, George Kryder, and Deborah Perry** led a discussion on sticky issues in legal ethics. Of course *Stern* was center stage for part of the day, but not to the disadvantage of other interesting case law developments. **Judge Houser, Roger Cox, Angela Degeyter, and Omar Alaniz** dug into recent Supreme Court decisions and their likely impact on the bankruptcy bar.

Lunch was keynoted by **Harvey Rosenblum** and followed by a choice of breakout sessions. **Judge Jernigan** led a panel discussing “Satisfaction,” which keyed on mortgage issues, plan finality, and notice of final cure, while **Judge Jones’s** team discussed retention of claims in Chapter 11 plans and post-confirmation standing.

Next, attendees were faced with the difficult choice of attending a program addressing Chapter 13 homestead issues and *Reed v. City of Arlington* or enjoying the insights offered by **Judge Lynn, John Penn, Judith Ross, and Sarah Schultz** on bankruptcy planning and valuation.

Finally, the program capped off with the always-popular judges panels. The mood was jovial as all of the judges of the northern district were peppered by questions—big and small—from members of the district.

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Omar J. Alaniz

Sandra Day O'Connor Award for Professional Service

2012 Recipient

*By: Katie Cummiskey, Intern to Honorable Harlin D. Hale,
An undergraduate student in her Senior year at Cornell University
(KMC2870@cornell.edu)*

Omar J. Alaniz is a Senior Associate at Baker Botts L.L.P. in Dallas, Texas where he represents debtors and creditors in all areas of complex Chapter 11 reorganizations and liquidations. Alaniz has been chosen as the 2012 recipient of the “Sandra Day O’Connor Award for Professional Service” presented by the American Inns of Court. The American Inns of Court established the Sandra Day O’Connor Award for Professional Service “honoring an American Inn of Court member in practice ten or fewer years for excellence in public interest or pro bono activities.” Along with honoring an Inn member for exemplary service, the Sandra Day O’Connor Award was also created to honor Justice O’Connor for being the “paragon of professional service throughout her distinguished career while exemplifying excellence, civility, ethics and professionalism.”



Omar J. Alaniz and Michael McConnell

Thus far in Alaniz’s career, he has made a genuine effort to uphold the ideals that encompass the Sandra Day O’Connor Award. Alaniz volunteers at Julius Dorsey Elementary and is highly committed to pro bono service. Alaniz’s passion for pro bono work ties to his “innate belief that professionals blessed with certain skill sets should utilize those skills to help those that are less fortunate.” Alaniz believes it is important to contribute to those who are disadvantaged. His personal connection derives from his small town upbringing in a family who, at times, struggled to make ends meet. The adversity Alaniz went through “inspired him to help others who continue to struggle in their daily lives.” Those who are in need of legal advice, yet cannot afford it are the people Alaniz contends benefit greatly from even just a small bit of assistance. Alaniz understands their plight and therefore considers it his duty to give back to this disadvantaged community.

Aside from his volunteer work and practice at Baker Botts L.L.P., Alaniz spends time as an adjunct faculty member at Southern Methodist University Dedman School of Law where he has taught Creditor’s Rights and the Chapter 11 Course alongside the **Honorable Harlin D. Hale** and **Honorable D. Michael Lynn**. He also currently serves as the coach for the Duberstein Bankruptcy Moot Court Team and functions as a frequent speaker and member of various planning committees for bankruptcy-related continuing legal education programs. Alaniz characterizes his work with teaching and the Moot Court Team as more like hobbies for him and less like “work.” In regard to his teaching and the Sandra Day O’Connor Award, Austin Chapter 13 Trustee Deborah Langehennig highlights, “With his dedication to the Bankruptcy Law Section and other professional activities, Omar Alaniz is an outstanding role model and mentor for young lawyers and law students and the perfect choice for this award. His selection reflects well on the Texas Bankruptcy Bar.” Alaniz enjoys working with the next generation and feels fortunate to be a small part of the students’ journey.

Alaniz also serves as the Vice-President of Membership for the Bankruptcy Section of the State Bar of Texas, Co-Chair of the Diversity Sub-Committee of the Bankruptcy and Insolvency Committee of the Litigation Section of the American Bar Association, and Treasurer for the Bankruptcy Section of the Dallas Bar Association. He is the former President of the DFW Association of Young Bankruptcy Lawyers and a member of the Honorable John C. Ford American Inn of Court.

Alaniz’s membership in the John C. Ford American Inn of Court has proven to be a great asset for him. He has developed relationships with some of the most accomplished practitioners in the DFW area. These relationships have forged mentorships,

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Troop Movement

Aaron Power (formerly of King & Spalding, Houston) joined Porter Hedges, LLP as an associate.

Calendar of Upcoming Events

Nov. 29 – Dec. 1, 2012	ABI 24th Annual Winter Leadership Conference JW Marriott Starr Pass Resort & Spa, Tucson AZ
Dec. 4 – 8, 2012	ABI/St John's University School of Law Mediation Training Symposium New York, NY
Jan. 21, 2013	ABI Western Consumer Bankruptcy Conference Golden Nugget Hotel and Casino, Las Vegas, NV
Jan. 31 – Feb. 1, 2013	State Bar of Texas 28th Annual Advanced Consumer Bankruptcy Course Cityplace Events, Dallas, TX
Feb. 20 – 22, 2013	ABI-VALCON 2013 – Contested Value Issues in Bankruptcy Four Seasons Hotel, Las Vegas, NV
Feb. 22 – 23, 2013	Texas/Fifth Circuit Bankruptcy Moot Court Event for the 2013 Elliott Cup United States Courthouse, Houston, TX 515 Rusk Avenue

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Call for Articles and Announcements

The State Bar of Texas Bankruptcy Law Section is dedicated to providing Texas practitioners, judges, and academics with comprehensive, reliable, and practical coverage of the evolving field of bankruptcy law. We are constantly reviewing articles for upcoming publications. We welcome your submissions for potential publication. In addition, please send us any information regarding upcoming bankruptcy-related meetings or events. We also invite any announcements for our "Troop Movement" section.

If you would like an article or event to be considered for publication please send it by email to **tmillion@munsch.com**, **eric.vanhorn@wickphillips.com**, or **rkingrey@gardere.com**.

Please format your submission in Microsoft Word. Citations should conform to the Blue Book and Texas Rules of Form and the Manual on Usage, Style & Editing.

Please visit our website: <http://www.txbankruptcylawsection.com/>.

Judicial Profile: The Honorable H. Christopher Mott
Continued from page 1.

the Midland/Odessa area. As part of this immersion in bankruptcy, Judge Mott cites the *LJM2* case—where he served as debtor’s counsel—as one of the most interesting. *LJM2* involved a former affiliate of Enron that was simultaneously going through bankruptcy. Judge Mott explains “the dynamic is very interesting when dealing with dueling bankruptcy estates, one in Dallas and one in New York, which made for complicated transactions where one of our major creditors was also a debtor.” Challenges similar to the complexities found in *LJM2* sparked Judge Mott’s desire for more challenges in his professional career. Becoming a bankruptcy judge seemed to be the natural progression for Judge Mott who, by this point, was comfortable and familiar with bankruptcy law. Judge Mott explained “I was looking for a new challenge... [i]t seemed like a good and interesting way to finish my career.” See *Interview with the Honorable H. Christopher Mott, ABA Business Bankruptcy Litigation Subcommittee, July 14, 2011.*

During his years in private practice Judge Mott received honors from and participated actively in the Texas bankruptcy community. He served a term as Chair of the State Bar of Texas Bankruptcy Section, was Board Certified in Business Bankruptcy Law by the Texas Board of Legal Specialization, and is a former Commissioner of the Texas Bankruptcy Certification Exam Commission. In addition, Judge Mott was named a Fellow of the American College of Bankruptcy. His leadership experiences and service in both the workplace and the community would all help him with his newest challenge in bankruptcy law: a judicial appointment.

Judge Mott began his term in Austin, Texas with great mentors. **Judge Leif Clark** of the Western District, **Judge Barbara J. Houser** of the Northern District and **Judge Richard Schmidt** of the Southern District, provided Judge Mott the guidance he needed to be an immediate success on the bench. The Honorable Barbara Houser recalled her initial impressions of Judge Mott, “I thought Chris was a smart, thoughtful, and diligent lawyer when I first met him and I still think all of those things about him. I think the same three words continue to describe him as a judge: smart, thoughtful, and diligent.” Judge Mott’s reputation speaks for itself, however he credits the excellence of the Federal Judicial Training Programs available for new judges for helping to prepare him. “Being evenhanded, patient, and needing to have your ‘A’ game every day are necessary traits for a judge. You need to have mental sharpness daily to handle this very challenging job.” And challenging his job is. With over 6,000 cases to handle, Judge Mott acknowledges that one of the biggest challenges of being a judge (and biggest differences from being a lawyer) is the caseload. He explains, “as a lawyer you get to pick your cases and your clients, but as a judge you must take everything that comes through the door.”

With so many cases coming through his doors, Judge Mott balances his time and is able to nurture his personal life in very fulfilling ways. He manages to work out every morning and still finds time for social running, riding his mountain bike, swimming, and an occasional round of golf. Like any good Texan, Judge Mott has a soft spot for college football. As a Tech Alum and also having previously worked with the Sun Bowl, Judge Mott specifically follows Texas Tech and TCU’s teams closely during football season. Occasionally, when his time permits, Judge Mott enjoys vacations with his supportive family to their small ranch in British Columbia.

Back in the courtroom, whether in Austin or El Paso, Judge Mott maintains order by being himself: “[I’m] a plain, straight-speaking person,” he says. He holds court with patience and a continually developing philosophy of bankruptcy law. See *Interview with the Honorable H. Christopher Mott, ABA Business Bankruptcy Litigation Subcommittee, July 14, 2011.* He spends many hours of his time preparing for hearings by honoring in on the issues he believes will be contested and those that won’t. “Trying to pick and choose what you need to be prepared for is kind of an art, and it’s a challenge for younger judges like myself...” Although it is impossible to prepare for everything on the docket, Judge Mott has found that the more time he spends on the bench, the more comfortable and accurate he becomes with his predictions on which issue will be contested.

Judge Mott advises young lawyers to always be prepared to communicate as an advocate of one’s client in the court. He pays attention to the little touches of preparation such as having enough copies of exhibits for everyone in the courtroom and articulating when speaking as opposed to mumbling or rushing. But above all, he stresses that young lawyers, like all lawyers, must maintain credibility with the court. Credibility with the court and his colleagues is something that Judge Mott has earned in his twenty-seven years spent in private practice and maintains as he completes his second year on the bench. Coming from one who knows Judge Mott personally and professionally, Judge Houser expressed, “Chris has an inherent sense of fairness; combine that with his intellect, his thoughtfulness, and his willingness to work hard – and you have the makings of a wonderful judge...” This is precisely why we have, and will continue, to see great things from Judge Mott.

As You Make Your Credit Bid, Must You Lie Upon It? Supreme Court Rules on Sales Through Cramdown Plans
Continued from page 3.

ORAL ARGUMENTS

The court heard oral arguments from RadLAX Gateway Hotel, Amalgamated Bank, and the United States. RadLAX argued the plain language of 1129(b)(2)(A)(ii) allowed the debtor to sell a property without allowing credit bidding if the secured creditor received the indubitable equivalent. RadLAX repeated the Fifth and Third Circuit's opinion that the disjunctive "or" made the statute have only one reasonable interpretation, preventing the need for statutory construction. Transcript of Oral Argument at 4, *RadLAX Gateway Hotel, LLC v. Amalgamated Bank*, (No. 11-166) (2012). RadLAX framed its view of section 1129(b)(2)(A) that subsection (i) and (ii) were safe harbors, and always fulfilled the subsection (iii) indubitable equivalent requirement. *Id.* RadLAX argued that the indubitable equivalent will be determined at the time of plan confirmation after the sale has been conducted, although not yet approved by the court. *Id.* RadLAX proposed a multi-step process, requiring the court approve the bidding procedures, a sale then being conducted, then confirmation of the plan by the court. *Id.* at 5. RadLAX was concerned that allowing credit bidding would prevent other potential bidders from coming to the auction. *Id.*

Amalgamated claimed the only thing that allowing the subsection (iii) auction procedure accomplishes practically is to cause everyone to place their cards on the table. This is because the secured party can (and will) argue to the bankruptcy court that the winning bid at the auction was not the indubitable equivalent of its claim and that therefore the auction must be reheld. *Id.* at 42. Ultimately, Amalgamated argued the specific/general canon of construction dictated subsection (ii) trumps subsection (iii).

The United States appeared as an amicus for Amalgamated Bank. The United States was primarily concerned that not allowing credit bidding would place the United States in a position of being unable to enforce its secured party rights because the Antideficiency Act prevents the United States from cash bidding. *Id.* at 47. The United States repeatedly argued to the Court the significance that a secured party has already put forth consideration, and that allowing a debtor to use the general clause of subsection (iii) strips the protections Congress enacted for secured creditors in subsections (i) and (ii). *Id.* at 50.

In RadLAX's rebuttal argument, Justice Sotomayor questioned RadLAX on the benefit of upsetting established norms that creditors expect during bankruptcy, *i.e.*, to be allowed to credit bid at a public sale auction. *Id.* at 56. RadLAX responded by arguing that such sales were generally held pursuant to a 363(k) sale, not a plan of reorganization, and used *Pacific Lumber* as an example of how a business can be reconstructed with a broader use of subsection (iii). *Id.* at 56-57.

THE OPINION

Justice Scalia wrote the unanimous opinion. The Court found RadLAX's reading of section 1129(b)(2)(A) "hyperliteral and contrary to common sense." *RadLAX Gateway Hotel, LLC v. Amalgamated Bank*, 132 S.Ct. 2065 at 2070 (2012). The Court agreed with Amalgamated that section 1129(b)(2)(A)(ii) was a specific clause governing the more general subsection (iii). *Id.* The Court rejected RadLAX's perceived argument that subsection (i) and (ii) were safe harbors, always affording a creditor the indubitable equivalent. *Id.* at 2071. Justice Scalia was not compelled by any of the arguments relating to the generalized setup of the Bankruptcy Code, stating the pros and cons of credit bidding were the purview of Congress, not the courts. *Id.* at 2073.

IMPACT

As a freshly minted Supreme Court interpretation of a Bankruptcy Code provision, the impact of the opinion on Chapter 11 practice will be significant. Certainly, the case reverses the Fifth Circuit in this area, which had previously approved cramdown plans absent a creditors right to credit bid. *See See In re Pacific Lumber Co.*, 584 F.3d 229, 252 (5th Cir. 2009), *rev'd in part*, *RadLAX Gateway Hotel*, 132 S.Ct. at 2070.

San Antonio Bankruptcy Court Limits Application of 11 U.S.C 362(c)(3)(a)
Continued from page 4.

in this case, “a plain meaning approach to the statute is difficult, though not impossible.” Opinion at 4.

THE SCOPE OF PROPERTY INCLUDED UNDER 362(C)(3)(A)

The crux of the court’s analysis revolved around the following pieces of statutory language: “debt,” “property securing such debt” and “respect to any lease.” Namely, how these terms are limited by the language of the statute. The first step the court took in this analysis is to define these three categories. The court came up with the following definitions: First, as “debt” is defined in the Code as “liability on a claim,” and claim is defined as “any right to payment,” the court stated that “one aspect of the stay to be terminated would be any aspect that otherwise bars taking action on a debt.” Opinion at 5. Secondly, the court defined “property securing such debt” as any property that stands as collateral for debt. The court stated, “[i]t does not include unencumbered estate property. Nor does it include unencumbered property that is the debtor’s property.” Opinion at 5. Lastly, the court glazed over “respect to any lease,” and stated “actions taken with respect to ‘any lease’ are less relevant to this case, but certainly include all the normal remedies associated with enforcing a lease, including eviction.” Opinion at 6.

Once the court carved out these categories, it then discussed the limitations that section 362(c)(3)(a) placed upon the categories. The first limitation, the court said, is the most simple: time. Termination occurs on the thirtieth (30th) day after the filing of a second (2nd) case within a year of the dismissal of the first (1st) case. The second limitation discussed by the court is “with respect to the debtor.” The court applied that language and further narrowed the aforementioned categories. As to “debt,” the court noted that “any creditor could pursue the debtor (but not the estate) to collect its debt.” Opinion at 6. As to “property securing such debt,” the court reiterated that only collateral for a debt could be pursued by a creditor, and by adding the phrase “with respect to the debtor,” noted that collateral under the control of the trustee could not be pursued. Finally, as to leases, the court quickly noted that a car lease or an apartment lease would “seem to be logical candidates for this subset,” but declined to comment further, stating “how much more broadly this might reach is not clear, and lies beyond the scope of this opinion.” Opinion at 6-7.

THE COURT DISAPPOINTS THE LOBBYISTS

One noteworthy finding the court made regarded “property securing a debt.” The court stated “only property claimed as exempt that also secures a debt could be pursued, and then only as of the time the property *becomes* exempt and so *leaves* the bankruptcy estate. . . usually this category does not exist as of the thirtieth (30th) day after filing.” Opinion at 6. In the eyes of the court, this created a unique situation as the exemption of property occurs at least fifty days after the filing of the bankruptcy petition. This would mean that although the stay terminates after thirty days, a secured creditor cannot touch exempt property until after fifty (50) days, as the property has not yet become exempt and left the estate. The court recognized this disconnect, and noted that such a reading would be in contradiction of the hopes and intent of lobbyists who pushed for the passage of the legislation. However, the court also stated that “the fact that the scope of relief is less robust than the creditors who lobbied for this legislation might have hoped for, however, is no reason to conclude that the statute is ‘truly absurd’.” Opinion at 7. The court goes on, stating “[s]o it often is with statutes. They fail to deliver on the expectations of those who zealously worked for their passage.” Opinion at 8.

CONCLUSION

The court’s decision limited the scope and meaning of early termination of the stay under 362(c)(3)(a), at least in the Western District of Texas. First, property of the estate is not eligible to be pursued under the section. Second, pursuant to 11 U.S.C . § 1327(B), no property of the estate is revested in the debtor upon confirmation. The only property in the estate that creditors can pursue will be property exempted, and even then the creditors cannot go after the property until the property is exempted, some fifty (50) days after the filing of the case. Judge Clark’s thoughtful analysis and discussion of cases from across the country will likely result in other courts adopting his decision and could have an impact nationwide.

Southern District of Texas Bench-Bar Bankruptcy Conference Review
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Next, **Judge Isgur** led the panel discussing bankruptcy procedural rule changes and updates. A slide show was presented on future changes to the Federal Rules of Bankruptcy Procedure and recent changes to the local bankruptcy rules. **Judge Isgur** delved into specific local rules and discussed how they might affect local practice.

Judge Schmidt led a panel about credit bidding in Chapter 11 cases. A thorough review of relevant case law and statutory law relating to credit bidding was presented and discussed.

The second day of the conference began with **Judge David Jones** and **Judge Schmidt** taking on the topic of respecting judicial authority. The focus of the conversation centered on *Stern v. Marshall* and how it applies to bankruptcy practitioners in the Southern District.

Judge Elrod next led a panel discussion on appellate best practices. She provided statistics on the Fifth Circuit's bankruptcy caseload and the Fifth Circuit's view of bankruptcy cases. Judge Elrod provided advice on briefing best practices and stressed the importance of explaining bankruptcy concepts in appellate briefs.

Finally, all bankruptcy judges participated in the final panel. The Discussion centered on issues affecting national and local rules affecting mortgage proof of claims related to mortgages, use of appearance attorneys in court, and various local rules.

Overall, the conference panels facilitated an open dialogue between judges and practitioners on bankruptcy issues in the Southern District. The conference was relaxed, professional, and informative. A certain success!



*David Furlow and
US Court of Appeals Judge Jennifer Elrod*



Demetra Liggins, Majorie Britt, Janet Northrup, Judge Brown, Melissa Valdez, and Tim Webb

*Western District of Texas 2012 Bankruptcy Bench Bar Review
Continued from page 9.*

also gave conference attendees a first glimpse at the revisions being made to the local rules and provided a forum for discussion on the proposed changes being made to the local rules.

How to Get Your Opponent's Facebook Page into Evidence and Other 21st Century Evidentiary Issues

Professor Steven Goode and **Sabrina Streusand** focused on how to prove up social media, email, and get websites into evidence. The presentation provided insights into the rules of evidence and case law demonstrating how social media and other modern sources of information have been brought into evidence. The presenters provided examples of identifying information embedded in emails and websites that provide a digital stamp of the date and time that the information was created and discussed how this information can be used to authenticate these electronic data sources.



Nancy Ratchford and Stephen Callendar



Sam Chang, Judy Robbins, Steve Lemmon, and Henry Hobbs

Crossing the Line: Criminals and Bankruptcy

Special Agent **Stephen Callendar** of the FBI and Nancy Ratchford, Assistant U.S. Trustee, San Antonio presented on bankruptcy crimes and how the FBI, U.S. Trustee, and U.S. Attorney's offices police and prosecute fraud and other bankruptcy crimes. The presentation focused on the red flags in detecting white collar crime, discussing the various types of fraud that are commonly found in a bankruptcy case such as foreclosure fraud, concealing assets, and ponzi schemes. The presentation concluded with a discussion of how the criminal referral process works.

The U.S. Trustee and You: Keeping Your Retainers and Getting Your Fees

The panel composed of **Steve Lemmon**, **Judy Robbins**, U.S. Trustee for the Western and Southern Districts of Texas and Henry Hobbs, Acting U.S. Trustee for Louisiana and Mississippi and Assistant U.S. Trustee in Austin started out with a look at the average Chapter 11 attorney fees in Austin, Texas. This was followed by a discussion on why fees have not increased in the last few years. Further discussion and debate came from the audience over fee applications and court approval of attorney's fees in small Chapter 11 cases.

Business Breakout: Between the Lines: Understanding Monthly Operating Reports

Jim Mullin, bankruptcy analyst for the U.S. Trustee's office in San Antonio, discussed in detail, monthly operating reports. Focusing on small business cases, he walked through the ways to properly document the finances of a business debtor. A good deal of emphasis was placed on understanding accounting practices and the manners in which they are analyzed.

Business Breakout: Bankruptcy by the Numbers: the Intersection Between Law and Finance

Steve Roberts moderated a conversation with **Dan Bensimon** and **Bill Patterson**. Drawing on their expertise as financial consultants, the panelists discussed the tell-tale signs that may show up in financial statements, which indicates issues that can affect parties' legal rights. They focused heavily on management characteristics that will draw stricter scrutiny from trustees, the importance of gauging cash flow (especially during times of slack markets), and the significance of EBITDA (Earnings Before Interest, Taxes, Depreciation and Amortization). They also noted the prevalence of debtors waiting too long to file bankruptcy and the resulting loss of plan flexibility.

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Business Breakout: Slumlords and Deadbeats: Issues in Landlord/Tenant Bankruptcy Law

Meghan Bishop and **Debra Innocenti** broke down what happens when a commercial tenant files bankruptcy. They began by presenting and analyzing the different approaches to measuring the status of a landlord's claim, the date of rejection of the lease, and caps on rejection damages. They concluded by briefly covering the Texas Assignment of Rents Act (TARA) and the affect that assumption of a lease contract has on what would otherwise be a preferential transfer.

Consumer Breakout: Chapter 13 Trustee Panel

The Chapter 13 Trustee panel was moderated by **Stuart Cox**, El Paso Chapter 13 Trustee, and was composed of **Layla Milligan**, Staff Attorney for **Deborah Langehennig**, Austin Chapter 13 Trustee, and **Julie Parsons**, Staff Attorney for **Ray Hendren**, Waco Chapter 13 Trustee. The panel discussed the different ways that tax refunds are handled between the divisions in the Western District, prompting discussion on how best to deal with below median debtors and their tax refunds. The panel then shifted its discussion to dealing with preferences and fraudulent transfers, highlighting issues that typically arise in Chapter 13 cases.

Consumer Breakout: Chapter 13 Client Intake: How to Prepare your Client and your Case for Chapter 13

The panel composed of **Karla Martinez** (El Paso), **Miguel Flores** (El Paso), and **Liz Hickson** (Austin) provided personal stories and examples of ways to help prepare a client for the Chapter 13 bankruptcy process. The panel started with their initial consultation practices and continued with explaining what happens at a 341 meeting. Finally, the group discussed how to communicate with your client through at the Chapter 13 process.



*Miguel Flores, Karla Martinez, and
Liz Hickson*

Friday Morning Jog with the Judges

Early Friday morning the Judges held a "just for fun" run. Participants met early in the morning and enjoyed a casual run with all of the Bankruptcy Judges around the resort.

Friday Presentations

Stern v. Marshall: Where are We Now

Jay Ong, **Brian Cumings**, and **Zachary Popovich** provided an analysis of the Supreme Court's ruling in *Stern v. Marshall* and an update on subsequent cases, which have interpreted the power of the bankruptcy court post *Stern v. Marshall*. The panel presented two distinct interpretations of the Court's holding. The first was a narrow interpretation limiting the holding to the ruling on the court's power to adjudicate counterclaims. The second was a broader interpretation discussing what, if any, statutorily codified "core" proceedings and traditional bankruptcy claims may run afoul of the constitutional restrictions and limitations controlling the Supreme Court's decision.

Let's Get Along: The Chapter 7 Trustee Panel

The panel was made up of the Western District of Texas Chapter 7 Trustees: **Johnny Thomas** (San Antonio), **Marshall Miller** (El Paso), **James Studensky**



Marshall Miller, James Studensky, Ron Satija, and Johnny Thomas



Jay Ong, Zachary Popovich, and Brian Cummings

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(Waco) and **Ron Satija** (Austin), and was moderated by **Erin Shank**. At the start of the conference participants were invited to provide questions for the panel and the moderator chose a few to put before the Trustees. The panel started off by discussing the possibility of allowing the Chapter 7 Trustees to group and schedule their own Chapter 7 dockets. Then the panel discussed the various ways that they receive and handle the documents transmitted in a Chapter 7 case. There was also a discussion of when the 5th Amendment can be invoked during a 341 meeting. The panel wrapped up with a discussion of *Schwab v. Reilly* and the practice of claiming 100% of fair market value on schedules.



Judges Monroe, Mott, King, Gargotta, Kelly, and Clark

Parallax Views: The Judges Panel

The Judges panel was made up of the current sitting Bankruptcy Judges in the Western District of Texas and the moderator was the **Honorable Larry E. Kelly**. The panel questions focused on the individual policies and rules for each of the judges in the different divisions. The judges discussed their rules for having telephonic hearings, and took suggestions from the audience on how they could improve these rules. The panel also discussed different tools for turning in exhibits to the courts and the use of a dropbox to provide exhibits was discussed at length. Debates about dealing with attorney fees and income tax refunds in a chapter 13 resumed with each of the judges weighing in on the subject.

*Northern District of Texas Bankruptcy Bench/Bar Conference Review
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Many thanks to the event organizers: **Kadra Alexander, Angela Allen, Mark Andrews, Byrnie Bass, Troy Blackwell, Liz Boydston, Jeff Carruth, Eli Columbus, Vickie Driver, Autumn Highsmith, Areya Holder, Gwendolyn Hunt, Aaron Kaufman, David Langston, John Leonard, Matt Maben, Kevin McCoulough, Jason Miller, Mark Petrocchi, Tonya Ramsey, Ian Roberts, Hank Rugeley, Erin Schmidt, and Martin Thomas** for yet another successful event.



Judge Hale, George Kryder, Gerald Bracht, William J. Bridge, and Deborah Perry (Hot Topics in Ethics Pane)



Judge Jernigan, Judge Hale, Judge Lynn, Judge Jones, Judge Houser, and Judge Nelms (Judges Panel)



Judge Lynn, Sarah Schultz, Judith Ross, and John Penn (Bankruptcy Planning and Valuation Panel)

*Omar J. Alaniz Sandra Day O'Connor Award for Professional Service 2012 Recipient
Continued from page 11.*

provided guidance, and helped him further acclimate to practicing in the bankruptcy field. Alaniz notes, "One of the great things about the American Inns of Court is that it fosters interactions between the younger and more experienced lawyers." Alaniz is committed to all the projects he has involved himself in and carefully manages his time so that he is able to complete all tasks. While there are other wonderful organizations doing great work for the bar and community, Alaniz realizes there are some things he simply cannot fit into his schedule. He remains quite busy with his career, teaching and board positions, and taking care of his family.

Along with the Sandra Day O'Connor award, Alaniz has also recently been presented with numerous other honorable recognitions such as: "National Outstanding Young Lawyer" by the American Bar Association, "Outstanding Young Lawyer of Texas" by the Texas Young Lawyers Association, the "Outstanding Young Lawyer of Dallas" by the Dallas Association of Young Lawyers, as well as the "Outstanding Young Bankruptcy Lawyer of Texas" by the Bankruptcy Law Section of the State Bar of Texas. Alaniz asserts that "others are equally deserving of these recognitions," but he humbly accepts these titles which further motivate him to continue his hard work.

Alaniz accredits much of his success to his relationships with three people: Judge Harlin D. Hale, Judge D. Michael Lynn, and Chapter 13 Trustee Deborah Langehennig. Alaniz is extremely grateful to these influential people for rendering his involvement with amazing and unique projects and activities. Alaniz also emphasizes that, "These three have done tremendous things for our bar and community, and they serve as important role models to [him]." When asked about future ambitions for involvement with the bar, Alaniz mentioned that after more learning and experience he aspires to chair the Bankruptcy Law Section of the State Bar of Texas. He strongly believes "our Texas bankruptcy bar is one of the most talented in the nation. It would be an honor to be of service to this fine group of practitioners who not only excel in their profession, but also care about giving back to the bar and community."

Alaniz will be presented with the Sandra Day O'Connor Award at the Supreme Court of the United States on October 20, 2012 at the American Inns of Court Celebration of Excellence hosted by Chief Justice John G. Roberts, Jr.



Judge Hale and Omar Alaniz



Judge Hale, Omar Alaniz, and Michael McConnell