

Allegheny County Bar Association

Raising the Bar on Legal and Community Service



Friday,
December 5, 2014

Westin Convention
Center Hotel
1000 Penn Ave.
Pittsburgh, PA 15222

Registration: 7:45 a.m.

Program*: 8:15 a.m. - 5:00 p.m.

Assessment: \$250 per person
(\$300 after Nov. 28
or walk-in)

*This program has been approved
for 6 hours of CLE credit
(both Substantive CLE credit and
Ethics CLE credit are available).*

**Lunch will be provided.*

**Holiday Party will be held
immediately following program.*

Allegheny County
Bar Association

*Raising the Bar
on Legal and Community Service*

The Allegheny County Bar Association
Bankruptcy and Commercial Law Section presents...



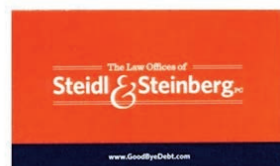
27th Annual

BANKRUPTCY SYMPOSIUM

**All course materials for the Bankruptcy Symposium will be distributed
to registrants electronically, approximately 10 days prior to the program.
Registrants can download any materials they may wish to bring with them.*

Jill Locnikar Bradley, Esq., *Section Chair*
Jana S. Pail, Esq., *Symposium Chair*

Thank You to Our Lead Sponsors:



METZ
LEWIS
BRODMAN
MUST
O'KEEFE
ATTORNEYS AT LAW

**Strassburger McKenna
Gutnick & Gefsky**
ATTORNEYS AT LAW

**CLICK HERE TO REGISTER
ONLINE AT WWW.ACBA.ORG!**

Morning Plenary Sessions:

“Fresh Ethics: Recent Amendments to the PA Rules of Professional Conduct”

Bankruptcy law and its practice is loaded with the benefit and burdens of modern technology. The ethics of practice in bankruptcy is frequently regulated by the state supreme courts in the jurisdiction where the bankruptcy court sits. So it is in the Western District of Pennsylvania.

In the Winter of 2013, the Pennsylvania Supreme Court revised the Rules of Professional Conduct. This seminar will explore the impact of these new sets of rules on lawyer practice. The Rules of Professional Conduct now have fresh emphasis on concerns occasioned by technology and out-sourcing. The question may be whether the Supreme Court can ever catch up to modern ethical life or, in our case, the real practice of bankruptcy.

Speaker: Mark D. Yochum, *Professor Duquesne University School of Law*

“The Honorable Roundtable”

During this session, the Judges will address an array of topics and issues, giving their court’s perspectives on matters affecting legal practice and procedures for both the consumer and commercial bankruptcy bar.

Speakers: Honorable Joy Flowers Conti, *Chief Judge - United States District Court - Western District of Pennsylvania*; Honorable Jeffery A. Deller, *Chief Judge - United States Bankruptcy Court - Western District of Pennsylvania*; Honorable Keith M. Lundin, *Chief Judge - United States District Court - Middle District of Tennessee*; Honorable Robert N. Opel, II, *United States Bankruptcy Court - Middle District of Pennsylvania*; Honorable Kay Woods, *United States Bankruptcy Court - Northern District of Ohio*; Honorable Richard E. Fehling, *United States Bankruptcy Court - Eastern District of Pennsylvania*

Moderator: John O’Keefe, Esq., *Metz Lewis Brodman Must O’Keefe LLC*

“The Wall Street Collapse, Regulation and State of Commercial Lending – The Interplay with Bankruptcy Filings”

Marin will speak about the financial collapse and its causes, why it occurred so suddenly, the warning signs, and his views on whether Wall Street needs more, or less, regulation. Particularly relevant to local practitioners, he will address his predictions as to the short term and medium term futures of commercial and consumer lending, and how lending standards affect bankruptcy filings. Marin will address the pension crisis and predict how that crisis might affect Chapter 9 municipal filings. Finally, Marin will discuss his latest project: enhancing the New York City skyline with the world’s largest observation wheel.

Speaker: Richard Marin, CEO, *New York Wheel*

Afternoon Breakout Sessions:

“Business Development – Bankruptcy Filings in the Energy Sector”

This presentation will cover a number of energy industry and related litigation issues including: an overview of the energy industry and industry trends; litigation trends against energy companies such as actions by environmental advocacy groups and requests to lift the automatic stay, successor liability, fracking litigation – Is fracking the new asbestos? Also addressed: new bankruptcy preferential transfer theories against coal suppliers and critical vendors; and oil and gas issues in bankruptcy, including the applicability of Section 365 to oil and gas leases and the effect of rejection if it is permitted.

Speakers: Joshua P. Fershee, *Professor of Law & Director, LL.M.: Energy and Sustainable Development, West Virginia University College of Law, Center for Energy and Sustainable Development*; Robert P. Simons, Esq., *Reed Smith LLP*; Kirk B. Burkley, Esq., *Bernstein-Burkley, P.C.*

Moderator: Nicholas R. Pagliari, Esq., *MacDonald Illig Jones & Britton LLP*

“Managing the High-Profile Case – Part 1: Ethical Concerns in Communicating with the Media”

This panel will discuss Pennsylvania Rule of Professional Conduct 3.6 which addresses Trial Publicity. Panelists will discuss their experiences and also provide feedback on video clips of hypothetical ethical issues concerning the media and high profile cases.

Speakers: Mark D. Yochum, *Professor Duquesne University School of Law*; Honorable Samuel L. Bufford, *Distinguished Scholar in Residence, Dickenson School of Law, former United States Bankruptcy Judge for the Central District of California*; Douglas A. Campbell, Esq., *Campbell & Levine, LLC*; David Z. Valencik, Esq., *Calaiaro Valencik*; Edgardo (Ed) D. Santillan, Esq., *Santillan Law Firm, P.C.*

Moderator: Luke A. Sizemore, Esq., *Reed Smith LLP*

“Chapter 13 Case Law Update: A Decade Review of BAPCPA – Part 1”

As the Bankruptcy Abuse Prevention and Consumer Protection Act approaches a decade of implementation, Judge Keith Lundin and Trustee Hildebrand will present a lively and entertaining review of Chapter 13 case law development. This case law review is valuable to practitioners representing both creditors and debtors. Part one will address eligibility, debt limits, powers and duties of debtor, property of the estate, exemptions, avoidance powers, powers and duties of trustees, representing creditors and asserting rights before confirmation, the automatic stay, and the co-debtor stay.

Recent Developments case law books will be provided. There are no materials to download for any of the Chapter 13 Case Law sessions.

Speakers: Hon. Keith Lundin, *U.S. Bankruptcy District Court for the Middle District of Tennessee*; Henry E. Hildebrand III, Esq., *Chapter 13 Trustee, Middle District of Tennessee, Chapter 12 Trustee, Middle District of Tennessee, Lassiter, Tidwell, Davis, Keller and Hogan, PLLC*

Cont. More Afternoon Breakout Sessions & Registration Information...

“CROs, Receiverships and Turnarounds: The Business Perspective”

This panel of experienced turnaround professionals will discuss the business issues and considerations arising in insolvencies from the perspective of the CRO, receiver and turnaround consultant. The panelists have all served in those roles as receivers, trustees, chief restructuring officers and turnaround consultants.

Speakers: Margaret Good, CTP, *The Meridian Group*; Robert D. Katz, CPA, CTP, *Executive Sounding Board Associates Inc.*; Jack Teitz, CPA, *Compass Advisory Partners, LLC*

Moderator: William C. Price, Esq., *Clark Hill PLC*

“Managing the High-Profile Case – Part 2: How to Communicate with the Media”

This panel will focus on practical tips for communicating with the media in high profile cases, and how to avoid common pitfalls.

Speakers: Mark Belko, *Print Reporter, Pittsburgh Post-Gazette*; Sheila Hyland, Principal, *FosterHyland, a Crisis Communications and Media Relations Firm*; James A. Kridel, Jr., Esq., *Kridel Law Group, Counsel to a Real Housewife of New Jersey television personality*; Joey Vallarian, President and CEO, *Communication and Crisis*

Moderator: Hon. Gregory L. Taddonio, *U.S. Bankruptcy Court for the Western District of Pennsylvania*

“Chapter 13 Case Law Update: A Decade Review of BAPCPA – Part 2”

As the Bankruptcy Abuse Prevention and Consumer Protection Act approaches a decade of implementation, Judge Keith Lundin and Trustee Hildebrand will present a lively and entertaining review of Chapter 13 case law development. This case law review is valuable to practitioners representing both creditors and debtors. Part one will address eligibility, debt limits, powers and duties of debtor, property of the estate, exemptions, avoidance powers, powers and duties of trustees, representing creditors and asserting rights before confirmation, the automatic stay, and the co-debtor stay.

Recent Developments case law books will be provided. There are no materials to download for any of the Chapter 13 Case Law sessions.

Speakers: Hon. Keith Lundin, *U.S. Bankruptcy District Court for the Middle District of Tennessee*; Henry E. Hildebrand III, Esq., *Chapter 13 Trustee, Middle District of Tennessee, Chapter 12 Trustee, Middle District of Tennessee, Lassiter, Tidwell, Davis, Keller and Hogan, PLLC*

“Lenders Panel: A Discussion of Bankruptcy Issues from the Lenders’ Perspective”

Local commercial lenders will discuss issues of import to local commercial lenders when their customers contemplate or seek work out solutions, including filing for bankruptcy protection.

Speaker: Honorable Jeffery A. Deller, *Chief Judge of the U.S. Bankruptcy Court - Western District of PA*; William Harris, *Senior Vice President at Citizens Bank*; David Chambers, *Asset Manager at PNC Bank*; Thomas Doyle, *Vice President and Loan Work-Out Officer at First Commonwealth Bank*

Moderator: Michael Shiner, Esq., *Tucker Arensburg, P.C.*

Cont. More Afternoon Breakout Sessions & Registration Information...

“Chapter 11: Exit Strategies and Local Courtroom Practice & Procedure”

This session focuses on Chapter 11 exit strategies as well as a comparative review of the Western District judges’ procedures. Recent Western District and national case decisions will also be discussed.

Speakers: Honorable Carlota Böhm, *U.S. Bankruptcy Court - Western District of PA*; Jeanne Lofgren, Esq., *Stonecypher Law*; Jason L. Ott, Esq., *Dickie, McCarney & Chilcote, P.C.*; Erica Koehl, Esq., *Babst, Calland, Clements and Zomnir, P.C.*; Joseph Filloy, Esq., *ReedSmith, LLP*

Moderator: Lois Vitti, Esq., *Vitti & Vitti & Associates, P.C.*

“Chapter 13 Case Law Update: A Decade Review of BAPCPA – Part 3”

Part 3 will conclude with allowance and objections to claims, administrative expense claims, post-petition claims, conversion and dismissal, effect of the discharge, exceptions to discharge, and the hardship discharge, and the Ten Principles of BAPCPA.

The Allegheny County Bar Association Bankruptcy and Commercial Law Section presents...

27th ANNUAL BANKRUPTCY SYMPOSIUM

Enclose check, made payable to ACBA, and mail to:
ACBA, 400 Koppers Building, 436 Seventh Avenue, Pittsburgh, PA 15219

Please make _____ reservation(s) for the program on Friday, December 5, 2014—Westin Convention Center Hotel, 1000 Penn Ave., Pittsburgh, PA 15222—Registration: 7:45 a.m.; Program: 8:15 a.m. - 5:00 p.m.; Holiday Party will be held immediately following program; Assessment: \$250 per person (\$300 after Nov. 28 or walk-in)

Name _____

Address _____

Phone _____

PA Attorney I.D.# _____

Registration/Program Information—If you need further information, call ACBA headquarters and ask for Howard Booth at 412-402-6614 or email hbooth@acba.org. Services for the Disabled—If special arrangements are required for a disabled individual to attend this program, please contact Howard at 412-402-6614 at least 15 days prior to the program date.

27th Annual Bankruptcy Symposium

December 5, 2014



Main Speaker Richard Marin

Rich Marin has had a long and particularly diverse career on and off Wall Street. Marin served as CEO of Deutsche Asset Management and in various management positions within Bankers Trust Company, where he pioneered exotic products such as derivatives, emerging markets deep discount debt and hedge funds. After starting his own successful venture capital firm called Beehive Ventures, he chose to return to Wall Street as Chairman and CEO of Bear Stearns Asset Management. He gained more notoriety at Bear Stearns than he wanted when in 2007 two of its hedge funds invested in mortgage-backed securities collapsed, signaling the beginning of the sub-prime crisis. When these events led to his departure from Bear Stearns, he began teaching at Cornell's Johnson Graduate School of Management and then took over a distressed real estate company Africa Israel USA, resolving \$3 billion worth of distressed, over-leveraged properties, saving all 22 properties from foreclosure. He later served as CEO of Ironwood Global, a distressed mortgage fund.

Marin is not only a Wall Street insider – he's a motorcyclist, movie buff, and published author (Global Pension Crisis: Unfunded Liabilities and How We

Can a Fill the Gap...Wiley & Sons, 2013). He has blogged about movies and motorcycling and describes his annual cross-country motorcycle trips to Utah as "going to Church."

Today, he is building the world's largest observation wheel in Las Vegas, Nevada (The Wheel of Fortune Crisis: Unfunded Liabilities and How We Can a Fill the Gap...Wiley & Sons, 2013). He has blogged about movies and motorcycling and describes his annual cross-country motorcycle trips to Utah as "going to fail." The 63-story wheel is expected to open in early 2017.

Marin attended high school in Italy, and received a B.A. and MBA at Cornell University. Today he finds time to serve as a Clinical Professor of Finance at the Johnson School, Chairs a new financial technology venture fund called Green Visor Capital and serves on the board of directors of CARE, the global relief organization.

Marin will speak about the financial collapse and its causes, why it occurred so suddenly, the warning signs, and his views on whether Wall Street needs more, or less, regulation. Particularly relevant to local practitioners, he will address his predictions as to the short term and medium term futures of commercial and consumer lending, and how lending standards affect bankruptcy filings. Marin will address the pension crisis and predict how that crisis might affect Chapter 9 municipal filings. Finally, Marin will discuss his latest project: enhancing the New York City skyline with the world's largest observation wheel.