



Connecticut
Bar Association

2nd Annual
Connecticut
Bankruptcy
Conference

October 3, 2019
8:30 a.m. - 6:30 p.m.

Saint Clements Castle
1931 Portland-Cobalt Rd
Portland, CT

Presented by
The Commercial Law and
Bankruptcy Section



Join us for the second annual Connecticut Bankruptcy Conference, featuring coverage of the Connecticut Local Rules of Bankruptcy Procedure. Learn about best practices and ethical considerations in both commercial and consumer bankruptcy from top practitioners.

You Will Learn

- About the US Supreme Court and bankruptcy
- About payment and discharge of taxes in Chapters 7 and 13
- About issues in advanced ADR
- About preserving the family business during the owner's Chapter 7 and other hot issues in straight bankruptcy
- About first day motions
- About representing the self-employed debtor engaged in business in Chapter 13
- How to confirm a contested Chapter 11 plan
- About ethical considerations in cyber security

Who Should Attend

Bankruptcy practitioners in all settings should attend this program to maintain their knowledge and skills with the latest information on this evolving area of the law.

Cost

(Includes a light breakfast, lunch, cocktail reception, and electronic materials)

Commercial Law and Bankruptcy Section Member \$169

CBA Member \$199

Non-Member \$398

Student Member \$99

CLE Credit

CT: 6.5 CLE Credits (5.5 General; 1.0 Ethics)
NY: 7.0 CLE Credits (6.0 AOP; 1.0 Ethics)

The Connecticut Bar Association/CT Bar Institute is an accredited provider of New York State CLE. This program qualifies for transitional and non-transitional credits. Financial hardship information available upon request.

Schedule

8:30 a.m. – 8:55 a.m.

Registration and Breakfast
Sponsored by



8:55 a.m. – 9:00 a.m.

Welcome Remarks

9:00 a.m. – 10:00 a.m.

Opening Plenary Session | State of the Court

10:00 a.m. – 10:10 a.m.

Break

10:10 a.m. – 11:10 a.m.

Morning Plenary Session | The US Supreme Court and Bankruptcy

11:10 a.m. – 11:20 a.m.

Break

11:20 a.m. – 12:20 p.m.

Concurrent Session 1
1-A What You Need to Know about Paying and Discharging Taxes in Bankruptcy
1-B Issues in Advanced ADR

12:20 p.m. – 12:30 p.m.

Break

12:30 p.m. – 1:30 p.m.

Luncheon Plenary Session
Consumer Bankruptcy: Past, Present, and Future
Luncheon sponsored by



1:30 p.m. – 1:40 p.m.

Break

1:40 p.m. – 2:40 p.m.

Concurrent Session 2
2-A Preserving the Family Business During the Owner's Chapter 7 and Other Hot Topics in Straight Bankruptcy
2-B First Day Motions: Plotting a Safe Course through the Initial Days of a Chapter 11

2:40 p.m. – 2:50 p.m.

Break

2:50 p.m. – 3:50 p.m.

Concurrent Session 3
3-A Representing the Self-Employed Debtor Engaged in Business in Chapter 13
3-B Winning! How to Confirm a Contested Chapter 11 Plan

3:50 p.m. – 4:05 p.m.

Break

4:05 p.m. – 5:05 p.m.

Closing Plenary Session | Cyber Security: The Lawyer's Professional Responsibility

5:05 p.m. – 5:10 p.m.

Closing Remarks

5:10 p.m. – 6:30 p.m.

Cocktail Reception
Sponsored by



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Attorneys at Law

October 3, 2019 | 8:30 a.m. - 6:30 p.m.

Presented by the Commercial Law and Bankruptcy Section



Seminar Descriptions

Opening Plenary Session | State of the Court

Participate in a discussion with our three bankruptcy judges about interesting topics, including the state of the Court, the Local Rules of Bankruptcy Procedure after one year, the Standing Committee on the Local Rules of Bankruptcy Procedure, and meet the new clerk of the court.

Speakers

Chief Judge Julie A. Manning, United States Bankruptcy Court, Bridgeport

Hon. Ann M. Nevins, United States Bankruptcy Court, New Haven

Hon. James J. Tancredi, United States Bankruptcy Court, Hartford

Morning Plenary Session | The US Supreme Court and Bankruptcy

Ronald Mann will talk about his recent book, *Bankruptcy and the US Supreme Court*. The book reports a detailed study of the Supreme Court's cases interpreting the Bankruptcy Code and argues that those cases reflect a systematic tendency against a broad construction of the code. His talk will discuss some top-level statistics that support his argument and some of the detailed case studies of the individual decisions, based on the private papers that illuminate the behind-the-scenes deliberations about those cases.

Speaker

Ronald J. Mann, Columbia Law School, New York, NY

Concurrent Session 1

1-A What You Need to Know about Paying and Discharging Taxes in Bankruptcy

This seminar will review the discharge of income taxes in Chapter 7 and how to accurately compute and apply the three-year rule, the two-year rule, and the 240-day rule when attempting to discharge income taxes with the IRS. A discussion will be presented on how to apply the same rules to the discharge of income taxes with the Connecticut Department of Revenue Services (DRS). A review will be presented of the law as pertains to a late-filed tax return and the impact of such on discharging of income taxes in bankruptcy. An outline of the problems will be discussed reviewing the issues of discharging and paying taxes in Chapter 13 which every practitioner must understand in developing a Chapter 13 plan. An overview will be given on how to handle taxes such as sales taxes and payroll taxes, which are not dischargeable in bankruptcy but could be dealt with outside of the bankruptcy with an OIC or an installment agreement.

Speakers

David F. Falvey, Action Advocacy PC, Groton

Kenneth E. Lenz, Lenz Law Firm LLC, Orange

Denise S. Mondell, State of Connecticut Office of the Attorney General, Hartford

Lauren M. Nash, US Attorney's Office, District of Connecticut, New Haven

Roger Nemeth, Audit Detective LLC, Tallahassee, FL

1-B Issues in Advanced ADR

This panel will discuss the interplay of bankruptcy and alternative dispute resolution. We will focus on a variety of issues such as the role, standard of care, and ethics of the mediator; conflicts between confidentiality and good faith in mediation; the enforceability of settlement agreements reached after mediation; and the enforcement of arbitration clauses in bankruptcy.

Speakers

Hon. James J. Tancredi, United States Bankruptcy Court, Hartford

Thomas A. Gugliotti, Updike Kelly & Spellacy PC, Hartford

Kristin B. Mayhew, McElroy Deutsch Mulvaney & Carpenter LLP, Southport

David Shaiken, Shipman Shaiken & Schwefel LLC, West Hartford

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Luncheon Plenary Session | Consumer Bankruptcy: Past, Present, and Future

This session will take a look at how consumer bankruptcy has changed, starting with the Bankruptcy Reform Act of 1978, and what we might expect in the future.

Featured Speaker

Henry J. Sommer, Editor-in-Chief, *Collier on Bankruptcy*, Philadelphia, PA

Concurrent Session 2

2-A Preserving the Family Business During the Owner's Chapter 7 and Other Hot Topics in Straight Bankruptcy

Our Chapter 7-focused panel will address select hot topics for 2019 with an emphasis on the individual or married couple owning and operating a small business. The panel will discuss means test issues such as qualifying the debtor with a small business for the business exception to the test, assessing the 707(b)(3)(B) totality of the circumstances risk, and qualifying one spouse at a time under the means test where together they flunk. Hot topics in claims include disputing stale claims in bankruptcy after the Supreme Court's *Midland Funding v. Johnson* decision, and seeking attorney's fees on unsecured claims. The panelists will discuss such discharge issues as whether the trustee can obtain an extension of the 523 deadline even though the trustee cannot bring such an action, the mysterious rules in counting days until the discharge deadline, discharge of HOA and condo association fees, and remedies for discharge violations. The panel will debate the trustee's perspective on dealing with debtors who own and operate a small business, the latest on tuition claw back, and thoughts on counseling the debtors on the penalty for educating their children.

Speakers

Matthew K. Beatman, Zeisler & Zeisler PC, Bridgeport

James M. Nugent, Harlow Adams & Friedman PC, Milford

Kara S. Rescia, Rescia Law PC, Enfield

2-B First Day Motions: Plotting a Safe Course through the Initial Days of a Chapter 11

When a company files for Chapter 11, debtor's counsel typically files, along with the petition, a number of motions which have come to be known as "first day motions." These motions are designed to minimize the disruption in the business caused by bankruptcy. In some instances, the relief sought through these motions is designed to override statutory prohibitions of the Bankruptcy Code, while others are needed out of administrative necessity or to assure the availability of cash. The panel will discuss what motions should be filed on the first day, motions that may be appropriate to file under certain circumstances, and what motions should not be treated as first day motions. The panel will address process and procedure for first day motions, as well as applicable Bankruptcy Code sections, Bankruptcy Rules, and Local Bankruptcy Rules. The panel will deliver a roadmap for the successful launch of your next Chapter 11.

Speakers

Hon. Ann M. Nevins, United States Bankruptcy Court, New Haven

Elizabeth J. Austin, Pullman & Comley LLC, Bridgeport

James Berman, Zeisler & Zeisler PC, Bridgeport

Holley L. Claiborn, Office of the United States Trustee, New Haven

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Concurrent Session 3

3-A Representing the Self-Employed Debtor Engaged in Business in Chapter 13

This presentation will cover the basics that each consumer bankruptcy attorney must know in order to properly evaluate the option for Chapter 13 protection for the self-employed debtor, and whether or not the debtor has debts which are predominantly consumer or non-consumer obligations. Under the Bankruptcy Code, a debtor who is self-employed and incurs trade credit as part of one's production of income from self-employment is considered to be a "debtor engaged in business" pursuant to Section 1304 of Title 11. The panelists will discuss the significance of this classification and how such a case differs from that of an individual who is self-employed but does not incur trade credit, and the wage earner who is not self-employed and does not incur trade credit. Many issues arise that must be considered by the consumer bankruptcy practitioner before such a case can either be evaluated and/or accepted as a case to be filed.

Speakers

Gregory F. Arcaro, Grafstein & Arcaro LLC, New Britain

Patrick Crook, Staff Attorney for Chapter 13 Standing Trustee, Hartford

Bonnie C. Mangan, Office of the United States Trustee, Chapter 7 Trustee, South Windsor

Susan M. Williams, Susan M. Williams LLC, Enfield

3-B Winning! How to Confirm a Contested Chapter 11 Plan

Confirming a plan of reorganization is the goal in most midmarket Chapter 11 cases. While we all hope the confirmation will be consensual among the parties, that does not always happen. The best way to achieve consent is often to be prepared for battle. This panel will discuss how to properly prepare for and prevail in a contested Chapter 11 plan confirmation contest. After a brief overview of the confirmation process, the perspective of the debtor, creditors, US Trustee, the judge, and other stakeholders will be discussed.

Speakers

Hon. Elizabeth S. Stong, United States Bankruptcy Court Eastern District of New York, Brooklyn, NY

Taruna Garg, Murtha Cullina LLP, Stamford

William K. Harrington, Office of the United States Trustee, Boston, MA

Nancy B. Kinsella, Neubert Pepe & Monteith PC, New Haven

Jeffrey M. Sklarz, Green & Sklarz LLC, New Haven

Closing Plenary Session | Cyber Security: The Lawyer's Professional Responsibility

Law firm cyber security is not strictly the domain of IT professionals or the technically savvy. Case law, ethics opinions, and commentary to the ethics rules make it clear that all lawyers must "get smart" about threats to the firm's client information. This interactive panel will present a few of the common cyber threat scenarios that law firms face and discuss how we should prepare for and respond to those scenarios, as required by certain rules of professional responsibility.

Speakers

Chief Judge Julie A. Manning, United States Bankruptcy Court, Bridgeport

David P. Atkins, Pullman & Comley LLC, Bridgeport

Joshua A. Luksberg, First American Title Insurance Company, Hartford

Sherwin M. Yoder, Carmody Torrance Sandak & Hennessey LLP, New Haven

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Hotel Accommodations

Inn at Middletown

70 Main St, Middletown
(860)854-6300

A limited number of rooms are available at the Inn at Middletown for \$135 per night on October 2. The discounted rate ends September 2, 2019. Contact Phanny Cahill at pcahill@ctbar.org or (860)612-2028 to reserve a room.

A Special Thanks to Our Conference Planning Committee

Chief Judge Julie A. Manning, United States Bankruptcy Court, Bridgeport

Robert E. Kaelin, Chair, Conference Planning Committee; Murtha Cullina LLP, Hartford

William S. Fish, Hinckley Allen, Hartford

Carl Gulliver, Coan Lewendon Gulliver & Miltenberger LLC, New Haven

Eric A. Henzy, Zeisler & Zeisler PC, Bridgeport

Nancy B. Kinsella, Neubert Pepe & Monteith PC, New Haven

Charles A. Maglieri, Law Offices of Charles A. Maglieri, Bloomfield

Kristin B. Mayhew, McElroy Deutsch Mulvaney & Carpenter LLP, Southport

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Registration

- Register online at ctbar.org/2019Connecticut-Bankruptcy-Conference
- Call our Member Service Center at (844)469-2221
- Mail the completed form with payment below to: CBA, 30 Bank St, New Britain, CT 06051
- E-mail the completed form to msc@ctbar.org (only available for payment by credit card)
- Fax the completed form to (860)223-4488 (only available for payment by credit card)

**Payment must
accompany
registration**

Attendee Information

Name _____

Organization _____

Address _____

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E-mail Address _____ Phone _____

Concurrent Session Selection

Select one seminar per concurrent session

Concurrent Session 1

- ☐ **1-A** What You Need to Know about Paying and Discharging Taxes in Bankruptcy
- ☐ **1-B** Issues in Advanced ADR

Concurrent Session 2

- ☐ **2-A** Preserving the Family Business During the Owner's Chapter 7 and Other Hot Topics in Straight Bankruptcy
- ☐ **2-B** First Day Motions: Plotting a Safe Course through the Initial Days of a Chapter 11

Concurrent Session 3

- ☐ **3-A** Representing the Self-Employed Debtor Engaged in Business in Chapter 13
- ☐ **3-B** Winning! How to Confirm a Contested Chapter 11 Plan

Additional Information

Luncheon Entree Selection ☐ Chicken ☐ Vegetarian Dietary Restrictions _____

Will you need a New York CLE certificate? _____

Will you attend the cocktail reception? ☐ Yes ☐ No

Payment

- ☐ **Commercial Law and Bankruptcy Section Member \$169**
- ☐ Non-Member \$398

- ☐ **CBA Member \$199**
- ☐ Student Member \$99

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Connecticut
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Connecticut Bankruptcy Conference



Thursday, October 3, 2019

Saint Clements Castle
1931 Portland-Cobalt Rd, Portland

Join us as a sponsor of this outstanding program!

A full-day conference featuring coverage of topical issues for commercial and consumer practitioners, including the Connecticut Local Rules of Bankruptcy Procedures.

- Attended by experienced bankruptcy professionals from throughout the region
- Intimate setting to connect with potential clients and customers
- Unique networking setting on the Connecticut River

Please Choose a Sponsorship Option on the Next Page	Bronze	Silver Choose One	Gold Choose One	Platinum Choose One
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