SUMMARY: The 40th Annual Bankruptcy Institute features dynamic speakers covering diverse topics designed to impart practical advice and update practitioners on the latest developments in restructuring and bankruptcy with a focus on our local districts of North Carolina. Enjoy a keynote address by Dr. Ed Balleisen of Duke University, where he discusses his recent book, *Fraud: An American History from Barnum to Madoff*. Panelists include five North Carolina bankruptcy judges, a nationally active expert on valuations, and seasoned debtors and creditors attorneys. Friday afternoon breakout sessions allow in-depth study for practitioners focused on either consumer or business issues. Enjoy networking with our North Carolina bankruptcy bar, turnaround professionals and vendors in beautiful downtown Asheville.

Program topics include:

• Valuations in both the consumer and business contexts
• Chapter 11 best practices
• Witness examinations
• Credit reports
• National Form Plan and the new Chapter 13 plans in our local districts
• Bankruptcy crimes
40th Annual Bankruptcy Institute
#571ABI | December 1–2, 2017

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TO REGISTER FOR A VIDEO REPLAY | Visit www.tinyurl.com/CLE571ABI to view all locations and dates, then enter your selection below.

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Friday, December 1, 2017, 7:45a–4:45p

7:45a  Registration and Continental Breakfast (included at Live program only)
Continental Breakfast sponsored by Citrix

8:20  Welcome and Opening Remarks

8:30  Fraud: An American History from Barnum to Madoff
Edward J. Balleisen
The United States has always proved an inviting home for boosters, sharp dealers and outright swindlers. Worship of entrepreneurial freedom has complicated the task of distinguishing aggressive salesmanship from unacceptable deceit, especially on the frontiers of innovation. At the same time, competitive pressures have often nudged respectable firms to embrace deception. As a result, fraud has been a key feature of American business since its beginnings. Following the sweeping narrative of his recent book by the same name, Edward Balleisen traces the history of fraud in America — and the evolving efforts to combat it — from the age of P. T. Barnum through the eras of Charles Ponzi and Bernie Madoff.

9:45  Mental Health†
Judge Joseph N. Callaway and Cathy D. Killian
Gain insight into mental health and related concerns that often arise for bankruptcy lawyers and insolvency professionals. This presentation considers ethical responsibilities and provides practical suggestions and guidance on how to better handle these issues with clients, adversaries and the attorneys representing them — benefitting the lawyer on both a professional and personal level.

10:45  Break  |  Sponsored by LexisNexis

11:00  Views from the Bench
Chief Judge Stephani W. Humrickhouse, Judge Catharine R. Aron and Judge Laura T. Beyer

11:45  Bankruptcy Section Annual Meeting  |  Kristin D. Ogburn, Horack Talley Pharr & Lowndes PA, Charlotte, 2017–2018 Section Chair, presiding

12:00p  Networking Lunch (included at Live program only)

BUSINESS BREAKOUT SESSIONS

1:15  Business Valuations and Solvency Opinions
Craig Jacobson
This presentation on business valuation and solvency opinions focuses on the preparation of a valuation in the context of a solvency opinion and how the valuation relates to other solvency analyses, including a discussion of the factors that often arise — and matter — in disputed solvency opinion situations.

2:15  Break  |  Sponsored by Davis Forensic Group, LLC

2:30  Medley of Current Chapter 11 Issues: From Overcoming Challenges to Finding an Efficient Exit Strategy
Chief Judge Stephani W. Humrickhouse and Christine L. Myatt
Explore current Chapter 11 issues from case inception to exit. Discuss current case law and trends, including nonconventional financing obstacles, the ability of a lender to obtain default interest post-petition, plan-support agreements, structured dismissals, cramdown interest rates, third-party releases and the erosion of the equitable mootness doctrine on appeal.

3:45  Bubbles on the Horizon? An Examination of Industry — Specific Insolvency Issues
Robert A. “Rob” Cox Jr, David J. Haidt and John R. “Jack” Miller Jr.,
Prepare for the possible future with a look at three industries that could be poised for restructuring: agriculture, breweries and multifamily housing. Increase your understanding of these industries, learn about the challenges they may face, and consider the interesting and unique aspects of a potential bankruptcy in these arenas.
CONSUMER BREAKOUT SESSIONS

1:15  Proving Valuations in the Consumer Context
      David R. Badger and Franklin Drake
      This presentation provides practical guidance on how to determine the value of
      a debtor's assets and the ways to effectively present evidence on disputed valuations
      in the context of both real and personal property — from competing perspectives!

2:15  Break  |  Sponsored by Davis Forensic Group, LLC

2:30  Chapter 13 Form Plans
      Joseph A. “Jody” Bledsoe III, Steven G. Tate and Anita Jo Kinlaw Troxler
      The National Form Plan will be going into place in December. Even though
      the districts here are unlikely to adopt it, review and discussion of the changes
      it includes is useful for discussing how the Local Form Plans could be altered.
      Additionally, those LFPs require adoption in compliance with Rule 9029 and 83,
      which allow for comments.

3:45  Credit Reports
      Suzanne Begnoche and Adrian M. Lapas
      How to get them, how to read them, what they should say during the bankruptcy
      case, what they should say after discharge, what to do if it is wrong, and whether
      reporting revisions can be negotiated in connection with settlements.

LAW CLERK BREAKOUT

3:45  Judicial Staff Roundtable (This session does not provide CLE credit.)
      Catherine Clodfelter and Benson Reid Wilcox

4:45  Adjourn

5:00  Networking Reception  |  Sponsored by Iron Horse Auction Company Inc. and ABTV

Saturday, December 2, 2017, 7:15a–12:00p

7:15a  Continental Breakfast (included at Live program only)

8:00  Announcements

8:15  Criminal Law Issues 2.0 — Discharged or Just Charged?
      Handling Criminal Issues in Bankruptcy
      James B. Angell, Christopher C. Fialko and Marjorie K. Lynch

9:00  You Can’t Handle the Truth: Questioning and Preparing Clients
      and Third Party Witnesses in Hearings and Discovery
      Amos G. Tyndall and James C. “Jim” White
      Witnesses (including clients) are often the main source of evidence from which the
      court will make findings of fact at hearings and trials. Questioning witnesses in 2004
      exams and depositions are key ways of unearthing the facts to support positions.
      The information derived from interviews with clients and witnesses can be critical
      in assisting counsel to assess and evaluate the strengths and weaknesses of an AP
      or bankruptcy case. This presentation offers techniques and tips for unearthing
      information in pre-hearing interviews, questioning to discover information in
      depositions and 2004 exams, using direct examination to present information through
      witnesses at hearings and trials, and effectively cross-examining adverse witnesses.

9:45  Break  |  Sponsored by Rogers Realty & Auction Co.

10:00  Ethics: Attorney Client Privilege in Related Party Matters∗
      Rayford K. “Trip” Adams III and Jennifer A. Ledford
      Insolvency issues that affect one person or company often affect others — guarantor,
      spouse, business partner, investor and employee. Presenters discuss some sticky
      hypotheticals from the real world and suggest best practices for handling these
      complicated matters.

11:00  Case Update
      Christine M. Lamb (moderator) and TBA

12:00p  Adjourn

∗ Indicates portion providing Ethics/Professional Responsibility credit
† Indicates portion providing Substance Abuse/Mental Health credit
Program Information

Planner

• Shelley K. Abel, U.S. Bankruptcy Administrator Western District, Charlotte

Planning Committee

• Brian R. Anderson, Nexsen Pruet PLLC, Greensboro
• Laurie B. Biggs, Stubbs & Perdue PA, Raleigh
• Brian C. Fork, Brooks Pierce McLendon Humphrey & Leonard LLP, Raleigh
• Natalie E. Gray, Westall Gray Connolly & Davis, Asheville
• Christine S. Lamb, Henderson Nystrom Fletcher & Tydings PLLC, Charlotte
• Jennifer A. Ledford, Higgins Benjamin PLLC, Greensboro
• Rebecca F. Redwine, Hendren Redwine & Malone PLLC, Raleigh
• James C. “Jim” White, Parry Tyndall White, Chapel Hill

Speakers

• Chief Judge Stephani W. Humrickhouse, U.S. Bankruptcy Court, Eastern District, Raleigh
• Judge Laura T. Beyer, U.S. Bankruptcy Court, Western District, Charlotte
• Judge Catharine R. Aron, U.S. Bankruptcy Court, Middle District, Greensboro
• Judge Joseph N. Callaway, U.S. Bankruptcy Court, Eastern District, Greenville
• Rayford K. “Trip” Adams III, Spilman Thomas & Battle PLLC, Winston-Salem
• James B. Angell, Howard Stallings From Hutson Atkins Angell & Davis PA, Raleigh
• David R. Badger, David R. Badger PA, Charlotte
• Edward J. Balleisen, Duke University, Durham
• Suzanne Begnoche, Law Office of Suzanne Begnoche, Chapel Hill
• Joseph A. “Jody” Bledsoe III, Chapter 13 Trustee, New Bern
• Catherine G. Clodfelter, Parker Poe Adams & Bernstein LLP, Raleigh
• Robert A. “Rob” Cox Jr., Bradley Arant Boult Cummings LLP, Charlotte
• Franklin Drake, Smith Debnam Narron Saintsing & Myers LLP, Raleigh
• Christopher C. Fialko, Fialko Law PLLC, Charlotte
• David J. Haidt, Ayers Haidt PA, New Bern
• Craig Jacobson, GlassRatner Advisory & Capital Group LLC, New York, NY
• Cathy D. Killian, North Carolina Lawyers Assistance Program, Charlotte
• Christine M. Lamb, Henderson Nystrom Fletcher & Tydings PLLC, Charlotte
• Adrian M. Lapas, Lapas Law Offices PLLC, Goldsboro
• Jennifer A. Ledford, Higgins Benjamin PLLC, Greensboro
• Marjorie K. Lynch, U.S. Bankruptcy Administrator, Eastern District, Raleigh
• John R. “Jack” Miller Jr., Rayburn Cooper & Durham PA, Charlotte
• Christine L. Myatt, Nexsen Pruet PLLC, Greensboro
• Steven G. Tate, Chapter 13 Trustee, Statesville
• Anita Jo Kinlaw Troxler, Chapter 13 Trustee, Greensboro
• Amos G. Tyndall, Parry Tyndall White, Chapel Hill
• James C. “Jim” White, Parry Tyndall White, Chapel Hill
• Benson Reid Wilcox, U.S. Bankruptcy Court Middle District of NC, Greensboro

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Contact hotel directly for reservations at the special NCBA room rate. Rates are based on availability and may sell out.

Renaissance Hotel Asheville
34 Woodfin Street, Asheville
Rate: $210 single
Reservations: 828.252.8211
Rate Code: NC Bar Association
Cutoff Date: November 17, 2017

This hotel is sold out for the night of Nov. 30 (only). For a list of alternate hotel suggestions, please visit www.tinyurl.com/CLE571ABI.
40th Annual Bankruptcy Institute

Friday-Saturday, December 1-2, 2017
Renaissance Asheville Hotel, Asheville

CLE CREDIT: 9.75 Hours
Includes 1.0 Hour Ethics/Professional Responsibility and 1.0 Hour Substance Abuse/Mental Health
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"Always good materials to refer to in daily practice."
"Great job. Wide variety of topics. Very interesting business topics."
"The "do’s and don’ts" suggestions directly from the judges were helpful."

Attendees, 39th Annual Bankruptcy Institute