41st Annual Bankruptcy Institute

CLOSED for BUSINESS

TOTAL CLE CREDIT
9.75 HOURS
1.0 HOUR

Ethics/Professional Responsibility

LIVE
Friday–Saturday
November 2-3, 2018
Pinehurst Resort
80 Carolina Vista Drive
Pinehurst

REGISTER TODAY!
Save 10% if registration is received by October 12, 2018.
www.tinyurl.com/CLE515ABI

Includes Bankruptcy Section Annual Meeting.
The 41st Annual Bankruptcy Institute features dynamic speakers covering diverse topics of timely bankruptcy issues as well as updates for practitioners on the latest developments with a focus on the local districts of North Carolina.

Learn from top bankruptcy practitioners about topics ranging from farm bankruptcies and student loan dischargeability to bankruptcy appeals and post-petition assets. A keynote address delivered by Professor Jacoby of UNC School of Law takes a look at The Weinstein Company filing and its issues relevant to all types of bankruptcy. With business and consumer breakout sessions, there is something for every bankruptcy attorney!

WHAT PEOPLE ARE SAYING...

Wonderful program!

I feel I have a better core knowledge of my primary practice area.

—Attendees, 40th Annual Bankruptcy Institute
AGENDA

FRIDAY, NOVEMBER 2, 2018 | 7:45 a.m. – 4:45 p.m.

7:45  Registration and Continental Breakfast
     Sponsored by Williams Overman Pierce LLP

8:20  Welcome and Opening Remarks

8:30  The Ethics of Difficult Clients and Despicable Opponents*
     Badger and Drake

9:30  What’s at Stake in the The Weinstein Company Bankruptcy?
     Keynote speaker: Jacoby
     This session takes an in-depth and critical look at the chapter 11 bankruptcy of The Weinstein Company, filed in the aftermath of widespread disclosure of sexual misconduct allegations against Harvey Weinstein. Issues relevant to all types of bankruptcy are explored.

10:45 Break
     Sponsored by Davis Forensic Group, LLC

11:00 Views from the Bench
     Whitley, Kahn and Warren

11:45 Bankruptcy Section Annual Meeting
     Anna B. Osterhout, Smith Anderson Blount Dorsett Mitchell & Jernigan LLP, 2018-2019 Section Chair, presiding

12:00 Networking Lunch

BREAKOUT SESSIONS

1:15  BUSINESS: Who’s in Charge Here? WARN Act and Other Employment Issues in Bankruptcy
     Redwine and Small
     This panel explores the overarching impact of the WARN Act and how it effects a Debtor’s (and a creditor’s) decision process prior to filing. The session also provides practical insight into various employment issues that arise in bankruptcy proceedings, including officer compensation and prepetition payroll motions, treatment of Key Employment Retention Plans, and potential employee administrative claims.

CONSUMER: Non-Standard Chapter 13 Plan Provisions and Other “Non-Standard” Issues
     Boltz and Holman

2:15  Break

2:30  BUSINESS: “Go Your Own Way” versus “I Fought the Law (and the Law Won)”: Intercreditor Agreements Battle the Bankruptcy Code
     Fallon and Sumner
     What happens when creditors include provisions that are contrary to principles of the Bankruptcy Code in their agreements with each other? Explore whether creditors can successfully have it their way in bankruptcy using prepetition contract provisions or whether the Bankruptcy Code rules the day.
SATURDAY, NOVEMBER 3, 2018 | 7:15 a.m. – 12:00 p.m.

7:15  Continental Breakfast

8:00  Announcements

8:15  The ABCs of Appealing Bankruptcy Cases
      Adams and Morales
This session covers the fundamentals of appealing bankruptcy court decisions to the district court and beyond. It also covers recurring issues that arise in the bankruptcy appellate process.

9:00  Post-Petition Assets: Whose Are They?
      Lanik and Wright

9:45  Break

3:15  CONSUMER: Fair Credit Reporting Act Issues in Bankruptcy
      Begnoche and Lapas

3:45  BUSINESS: An Impending Farm Crisis: Current Topics in Farm Bankruptcies
      Bircher, Crampton and Myatt
There is an impending crisis for American farmers, including those in North Carolina. What is it, why is it happening and what are the consequences for bankruptcy practitioners?

4:00  CONSUMER: Student Loan Dischargeability – Will a Partial Win Work?
      Kiziah
Overview of the history of the Student Loan Exception, some data analysis regarding the success rate of winning a case, and a review of the partial discharge option.

4:45  Adjourn

* Indicates portion providing Ethics/Professional Responsibility credit
PROGRAM DETAILS

SPEAKERS

- Judge J. Craig Whitley, U.S. Bankruptcy Court, Western District, Charlotte
- Judge Benjamin A. Kahn, U.S. Bankruptcy Court, Middle District, Greensboro
- Judge David M. Warren, U.S. Bankruptcy Court, Eastern District, Raleigh
- David R. Badger, David R. Badger PA, Charlotte
- Suzanne Begnoche, Law Office of Suzanne Begnoche, Chapel Hill
- John C. Bircher III, White & Allen PA, New Bern
- Edward C. Boltz, Law Offices of John T. Orcutt, Durham
- William E. “Billy” Brewer Jr., Janvier Law Firm, Raleigh
- Catherine G. Clodfelter, Parker Poe Adams & Bernstein LLP, Raleigh
- Gregory B. Crampton, Nicholls & Crampton PA, Raleigh
- Franklin Drake, Smith Debnam Narron Saintsing & Myers LLP, Raleigh
- Albert F. Durham, Rayburn Cooper & Durham PA, Charlotte
- Brett D. Fallon, Morris James LLP, Wilmington, DE
- Joseph Z. Frost, Stubbs & Perdue PA, Raleigh
- Jenny P. Holman, Chapter 13 Office, Charlotte
- Melissa B. Jacoby, UNC School of Law, Chapel Hill
- Neil D. Jonas, Brock & Scott PLLC, Charlotte
- Brent D. Kiziah, North Carolina State Education Assistance Authority, Chapel Hill
- James C. “Jim” Lanik, Roberson Haworth & Reese PLLC, High Point
- Adrian M. Lapas, Lapas Law Offices PLLC, Goldsboro
- Benjamin E. Lovell, Chapter 13 Office, Durham
- Francisco T. Morales, Waldrep LLP, Winston-Salem
- Christine L. Myatt, Nexsen Pruet PLLC, Greensboro
- Stuart L. Pratt, Robinson Bradshaw & Hinson PA, Charlotte
- Rebecca Finch Redwine, Hendren Redwine & Malone PLLC, Raleigh
- John H. Small, Brooks Pierce McLendon Humphrey & Leonard LLP, Greensboro
- Jeanette M. Stark, Chief Deputy Clerk, U.S. Bankruptcy Court, Middle District, Winston-Salem
- Lisa P. Sumner, Nexsen Pruet PLLC, Raleigh
- Joseph J. Vonnegut, Hutchens Law Firm, Fayetteville
- Michelle M. Walker, Parry Tyndall White, Chapel Hill
- A. Cotten Wright, Grier Furr & Crisp PA, Charlotte

HOTEL INFORMATION

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

Pinehurst Resort
80 Carolina Vista Drive, Pinehurst
- **Nightly Rate:** Rates are per person, per night and includes lodging, breakfast and dinner.
  - $281 single occupancy
  - $182 double occupancy
- **Reservations:** 855.235.8507 | Mention you are with the NC Bar Association.
- **Cutoff Date:** October 9, 2018
PROGRAM DETAILS

SPECIAL ACCOMMODATIONS
NCBA makes every effort to ensure a quality learning experience. If you have dietary restrictions or need special accommodations, please contact us at least one (1) week prior to the program start date.

CLE SCHOLARSHIPS
CLE scholarships are available. Contact Membership Services at 800.662.7407 or email Amy Kemple at akemple@ncbar.org for details.

PLANNERS
- Brian R. Anderson, Nexsen Pruet PLLC, Greensboro
- John Paul H. “JP” Cournoyer, Northern Blue LLP, Chapel Hill

We extend our sincere gratitude to the NCBA Bankruptcy Section as well as the planners and speakers who volunteer their time and expertise toward the goal of presenting an educational program of the highest quality.


This revised, comprehensive edition provides valuable and thorough analysis of legal issues common to bankruptcy cases. With a focus on procedural and substantive nuances, this pivotal resource provides insight, expertise and background on issues particular to practicing bankruptcy law in North Carolina.

This eighth edition includes a discussion of recent case law developments and provides updates to the Official Forms, Bankruptcy Rules, local bankruptcy rules, and other practices and procedures that every bankruptcy attorney must master in order to practice more efficiently in North Carolina.

Purchase the fully searchable electronic manual, including fillable/editable forms and other user-friendly features to help you be more efficient in your bankruptcy practice, or opt to add the hard copy as well!

For details or to order, go to www.tinyurl.com/NCBABookstore

BOOK SUGGESTION

CLE SCHOLARSHIPS

PLANNERS

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BOOK SUGGESTION
STEP 1: Tell us who you are. (Please print clearly.)

Print Full Name: 
Address: 
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NC State Bar No. (Required for MCLE Credit): 

STEP 2: Select your tuition rate. (Register early and save 10%. Payment must be received three (3) weeks prior to program date to qualify for the early rate.)

Standard Rate: 
☐ $595 / ☐ $535 Early
NCBA Member: 
☐ $495 / ☐ $445 Early
Bankruptcy Section Member: 
☐ $460 / ☐ $415 Early
CLE Premier Pass: 
☐ $0

STEP 3: Select your learning format.

☐ Live (515ABI) ☐ Video Replay (See below.)

Video Replay registration (if selected).

Video Replays are scheduled for this program. The agenda may not include certain breakouts/tracks shown at the original program. For a list of dates and locations visit www.tinyurl.com/CLE515ABI, and indicate your choice below.

Location: Date: Code: 

STEP 4: Complete your payment information. (Registration is complete only after payment is processed. Please print clearly.)

I am registering for this program at the tuition rate checked above.

☐ Enclosed is a check, payable to NCBA. ☐ Please charge my credit card.

Card Number: Exp. Date: 
Total Amount: Signature: 

Discounts may be available for NCBA members who are students, law professors, judges or legal services/public interest attorneys. Call CLE at 800.228.3402 for details.
REGISTRATION: All registrations are processed after payment is received. To qualify for the early tuition rate, payment must be received prior to the deadline indicated. Stated early discount rate percentage is approximate. Registrations may be capped based on venue size and may include an overflow room with additional seating. CHANGES TO EXISTING REGISTRATIONS: Should an attendee need to cancel his or her registration to a Live, Webcast or Video Replay program, the cancellation request must be received by 9:00a ET one (1) week prior to the start of the program to receive a full refund. Any attendee requesting cancellation less than one week prior to the program will receive a refund, less a $75 administrative fee. An attendee may choose to transfer his or her registration at a program to the Live, Webcast or Video Replay format of the same program only. Transfer requests must be received by 9:00a ET one (1) business day prior to the program start date. An attendee may further choose to substitute his or her registration to a Live or Video Replay program only. Substitution means sending another person to attend the Live or Video Replay program when the original registrant is unable to attend. Substitution requests must be received by 9:00a ET one (1) week prior to the program start date. The substituted person may be assessed a different fee based on their NCBA membership classification. Cancellation, transfer and substitution requests must be provided in writing by email at askcle@ncbar.org or by calling 800.228.3402. If an attendee misses any portion of a program, that portion is not subject to substitution, refund or transfer. Except as provided herein, registrations, including On Demand registrations, cannot be cancelled, substituted or transferred once purchased. NO-SHOWS: Anyone who is registered for a program, including CLE Premier Pass holders, but does not check in is considered a no-show. No-shows are not issued a refund, and Premier Pass holders will be assessed a $75 administrative fee. These registrants will receive the digital materials, available in their online accounts, in full consideration of tuition paid. MISCELLANEOUS: The NCBA reserves the right to cancel or reschedule programs at any time. Should the NCBA cancel or reschedule a program, registrants may elect to receive a full refund or attend the newly scheduled program. Notifications regarding program changes will be sent to the email address on file. The NCBA is not responsible for any additional expenses incurred as a result of such cancellation or rescheduling. Each attorney must maintain a record of his or her attendance for the NC State Bar Annual Report. MCLE credit is reported by the NCBA only if a NC State Bar number is provided. Registration and attendance at NCBA CLE programs constitutes an agreement by the registrant with the NCBA for use and distribution of the attendee’s image or voice in photographs, videotapes, electronic reproductions and audiotapes of such programs and activities. Unless specified, spouses or guests are not eligible to attend NCBA CLE programs and activities without registering to attend. These terms are subject to change.