

# NACTT 2023

## 58TH ANNUAL SEMINAR

JW MARRIOTT AUSTIN

*Austin, TX*



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# President's Letter

**W**elcome to Austin, State Capital of Texas, and home to many wonderful sites and locations such as the always entertaining 6<sup>th</sup> Street, the University of Texas, bat bridge, Johnson Presidential Library, Barton Springs, the Hill County, numerous museums, and, of course, fabulous food, drinks and music. Most importantly, Austin is the site of the National Association of Chapter 13 Trustees' ("NACTT") 58<sup>th</sup> Annual Seminar at the JW Marriott Austin, July 27 – 29, 2023. Make your plans now to attend this premier consumer bankruptcy educational seminar and visit with your friends and colleagues in this beautiful and unique city.

As you have come to expect, this year's program is truly outstanding. Complete with a wide range of relevant, current and hot topics, it is sure to be a great hit with consumer bankruptcy professionals. Presentations will be from distinguished District and Bankruptcy Judges, Trustees, counsel for both debtors and creditors, as well as special guests. The plenary sessions include: *Hottest Appellate Bankruptcy Decisions*; *Evidence Issues*; *Bankruptcy Ethics Name that Tune* (sure to be a fun and informative session); *Student Loans*; *Bankruptcy Appeals* (a behind the scenes look at the process and procedures); *Authentic Diversity*; *Withdrawal of Debtor's Attorney*; *Undisclosed Assets and Changes in Income*; and *The Complex Case*.

In addition to these plenary sessions, there will be breakout sessions led by talented speakers on topics such as mortgage and discharge issues, tax sales and new rules. There will also be sessions just for trustee staff. And what is the NACTT's conference without the never to be missed and always entertaining - "Chapter 13 Case Law Update" with the Honorable Keith M. Lundin, Henry E. Hildebrand, and special guest Bill Rochelle.

In addition to the outstanding educational portion, the Austin seminar will provide wonderful networking opportunities for sharing suggestions for improvements to consumer bankruptcy laws and procedures.

As an added bonus, Friday afternoon is free so everyone can enjoy the sights, sounds and foods for which Austin is known. If you enjoy the outdoors, be sure to see bat bridge (perhaps via a cruise); Barton Springs – a three-acre spring feed pool in the center of town; eclectic art such as Cathedral of Junk; Lady Bird Johnson Wildflower Center; Laguna Gloria Museum and Sculpture Park; enjoy the sunset on a dinner cruise; and so much more. And of course, don't miss out on the Texas Capital. Perhaps simply take a stroll and take in the view.

The NACTT strives to be a nationwide leader in consumer bankruptcy law education and the 2023 annual seminar presents many opportunities to improve your knowledge and expertise. The NACTT, the Academy and program planners have compiled an excellent panel of speakers from across the country. The social events will provide an opportunity to reconnect with colleagues and friends.

## SEE YOU IN AUSTIN!

Russell C. Simon, NACTT President



Russell C. Simon  
President



Lon A. Jenkins  
Vice-President and Program Chair

# REGISTRATION

The Seminar Registration Desk will be open beginning at 12:00 pm on Tuesday, July 25, 2023.

## REGISTRATION FEE

All seminar materials will only be available via internet download from The NACTT Academy. Pre-registration will close on May 1st.

	All Education Materials included in Free Download, except Case Law Update By May 1	\$200 late fee On site/After May 1
<b>Trustee NACTT Member</b> (Conference, food functions) .....	\$900 .....	\$1100
<b>Associate NACTT Member</b> (Conference, food functions) .....	\$900 .....	\$1100
<b>Staff of NACTT Member</b> (Conference, food functions) .....	\$850 .....	\$1050
<b>Staff Attorney of NACTT Trustee</b> (Conference, food functions) .....	\$900 .....	\$1100
<b>EOUST/DOJ or Office</b>		
<b>of the US Courts Employee</b> (Conference, food functions) .....	\$850 .....	\$1050
<b>Non-NACTT Member</b> (Conference, food functions) .....	\$1200 .....	\$1400
<b>Bankruptcy Judge</b> .....	\$400 .....	\$400
<b>Social Attendee</b> Age 13-Adult* .....	\$300 .....	\$500
<b>Social Attendee</b> Age 6-12* .....	\$125 .....	\$250
<b>Social Attendee</b> Age 3-5* .....	\$75 .....	\$200

**Best deal: Join as a NACTT Associate Member for \$250; save \$300 on Non-Member Registration and receive the *NACTT Quarterly* and access to member privileges on NACTT.com**

**\*Great Deal - Social attendee registration includes three breakfasts, breaks and two receptions.**

**A refund, less \$200, will be granted to written requests received by May 1. NO REFUNDS will be granted after May 2, except in the case of a medical emergency or a death in the family. These refunds will be subject to the \$200 cancellation fee.**

## CONFERENCE ATTIRE

Dress for the sessions will be CASUAL except for speakers. Business casual is encouraged for the receptions. Attire for the other social events will be CASUAL. Meeting Rooms will be cold.

## AIRLINE DISCOUNT CODE (There are no discount codes for 2023.)

## SEMINAR MATERIALS

Seminar materials will be available for all attendees via an internet download from The NACTT Academy.

**Materials download instructions will be emailed to attendee at the email address provided on the seminar registration form.**

**Select seating areas in the meeting rooms will have access to power outlets for laptop use during the seminar. NACTT WILL have a wireless access code.**

## HOTEL INFORMATION

**JW Marriott Austin, 110 E 2nd Street, Austin, TX 78701.** Conference reservations for the seminar can only be made for registered seminar attendees. Guaranteed reservations must be accompanied by a first night room deposit or major credit card. Your credit card may be charged for one night room and tax at the time of making reservations. All deposits are refundable up to 72 hours prior to arrival. Reservations must be made on or before the cutoff date of July 3, 2023. NACTT does not guarantee rooms will be available until July 3, 2023 so make reservations early. Our group room rate (plus tax) is \$249 single or double. Check in time is 4:00 p.m. and check out time is 11:00 a.m. **A reservation link will be emailed to the attendee at the email address provided on the seminar registration form.**

*If you need help with air travel, shuttle service or car rental, contact Jane Franks at Forest Lake Travel, (803) 738-1520*

# Austin 2023 Agenda

## TUESDAY, JULY 25, 2023

12:00 - 5:00 Registration/Information Desk Open

## WEDNESDAY, JULY 26, 2023

7:30 - 9:30 NACTT Academy Open Board Meeting

8:00 - 5:00 Registration/Information Desk Open

8:00 - 9:00 STACS Meeting

8:00 - 12:00 Mortgage Committee Meeting

8:00 - 12:00 NDC Board Meeting

9:00 - 10:00 NACTT/EOUST Liaison Meeting

10:00 - 11:30 NACTT Board of Directors Meeting & Lunch

12:00 - 1:00 Consumer Bankruptcy Roundtable

1:15 - 3:15 Open NACTT Board of Directors Meeting and NACTT Trustee Business Meeting  
(All Trustees Welcome)

4:30 - 5:30 Small Trustee Office Committee

4:30 - 5:30 Auto Creditors Committee Meeting

5:00 - 6:00 Student Loan Committee Meeting

6:00 - 7:30 Trustee and Guest Reception (By Invitation Only)

## THURSDAY, JULY 27, 2023

Presiding Officer: Lon A. Jenkins, NACTT Vice-President, Program Chair and Chapter 13 Standing Trustee for the District of Utah (Salt Lake City)

7:30 - 8:30 Breakfast with Exhibitors

8:00 - 5:00 Registration/Information Desk Open

8:00 - 5:00 NACTT Trustee/Academy Member Hospitality

8:30 - 8:45 Welcome and Opening Remarks

**Russell C. Simon**, NACTT President and Chapter 13 Standing Trustee for the Southern District of Illinois (Swansea)

**Lon A. Jenkins**, NACTT Vice-President, Program Chair and Chapter 13 Standing Trustee for the District of Utah (Salt Lake City)

**Honorable William Houston Brown**, United States Bankruptcy Judge, Western District of Tennessee (Retired), Editor and Advisor, NACTT Academy for Consumer Bankruptcy Education, Inc. (Franklin, TN)

**Honorable Craig A. Gargotta**, Chief United States Bankruptcy Judge, Western District of Texas (San Antonio)

8:45 - 8:55 Update from the Administrative Office of United States Courts

8:55 - 9:25 Update from the Executive Office for United States Trustees

**Tara Twomey**, Director of the Executive Office for United States Trustees, U.S. Department of Justice (Washington, D.C.)

# Agenda

**9:30 - 10:30 Hottest Appellate Bankruptcy Decisions: Love 'em or Hate 'em?**  
**Moderator: Nancy J. Whaley**, Chapter 13 Standing Trustee for the Northern District of Georgia (Atlanta)  
**Honorable Craig A. Gargotta**, Chief United States Bankruptcy Judge, Western District of Texas (San Antonio)  
**Mahesha Subbaraman**, Subbaraman PLLC (Minneapolis, MN)

**10:30 - 11:00 Break with Exhibitors**

**11:00 - 12:00 Evidence Issues:** Proving your case, shifting burdens of proof, as well as, anticipating and meeting objections.  
**Moderator: Melissa J. Davey**, NACTT Treasurer and Chapter 13 Standing Trustee for the Northern District of Georgia (Atlanta)  
**Honorable Robert J. Shelby**, Chief United States District Judge, District of Utah (Salt Lake City)  
**Honorable Brian D. Lynch**, Chief United States Bankruptcy Judge, Western District of Washington (Tacoma)

**12:00 - 1:00 Lunch on Your Own**

**1:00 - 2:00 Bankruptcy Ethics Name That Tune:** Harmonize your knowledge of music with ethics and professionalism and the do's and don'ts of representing debtors, creditors and/or the trustee. Based on the 1950's game show still living today. Prizes and surprises guaranteed.  
**Moderator: Deborah B. Langehennig**, Chapter 13 Standing Trustee for the Western District of Texas (Austin)  
**Honorable H. Christopher Mott**, United States Bankruptcy Judge, Western District of Texas (Austin)  
**Deborah D. Williamson**, Dykema (San Antonio, TX)  
**Berry D. Spears**, Keller Benvenuti Kim LLP (Austin, TX)  
**Todd Headden**, Hayward, PLLC (Austin, TX)

## Alternative Track Designed Specifically for Staff of Trustee Offices

**The Five-Special:** Alternatives to an in-office 40 hour work week.

**Moderator: Vanessa Guerrero**, Staff Attorney for Mary K. Viegelahn, Chapter 13 Standing Trustee for the Western District of Texas (San Antonio)

**Charri Stewart**, Director of Operations for Suzanne E. Wade, Chapter 13 Standing Trustee for the Eastern District of Virginia (Richmond)

**Debbie Smith**, IT Director for Albert Russo, Chapter 13 Standing Trustee for the District of New Jersey (Robbinsville)

**2:00 - 2:30 Break with Exhibitors**

## 2:30 - 3:30 Your Choice - One of Three Breakout Sessions Designed for General Attendees

**1) Getting Debtors to Discharge—Hardship or Plan Completion?** The practical and legal difficulties of getting to end of case.

**Moderator: Martha G. Bronitsky**, Chapter 13 Standing Trustee for the Northern District of California (Oakland)

**Honorable Tamara O. Mitchell**, United States Bankruptcy Judge, Northern District of Alabama (Birmingham)

**Kara K. Gendron**, Mott & Gendron Law (Harrisburg, PA)

**2) Mortgage Issues:** COVID-related loan modifications and many other relevant issues relating to mortgages and mortgage servicing.

**Moderator: John M. Hauber**, Chapter 13 Standing Trustee for the District of Indiana (Indianapolis)  
**Amanda D. Koehn**, Boleman Law Firm (Richmond, VA)

**Michael J. McCormick**, Senior Partner, McCalla Raymer Leibert Pierce, LLC (Roswell, GA)

# Agenda

**3) Real Property Tax Sales:** Are they avoidable as fraudulent transfers or preferences? Who pursues avoidances? Trustee? Debtor?

**Moderator: Krista M. Preuss**, Chapter 13 Standing Trustee for the Eastern District of New York (Jericho)

**Honorable Kimberley H. Tyson**, Chief United States Bankruptcy Judge, District of Colorado (Denver)

**Hannah W. Hutman**, Hoover Penrod PLC (Harrisonburg, VA)

**Michael A. Cavallaro**, Deputy General Counsel, Valon Mortgage (Minneapolis, MN)

## Alternative Track Designed Specifically for Staff of Trustee Offices

### 4) The National Data Center

**David Shapiro**, Chief Operating Officer, National Data Center (Lafayette, CA)

**Mary Ruppenthal**, Chief Administrator, National Data Center (Lafayette, CA)

3:30 - 4:00 Break with Exhibitors

4:00 - 5:00 Your Choice - One of Two Breakout Sessions Designed for General Attendees

**1) Sale Plans:** Obtaining confirmation when the plan proposes to sell property.

**Moderator: David G. Peake**, Chapter 13 Standing Trustee for the Southern District of Texas (Houston)

**Honorable Selene D. Maddox**, United States Bankruptcy Judge, Northern District of Mississippi (Aberdeen)

**Cristina Rodriguez**, Keeling Law Firm (Houston, TX)

**Thomas A. Lee III**, Managing Partner, Becket & Lee LLP (Malvern, PA)

**2) The Rules:** What is new about rules, forms, courts' interpretations, and what is pending?

**Moderator: Debra L. Miller**, Chapter 13 Standing Trustee for the Northern District of Indiana (South Bend)

**Honorable Suzanne H. Bauknight**, United States Bankruptcy Judge, Eastern District of Tennessee (Knoxville)

**Larry Ahern**, Brown & Ahern (Nashville, TN)

## Alternative Track Designed Specifically for Staff of Trustee Offices

**3) Employment Law:** A discussion of employment law issues specific to Trustees' Offices

**Leslie Byrd**, Bracewell LLP (San Antonio, TX)

5:30 - 7:00 President's Reception

## FRIDAY, JULY 28, 2023

**Presiding Officer: Gregory A. Burrell**, NACTT Secretary and Chapter 13 Standing Trustee for the District of Minnesota (Minneapolis)

7:30 - 8:30 Breakfast with Exhibitors

7:30 - 8:30 American College of Bankruptcy Breakfast, for Fellows of the College

8:00 - 1:00 Registration/Information Desk Open

8:00 - 1:00 NACTT Trustee/Academy Member Hospitality

8:30 - 8:45 Opening Remarks and Announcements

# Agenda

- 8:45 - 10:15** **Student Loans:** After forgiveness for some, what do remaining debtors do about discharge or remaining payment?  
**Moderator: Marie-Ann Greenberg**, Chapter 13 Standing Trustee for the District of New Jersey (Fairfield)  
**Honorable Kimberley H. Tyson**, Chief United States Bankruptcy Judge, District of Colorado (Denver)  
**Joshua R.I. Cohen**, The Student Loan Lawyer (St. Albans, VT)  
**S. Dawn Scaniffe**, General Attorney, Division of Postsecondary Education, Office of the General Counsel, U.S. Department of Education (Washington, D.C.)
- 10:15 - 10:45** **Break with Exhibitors**
- 10:45 - 11:45** **Bankruptcy Appeals:** A behind the scenes look at the process and procedures.  
**Moderator: Kathleen A. McCallister**, Chapter 13 Standing Trustee for the District of Idaho (Meridian)  
**Honorable Kathy A. Surratt-States**, United States Bankruptcy Judge, Eastern District of Missouri (St. Louis)  
**Mahesha Subbaraman**, Subbaraman PLLC (Minneapolis, MN)
- 11:50 - 12:50** **Authentic Diversity:** Ethical applications of what and how to change the workplace for good.  
**Michelle Silverthorn, J.D.**, Inclusion Nation, LLC (Chicago, IL)

Enjoy the Free Afternoon

## SATURDAY, JULY 29, 2023

**Presiding Officer: Melissa J. Davey**, NACTT Treasurer and Chapter 13 Standing Trustee for the Northern District of Georgia (Atlanta)

- 7:30 - 8:30** **Breakfast with Exhibitors**
- 8:00 - 5:00** **Registration/Information Desk Open**
- 8:00 - 5:00** **NACTT Trustee/Academy Member Hospitality**
- 8:30 - 8:45** **Opening Remarks/Announcements**
- 8:45 - 9:45** **Withdrawal of Debtor's Attorney:** Professional and ethical issues, impacts on debtors and case administration, including when it is appropriate, what happens to unrepresented debtors, divided representation, and divorce.  
**Moderator: Carey D. Ebert**, Chapter 13 Standing Trustee for the Eastern District of Texas (Plano)  
**Honorable Brian D. Lynch**, Chief United States Bankruptcy Judge, Western District of Washington (Tacoma)  
**Honorable Tamara O. Mitchell**, United States Bankruptcy Judge, Northern District of Alabama (Birmingham)  
**Nicole P. Novak**, Jeffrey M. Sirody & Associates P.A. (Baltimore, MD)
- 9:45 - 10:15** **Break with Exhibitors**
- 10:15 - 11:15** **Undisclosed Assets and Changes in Income:** When does debtor have a duty to amend schedules and consequences of nondisclosure?  
**Moderator: Jason Wilson-Aguilar**, Chapter 13 Standing Trustee for the Western District of Washington (Seattle)  
**Honorable Kathy A. Surratt-States**, United States Bankruptcy Judge, Eastern District of Missouri (St. Louis)  
**Mark C. Leffler**, Shareholder, Boleman Law Firm (Richmond, VA)  
**Molly S. Simons**, Sottile & Barile Attorneys at Law (Loveland, OH)



# Agenda

**11:15 - 11:30 Break with Exhibitors**

**11:30 - 12:30 The Complex Case:** Debtors with issues beyond the norm including the business debtor.  
**Moderator: Joyce B. Babin**, Chapter 13 Standing Trustee for the Eastern District of Arkansas (Little Rock)  
**Honorable Selene D. Maddox**, United States Bankruptcy Judge, Northern District of Mississippi (Aberdeen)  
**Michael B. Baker**, The Baker Firm, PLLC (Covington, KY)

**12:30 - 1:45 Lunch On Your Own**

**1:45 - 3:00 Chapter 13 Case Law Update**  
**Honorable Keith M. Lundin**, United States Bankruptcy Judge, Middle District of Tennessee (Retired)(Pittsburgh, PA)  
**Henry E. Hildebrand, III**, Chapter 13 Standing Trustee for the Middle District of Tennessee (Nashville)  
**Bill Rochelle**, ABI Editor at Large (Santa Fe, NM)

**3:00 - 3:15 Break with Exhibitors**

**3:15 - 5:00 Chapter 13 Case Law Update (continued)**

**5:30 - 7:00 Farewell Reception**

# Cle Policy / Future Dates

## « CLE POLICY »

NACTT will be responsible for the following regarding CLE:  
NACTT will apply for CLE in each state with registered attendees.  
NACTT will pay the application fee (if applicable) for each state as required.  
NACTT will file all CLE for attendees that submit the uniform certificate on-site.  
NACTT will not file CLE for self-reporting states.

## ATTORNEYS WILL BE RESPONSIBLE FOR THE FOLLOWING REGARDING CLE:

Attorneys that are required, by state, to sign in/out daily will be responsible for checking in at the CLE registration desk daily.  
Attorneys that fail to submit their uniform certificate on-site will only have 30 days to submit the uniform certificate to NACTT for filing. After this 30 day period the attorney will be responsible for filing their own CLE directly.  
Attorneys will be responsible for all fees associated with credit hours on-site (excluding the initial application fee).  
All checks must be written to NACTT for NACTT to file for CLE. Attorneys will be responsible for filing CLE in self-reporting states.

## FUTURE DATES

**2024**

**JULY 3-6, 2024  
BOSTON MARRIOTT COPLEY PLACE  
BOSTON, MA**

**2025**

**JULY 9-12, 2025  
CHICAGO MARRIOTT DOWNTOWN MAGNIFICENT MILE  
CHICAGO, IL**

**2026**

**JULY 8-11, 2026  
NEW YORK MARRIOTT MARQUIS  
NEW YORK, NEW YORK**

**2027**

**JULY 14-17, 2027  
GAYLORD ROCKIES RESORT & CONVENTION CENTER  
AURORA, CO**