**From:** Tryban\_Telser, Esther
**Sent:** Tuesday, September 23, 2014 2:41 PM
**To:** Berlin, Steve
**Cc:** Pezanoski, Diane M
**Subject:** Report of Hotel and Air Fare Received for Speaking

Steve,

The purpose of this message is to report that I have received three nights of hotel lodging ($440.70 total) and will receive reimbursement for air fare ($224.00) from the States’ Association of Bankruptcy Attorneys (“SABA”), an affiliate of the National Association of Attorneys General, for speaking at SABA’s annual conference last week.  The conference announcement and the schedule are attached.

Please advise if there is any further action I need to take to fully comply with the reporting requirements of Chicago’s current ethics program.

Thank you very much.

June 10, 2014



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 http://www.naag.org/

TO: All Chief Deputies

 All NAGTRI Training Contacts

 All Bankruptcy Contacts

FROM: James E. McPherson, Executive Director

Chris Toth, Deputy Executive Director and NAGTRI Director

 Karen Cordry, NAAG Bankruptcy Counsel

RE: **NAGTRI Training – NAAG/SABA**

*Advanced Bankruptcy Seminar – Practical Perspectives*

 **September 15-17, 2014, Biltmore, Providence, RI**

 **Early Registration Deadline Is August 15, 2014**

**The National Attorneys General Training & Research Institute (NAGTRI) is pleased to announce that limited scholarship funding from the NAGTRI Consumer Protection Fund is available to help defray costs for attendees from offices of the Attorneys General. Funding should be available for approximately 35 scholarships as described in the accompanying memorandum. Requests for scholarships, submitted via online nomination, *must* be received by July 3, 2014. Priority will be given in allocating funds to the date of receipt of nominations, so please do not delay in responding.**

We are pleased to announce that the National Association of Attorneys General (NAAG) will be joining the States’ Association of Bankruptcy Attorneys (SABA) to present the *Advanced* *Bankruptcy Seminar – Practical Perspectives*. The seminar will be held under the auspices of the National Attorneys General Training and Research Institute (NAGTRI) at the Biltmore Hotel in Providence, RI.

This year’s seminar will take a new approach; rather than presenting a longer program that attempts to cover the field for all levels of staff, this year we will be holding a shorter, more focused session dealing with advanced bankruptcy issues that your experienced staff may have already encountered or can expect to see in the near future. The seminar will last for two and a half days and will have a theme centered on government-funded affordable housing and other issues relating to the recent mortgage settlement. In addition to standard lecture and discussion sessions, the program will also have a number of hands-on, interactive sessions dealing with investigating financial affairs, trying a fraudulent transfer complaint, dealing with experts in presenting and defending a case, and the like. This conference will be an invaluable opportunity for your staff and staff in your client agencies to learn about not just the theory of the Bankruptcy Code but the practical realities of the issues that arise frequently in major Chapter 11 cases. We will have sessions dealing with both tax and regulatory issues; while the program is primarily designed for staff attorneys, experienced paralegals and other agency staff may also find it useful. The seminar will presume that attendees have a working knowledge of basic bankruptcy principles, and is not directed at those with no prior bankruptcy experience or who have not attended one of the prior more general NAAG/SABA/NAGTRI trainings. Rather, it is geared to allowing your experienced staff to engage with their peers in other States, as well as local and federal counsel, on the new challenges that bankruptcy continues to bring to your office’s goal of protecting the interests of the State and your constituents. We urge you to distribute this invitation widely within your office and related agencies, as bankruptcy issues arise in every substantive area.

The seminar will begin Monday morning with a presentation of a detailed hypothetical from which we will work for the rest of the conference. There will then be a discussion of the types of issues that arise at the beginning of cases – and how governmental counsel can get in early to help shape the future of the case. We will proceed to a detailed discussion of using bankruptcy to sell going-concern businesses very early in the case and how such sales (as has occurred with Chrysler, GM, and a host of other companies) have created many practical problems for governmental entities and for those who may have future claims against the old or the new entity. We will move on to breakouts on mortgage and consumer protection issues for regulators and a session on nuts and bolts collection issues for tax counsel and then will have a “skills session” on financial investigation of the debtor.

We will next discuss Section 525, which puts special obligations and limits on government actions and then turn to fraudulent transfer actions, with sessions on the legal issues. We will have another set of breakouts dealing with how environmental issues are dealt with in Section 363 sales on the regulator’s side, and issues involving individual debtors on the tax side. We will end with an interactive session on evidence and other litigation issues arising in the trial of the avoidance actions we have discussed previously in the seminar. The following morning we will have sessions on issues to look out for when plan confirmation is proposed, and what issues come up *after* plan confirmation when it turns out the case isn’t quite over yet. We will end with a lively session on ethics looking at issues that blend bankruptcy concerns with perennial topics of interest, including parallel civil and criminal matters and questioning unrepresented persons.

We will have a distinguished panel of presenters for the rest of the seminar, including bankruptcy judges, the General Counsel for the U.S. Trustee Program, private attorneys from the highest levels of the bankruptcy world, experienced bankruptcy counsel from state, local, and federal agencies, and New Hampshire Attorney General Joseph Foster, whose practice focused on business bankruptcy and commercial litigation before he became Attorney General. Each has been selected based on his or her experience and expertise with respect to the unique issues faced by governmental counsel in bankruptcy court. A tentative agenda is attached hereto; it will be updated and expanded as we get closer to the program dates. We will run through mid-afternoon Wednesday; travel plans should be made accordingly and scholarship recipients, in particular, should expect to remain for the entire session.

The fee for the seminar is $450; **a reduced fee of $400 will be available until August 15, 2014.** In addition, to encourage the greatest possible participation from your offices, we will be offering a discount of $100 per registration for groups of three or more persons from the same office, registering at the same time. If your office is awarded a scholarship, that person may be counted as one from the state to complete the group of three or more to obtain the group rate.

NAAG no longer accepts paper registration forms. To register, please do so online at: : <http://www.naag.org/2014-naagsaba-advanced-bankruptcy-seminar-practical-perspectives-registration.php>. Although we will continue to accept registrations as late as possible, we may not be able to accommodate participants after the early registration cut-off date of August 15, 2014, depending on the numbers already registered. In order to assist our planning, please have staff complete registration as soon as possible.

***Hotel Information***

We have reserved a block of guest rooms at the Providence Biltmore Hotel, located at 11 Dorrance Street, Providence, RI, 02903. The special group rate is $130 per night plus 13% tax for single or double occupancy (for a total of $146.90 per night). Rooms are reserved under the conference block from Saturday through Wednesday night, and the same rate will be available for three days before and after the reserved dates. Hotel space can be limited for those periods; we strongly urge attendees to reserve their rooms early. Reservations may be made by phone (401-421-0700); be sure to mention the NAAG Bankruptcy Seminar when making reservation to get the special rates.***The cut-off for hotel reservations is Friday, August 22, 2014.*** After that date, the rooms will be released to the general public and there is no guarantee we will be able to have space for you at the hotel. Accordingly, please make your reservations now even if your final clearance to attend is still pending. Reservations may be canceled up until 48 hours in advance without penalty.

***What's Included in the Registration; Other Activities***

In addition to the course and materials, the seminar registration will cover breakfasts and breaks on each of Monday through Wednesday, and an opening reception on Sunday night. As an optional activity, we will be taking a bus to Newport, RI where we will be treated to a tour and narration about the magnificent mansions built by the seafaring captains from the 1700s and the captains of industry from the 1800s and then will have time on our own to walk around the city, dine, and take in the sights before we head back. The cost will be $25; more information and registration for the outing will be sent on a separate activity form to attendees.

A charge of $50 will be made for guests of the participants who wish to attend the opening reception and the breaks. If staff will not be attending the conference, but are interested in purchasing a copy of the briefing materials, please have them contact Camie Carlock at ccarlock@naag.org by September 1, 2014, so we know how many copies to make of the materials. The cost for materials only is $90.

***Travel Information***

Providence is served by the T.F. Green Airport, a short ten minute trip from downtown. A shuttle departs from the airport every hour on the hour from 5 am to 7 pm and automatically stops at the Biltmore; cost is $12 one way and $24 round trip. Taxi fares should be in the range of $25-$30. Providence is also served by Amtrak with train service throughout the North East; the station is less than a quarter mile from the hotel. Providence is also within easy driving range of the mid-Atlantic and New England area – we urge offices sending more than one person to consider having attendees share a vehicle to reduce costs to allow us to spread scholarship money further. Overnight parking is available next to the hotel for $28 per day.

***Cancellation Policy***

Cancellation requests must be made in writing by email. A minimum 20% administrative fee will be deducted for all refunds. No refunds will be made for cancellation requests received 7 days or fewer prior to the meeting start date absent a demonstrated and unavoidable emergency. The state may substitute a new attendee for the prior registrant at any time without cost. Information for scholarship attendees, including any obligations with respect to nonrefundable fares, will be provided with their acceptance confirmation.

We look forward to seeing participants in Providence. If there are any questions about the seminar, please call NAAG Bankruptcy Counsel Karen Cordry at (202) 326-6025 or email to kcordry@naag.org, or contact Program Specialist Camie Carlock at (202) 326-6262 or by email at ccarlock@naag.org.

**National Association of Attorneys General (NAAG)**

**National Attorney Generals Training Institute (NAGTRI)**

**States Association of Bankruptcy Attorneys (SABA)**

**Advanced Bankruptcy Seminar – Practical Perspectives**

**PROVIDENCE, RI SEPT. 14-17, 2014**

**Tentative Agenda**



**SUNDAY, SEPTEMBER 14, 2013**

2:00 p.m. to 5:00 p.m. **Registration**

6:00 p.m. to 8:00 p.m. **Opening Reception**

**MONDAY, SEPTEMBER 15, 2014**

7:30 a.m. to 9:00 a.m. **Registration**, breakfast (included in registration)

8:30 a.m. to 8:45 a.m. **Conference Opening**: Welcome SABA/NAAG

8:45 a.m. to 9:00 a.m. **Opening Remarks**  Peter Kilmartin, Attorney General, Rhode Island

9:00 a.m. to 9:15 a.m. I**ntroduction to Hypotheticals**

9:15 a.m. to 10:30 am **First Day Orders**

*Honorable Stephen Johnson, Bankruptcy Judge, ND California*

*Lynn Butler, Husch Blackwell LLP; Donn Rosenblum, OH OAG, Jonathan Alden, FL DEP*

What issues do debtors raise immediately; which ones are problems; which ones have States already won; what issues do States need to have resolved in the early days of a case.

10:30 a.m. to 10:45 a.m. **Break**

10:45 a.m. to 12:30 p.m. **Section 363 Sales**

*Bob Keach, Bernstein Shur; Prof. Mark Scarberry, Pepperdine U. Moderator Karen Cordry, NAAG*

Drawing the line on what can be sold; when can a party be forced to accept a money satisfaction? What governmental and other use restrictions can Trump a free and clear sale? Can other parties get exemptions in a sale? What about future protecting claims? Other practical aspects. Transparency and accountability issues making the bidding work. Special provisions involving nonprofit entities

12:30 p.m. to 1:30 p.m. **Lunch on your own**

1:30 p.m. to 3:00 p.m. **Breakouts** Regulatory and Tax

Room A Room B

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| --- | --- |
| **Regulators Mortgage and Consumer Protection Issues***Ramona Elliott, General Counsel, U.S. Trustee; Stephanie Kahn, MA OAG; Esther Tryban Telser, City of Chicago*Issues arising from the hypothetical – fraud issues, government rights to sue for restitution and penalties for the defrauded tenants; when does the stay apply and when does it not; discharge treatment of claims, etc.; use of nonbankruptcy CP laws – preemption issues  | **Tax -- Nuts and Bolts Collection Type Issues** *Fred Rudzik, FL OAG; Jim Newbold, IL OAG: John Stern, TX OAG*505 and 362 issuesClaim vs admin bar dates (must government file a claim or administrative expense request? What if it misses the date)Personal property taxesMotion to dismiss if debtor doesn’t pay taxes during the case, etc.Notice issues how to get your address listed, how to get off the list, etc.Other corporate tax issues. |

3:00 p.m. - 3:15 p.m. **Break**

3:15 p.m. - 5:00 p.m. **Skills Session Financial Investigation of the Debtor**

 *Honorable Stephen Johnson, Bankruptcy Judge, ND California;*

*Jay Befort, Befort & Befort*

Where to get information, Rule 2004 exams; dealing with experts on these issues (yours and theirs); Monthly Operating Reports what can you get from them; Proving up fraudulent spin-off issues; corporate affiliations/alter egos, etc.; referring the fraud - who can you get to care?

5:00 p.m.  **Session Ends**

5:30 p.m. **Optional Activity Trip to Newport, RI**

**TUESDAY, SEPTEMBER 16, 2014**

8:00 a.m. to 9:00 a.m. **Breakfast** (Included in registration)

9:00 a.m. to 10:30 a.m. **Section 525 Issues The Law and The Practicalities**

*Peter Roth, NH OAG; Allen Rosenberg, MA DOR; Hal Morris, TX OAG*

Government dealings with the debtor -- licensing, contracting, permitting awarding grants; when is the government barred from using other rights under the Code (i.e., bars on using *in rem* rights in public housing); financial assurance obligations

10:30 a.m. to 10:45 a.m. **Break**

10:45 a.m. to 12:30 p.m. **Avoidance Actions**

*Jim Jacobsen, NM OAG; Zach Mosner, WA OAG; Jim Newbold, IL OAG*

Sales and spin-offs for inadequate consideration; who is liable, what are the measures of recovery under Section 550; Subchapter S corporation tax issues – theories of liability and defenses; Section 544 suits and sovereign immunity issues; miscellaneous defenses

12:30 p.m. to 1:30 p.m. **Lunch on your own**

1:30 p.m. to 3:00 p.m. **Breakouts**

|  |  |
| --- | --- |
| **Regulators Environmental Permitting and Clean-Up Issues***Honorable Robert Gerber, Bankruptcy Judge, SDNY; Maureen Leary, NY OAG; Margarita Padilla, CA OAG; Alan Tenenbaum, USDOJ* Remediation and permitting issues – getting compliance, injunctive relief versus monetary claims; corporate restructuring related to environmental liabilities; looking at state liabilities.  | **Tax Individual Tax Liability Issues***Kim Davis, MT DOR; Keith Jones, MT DOR; Stephen Meunier, Trial Attorney, US Trustee* Chapter 13 eligibility; which claims must be filed; dischargeability of taxes; what’s property of the estate (Section 1306 vs 1327) and how does that affect the stay on collections; treatment of cash paid in in a converted case; absolute priority rule in individual Chapter 11s; business versus personal liabilities |

3:15 p.m. to 3:30 p.m. **Break**

3:30 p.m. to 5:00 p.m. **Trying an Avoidance Action (Offense and Defense) Judges Panel**

*Honorable Michael Deasy, Bankruptcy Judge, NH*

 *Honorable Edd Ballinger, Bankruptcy Judge, AZ*

 *Honorable Sean Lane, Bankruptcy Judge, SD NY*

Interactive session involving presentation of specific issues derived from the hypothetical, the financial investigation session and the legal theories from the prior discussion; evidence questions; proof issues; insights on what do judges like least about the trials they hold? What do government lawyers do right? What do they do wrong?

**WEDNESDAY, SEPTEMBER 17, 2014**

8:00 a.m. to 8:45 a.m. Breakfast (Included in registration)

8:45 a.m. to 9:00 a.m. SABA Business Election of Board; report to membership

9:00 a.m. to 10:30 a.m. **Plan Proposal Issues Things to Watch Out For**

*Honorable Melvin Hoffman, Bankruptcy Judge, MA; Ramona Elliott,*

*General Counsel US Trustee; Mark Silverschotz, ReedSmith; Mike Venditto, ReedSmith; Sam Maizel, Pachulski, Stang; Donn Rosenblum, OH OAG*

Interactive sessions with arguments in favor of and against various typical plan provisions; use of Section 1123(a)(5) to override future governmental authority; setoff and recoupment limitations; overly broad injunctions; exculpations, jurisdiction retention; sales of estate property free and clear and/or w/o allowing proper creditor rights (i.e., credit bidding); getting paid for substantial contributions

10:30 a.m. to 10:45 a.m. **Break**

10:45 a.m. to 12:00 p.m. **Post-confirmation Issues** **– Chapters 11 and 13**

  *Allen Rosenberg, MA DOR;* *Marikae Toye, MA DOR, Stephen G. Murphy; MA DOR*

 How to monitor and enforce compliance, bringing suit vs. conversion

Liquidating trustees and litigation issues

Getting admin claims paid

12:00 p.m. to 1:15 p.m. **Lunch on your own**

1:15 p.m. to 3:00 p.m. **Ethics**

*Honorable Nancy Hershey Lord, Bankruptcy Judge, ED NY;*

 *Honorable Edd Ballinger, Bankruptcy Judge, Arizona*

 *Joseph Foster, Attorney General, New Hampshire*

 *Zach Mosner - Moderator*

Ethical dimensions of plan provisions (e.g., committee counsel reimbursements; carveouts for “out of the money” parties), etc.

Civil/criminal proceedings pushing the investigatory boundaries

Dealing with unrepresented persons.

Dealing with the internal conflicts in the AG office between different agency interests

Other topics TBD

3:00 p.m. Conference Ends