

# **AMERICAN COLLEGE OF BANKRUPTCY**

## **SIXTH CIRCUIT WEEKEND IN NASHVILLE, TN**

### **EDUCATIONAL PROGRAM AGENDA**

Vanderbilt Law School

Street Address: 131 21st Avenue

City: Nashville

State / Province: Tennessee

Postal / Zip Code: 37203

### **Saturday, October 11, 2025**

#### **10:00 AM-12:00 PM Circuit Splits Debate at Vanderbilt Law School**

This two-hour debate-style presentation will include a discussion of four bankruptcy law issues – two consumer and two Chapter 11 – for which the Circuit Court of Appeals are split in their decisions.

10:00: Whether a Chapter 11 plan can provide a non-debtor release by an “opt-out” provision in a ballot submitted to creditors when they vote on the plan

10:30: Whether the appreciation of real property during a Chapter 13 case is property of the estate upon a conversion of that case to Chapter 7

11:00: Whether 11 U.S.C. § 523 applies to a corporate debtor in a Subchapter V Chapter 11 case

11:30: Whether contributions to a Chapter 13 debtor’s qualified retirement account is a qualified expense to reduce the “disposable income” pursuant to 11 U.S.C. § 1325(b)(2) when the Chapter 13 plan pays less than the full amount owed to unsecured creditors.

#### **Speakers**

Mary Beth Ausbrooks, Attorney, Rothschild & Ausbrooks, PLLC

Henry E. Hildebrand III, Chapter 13 Standing Trustee, M.D. Tenn.

James R. Kelley, Partner, Womble Bond Dickinson

William L. Norton III, Member, Bradley Arant Boult Cummings LLP

## **MARY BETH AUSBROOKS**

### **Education**

Volunteer State Community College, Gallatin, Tennessee, A.S., Business and Commerce, *Summa cum Laude* (1991)

Tennessee State University, Nashville, Tennessee, B.B.A., Accounting, *Summa cum Laude* (1993)

University of Memphis Cecil C. Humphreys School of Law, Memphis, Tennessee, J.D. (1996)

### **Professional Career**

Attorney/Owner, Rothschild & Ausbrooks, PLLC, Nashville, Tennessee (2008-)

Managing Attorney, Clark & Washington, P.C., Nashville, Tennessee (2005-2008)

Associate Attorney, Roehrig & Associates, P.C., Gallatin, Tennessee (2000-2005)

Associate Attorney, The Fleming Law Firm, Springfield, Tennessee (1999-2000)

Associate Attorney, Walker & Associates, P.C., Goodlettsville, Tennessee (1996-1999)

### **Affiliations**

American Board of Certification, Board of Directors, former Chair of the Standards Committee, former Secretary, Treasurer, President Elect (2007 -)

National Association of Consumer Bankruptcy Attorneys, Member, former member of the Board of Directors and former State Chair (2009 -)

National Association of Chapter 13 Trustees, Member (2005-)

Nashville Bar Association, Member (1996 -)

Tennessee Bar Association, Member (1996 -)

Middle Tennessee Association of Consumer Bankruptcy Attorneys, Member/President (2005-)

Legal Aid Society and Nashville Pro Bono Program, Leadership Cabinet (2011-2018)

## **HENRY E. HILDEBRAND III**

### **Education**

Vanderbilt University, B.A. (1973)

National Law Center of George Washington University, J.D. (1976)

### **Professional Career**

Trustee, Office of the Chapter 13 Trustee for the Middle District of Tennessee (1982-)

Of Counsel (2004-), Lassiter, Tidwell & Davis, PLLC (1990-04)

Trustee, Office of the Chapter 12 Trustee for the Middle District of Tennessee (1986-)

Faculty, Nashville School of Law

Partner, Passino & Hildebrand (1986-90)

Partner, Waddey & Jennings (Waddey, Lundin & Newport) (1980-86)

Assistant Attorney General, Attorney General's Office, Nashville, Tennessee (1976-80)

### **Affiliations**

National Association of Chapter 13 Trustees: President (1990-91); Chair, Legislative & Legal Affairs Committee (1991-)

American Bankruptcy Institute, Board Member (1999-05)

American Board of Certification, Board Member (1998-05)

Trustees Education Network, Charter Board Member (1998-02)

National Data Center, Board Member (1996-04)

Nashville Bar Association

NACFT Academy for Consumer Education, Board member (2005-)

National Association of Consumer Bankruptcy Attorneys

Wine and Spirit Wholesalers of America, Advisory Council



**James R. Kelley**  
Partner

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Jim Kelley is a highly regarded bankruptcy and restructuring attorney with decades of experience advising corporate and individual clients in complex matters across the United States. He has represented major financial institutions, corporate entities, and fiduciaries – including Wells Fargo, Bank of America, Reliant Bank, Regions Bank Corporate Trust, and FirstBank – in bankruptcy proceedings, workouts, and commercial litigation.

Deeply committed to civic leadership, Jim has served as president or board member for a wide range of nonprofit and professional organizations, including Nashville CARES, Oasis Center, Family and Children's Service, OZ Arts Nashville, and Greenways for Nashville. His impact has been recognized through multiple honors, including the inaugural Nashville CARES Iris Buhl Philanthropy Award.

### **Professional & Civic Engagement**

- American Bar Association
- American Bankruptcy Institute; Former Chair of Taxation Committee
- American College of Bankruptcy, Fellow; Former Board Member
- Tennessee Bar Association
- Nashville Bar Association
  - Nashville Bar Foundation, Fellow
- Mid-South Commercial Law Institute, Former Director and President
- Greenways for Nashville, Former President and Board Member
- Family and Children's Service, Board of Directors; Former President
- OZ Arts Nashville, President of the Board of Trustees
- Oasis Center, Former President and Member of the Executive Committee and Board of Directors
- Nashville CARES, Former President and Member of the Executive Committee and Board of Directors
- Reliant Bank, Former Board Member
- Reliant Bancshares, Inc., Former Board Member
- Watkins College, Former Board Member
- American Friends of Chantilly, Former Board Member
- Sonata Financial Holdings, Board Member

### **Honors & Awards**

- Recognized in *The Best Lawyers in America*<sup>®</sup> for Bankruptcy and Creditor Debtor Rights/ Insolvency and Reorganization Law, Litigation – Bankruptcy, and Tax Law, 1989-Present

## Education

- LL.M., Emory Law School, Taxation, 1977
- J.D., Emory Law School, 1975
  - with distinction
  - Order of the Coif
- B.S., Vanderbilt University, 1970

## Admitted to Practice

- Tennessee

## Related Services & Sectors

### Services

Bankruptcy, Restructuring, and Creditors' Rights; Finance, Bankruptcy and Restructuring; Consumer Finance Disputes and Litigation; Litigation and Dispute Resolution, Taxation

### Sectors

Financial Services

**WILLIAM L. NORTON III** is a Member of the law firm Bradley Arant Boult Cummings LLP, 1221 Broadway, Suite 2400, Nashville, Tennessee, 37203 (615-252-2397). He graduated from Vanderbilt University (B.A., 1975; J.D., 1982) and practices in the commercial finance area and focuses primarily in creditor's rights and insolvency law. Mr. Norton is a Fellow with the American College of Bankruptcy. He teaches bankruptcy law and secured transactions as an Adjunct Professor at Vanderbilt University School of Law and is the Editor in Chief for Norton Bankruptcy Law and Practice 3d (Thomson-Reuters) and Co-Author of the Creditor's Rights Handbook (Thomson-Reuters 2024) and Exemption Handbook (Thomson-Reuters 2025).

He serves as Institute Manager for Norton Institutes on Bankruptcy Law, which has conducted over 100 seminars on bankruptcy law, and has provided monthly webinars for West Legal Ed. for over twenty years. Mr. Norton is Past President of the American Board of Certification and is a Director Emeritus. He is a Past President of the Tennessee Turnaround Management Association and in 2016, he received the Outstanding Turnaround Professional Award from the Tennessee TMA Chapter. Mr. Norton is a Past Board Chair of the Mid-South Commercial Law Institute and a Past First Vice President of the Nashville Bar Association. He is an approved Rule 31 mediator by the Tennessee Supreme Court, and is the current Board Chair of the Nashville Conflict Resolution Center where he also is a volunteer who provides over 50 hours per year of pro bono mediation services to pro se litigants in Davidson County General Sessions Court.