



Minnesota CLE and the  
Bankruptcy Section of the MSBA  
proudly present:

# The 2009 Bankruptcy Institute

## NEW THIS YEAR!

Bankruptcy 101 – A Complete Track of Sessions Specially Designed for Lawyers New to Bankruptcy Practice

## SPECIAL GUEST SPEAKERS

**Professor Douglas G. Baird**  
*University of Chicago Law School*

**Terry J. Fitzgerald**  
*Senior Economist,  
Federal Reserve Bank of Minneapolis*

**Aubrey E. Kauffman**  
*Fasken Martineau DuMoulin LLP, Toronto*

**Rafael Klotz**  
*Gordon Brothers Group, Boston*

**Ronald R. Peterson**  
*Jenner & Block LLP, Chicago*

## MINNESOTA'S BANKRUPTCY COURT JUDGES

**Chief Judge Nancy C. Dreher**

**Judge Robert J. Kressel**

**Judge Dennis D. O'Brien**

**Judge Gregory F. Kishel**

Plus Minnesota's leading bankruptcy experts on 26 of this year's hottest bankruptcy topics!

# Faculty & Planners

\* **Eric J. Sherburne**  
*Institute Chairperson  
Stein & Moore, P.A.  
Saint Paul*

**Professor Douglas G. Baird**  
*University of Chicago Law School  
Chicago*

\* **Phillip W. Bohl**  
*Gray Plant Mooty, P.A.  
Minneapolis*

**Thayer A. Butler**  
*Manty & Associates, P.A.  
Minneapolis*

\* **Sam V. Calvert**  
*Sam Calvert Law Office  
Saint Cloud*

**Kyle L. Carlson**  
*Chapter 13 Trustee  
Barnesville*

**Julia A. Christians**  
*Lapp, Libra, Thomson,  
Stoebner & Pusch, Chtd.  
Minneapolis*

**James M. Clay**  
*Morrison Fenske & Sund, P.A.  
Minnetonka*

\* **Katherine A. Constantine**  
*Dorsey & Whitney LLP  
Minneapolis*

\* **Mary L. Cox**  
*Stein & Moore, P.A.  
Saint Paul*

\* **Margaret H. Culp**  
*Office of the Chapter 13 Trustee  
Minneapolis*

**Chief Judge Nancy C. Dreher**  
*U.S. Bankruptcy Court  
Minneapolis*

**Terry J. Fitzgerald**  
*Federal Reserve Bank  
Minneapolis*

**Stephen F. Grinnell**  
*Gray Plant Mooty, P.A.  
Minneapolis*

**Bradley J. Halberstadt**  
*Stewart, Zlimes & Jungers Ltd.  
Roseville*

**John A. Halpern**  
*John A Halpern & Associates  
Minneapolis*

**Amber Hawkins**  
*Legal Aid Society of Minneapolis  
Minneapolis*

**John A. Hedback**  
*Hedback, Arendt, Kohl & Carlson, PLLC  
Saint Anthony*

**Cynthia L. Hegarty**  
*Best & Flanagan LLP  
Minneapolis*

\* **Mary C. Hoben**  
*Curtis K. Walker Law Office  
Minneapolis*

\* **Mary Jo Jensen-Carter**  
*Buckley & Jensen  
White Bear Lake*

**G. Martin Johnson**  
*Attorney at Law  
Burnsville*

**Thomas E. Johnson**  
*Office of the Chapter 13 Trustee  
Minneapolis*

**Aubrey Kauffman**  
*Fasken Martineau DuMoulin  
Toronto*

**Kenneth E. Keate**  
*Keate Law Firm  
Saint Paul*

**Douglas A. Kelley**  
*Kelley & Wolter, P.A.  
Minneapolis*

**Judge Gregory F. Kishel**  
*U.S. Bankruptcy Court  
Saint Paul*

**Rafael Klotz**  
*Gordon Brothers Group  
Boston*

**Faye Knowles**  
*Fredrikson & Byron, P.A.  
Minneapolis*

\* **Judge Robert J. Kressel**  
*U.S. Bankruptcy Court  
Minneapolis*

**Fredrick R. Krietzman**  
*Felhaber, Larson, Fenlon & Vogt, P.A.  
Minneapolis*

**Doraine A. Larison**  
*Gray Plant Mooty, P.A.  
Saint Cloud*

**James A. Lodoen**  
*Lindquist & Venum PLLP  
Minneapolis*

**Ronald J. Lundquist**  
*Attorney at Law  
Eagan*

\* **Planning Committee Member**

**Special Guest Speaker**

**Michael L. Meyer**  
*Ravich, Meyer, Kirkman, McGrath,  
Nauman & Tansey, P.A.  
Minneapolis*

**Judge Dennis D. O'Brien**  
*U.S. Bankruptcy Court  
Saint Paul*

**Richard J. Pearson**  
*Prescott & Pearson, P.A.  
New Brighton*

**Ronald R. Peterson**  
*Jenner & Block LLP  
Chicago*

\* **Robert B. Raschke**  
*U.S. Trustee's Office  
Minneapolis*

**Thomas M. Regan**  
*Regan Tax Law  
Minneapolis*

**Howard A. Roston**  
*Malkerson Gilliland Martin, LLP  
Minneapolis*

**David E. Runck**  
*Fafinski Mark & Johnson, P.A.  
Eden Prairie*

**Terri A. Running**  
*Running Law Firm, P.C.  
Saint Paul*

**Dennis M. Ryan**  
*Faegre & Benson LLP  
Minneapolis*

**Richard M. Schreiber**  
*Schreiber Law Office, LLC  
Saint Paul*

**Peter B. Stein**  
*Stein & Moore, P.A.  
Saint Paul*

**Will R. Tansey**  
*Ravich, Meyer, Kirkman, McGrath,  
Nauman & Tansey, P.A.  
Minneapolis*

\* **Lori A. Vosejka**  
*U.S. Bankruptcy Court  
Minneapolis*

**Gregory J. Wald**  
*Law Office of Gregory J. Wald  
Edina*

\* **Henry T. Wang**  
*Gray Plant Mooty, P.A.  
Minneapolis*

\* **Jane S. Welch**  
*Morrison Fenske & Sund, P.A.  
Minnetonka*



**Monday & Tuesday, October 5 & 6, 2009**  
The Northland Inn  
I-94 at Boone Avenue North  
7025 Northland Drive, Brooklyn Park

# Institute Schedule

## Monday, October 5, 2009

8:00 – 9:00 a.m.  
CHECK-IN & CONTINENTAL BREAKFAST

9:00 – 11:00 a.m.

### Case Law Update and Bankruptcy Trends

Faye Knowles and Judge Kressel return for their popular review of bankruptcy court, district court and court of appeals opinions decided since last year's Institute. If for no other reason, come for the cartoons.

*Judge Robert J. Kressel & Faye Knowles*

11:00 – 11:30 a.m. BREAK

11:30 a.m. – 12:30 p.m.

## Breakout Session A

### 1. Constructing a Chapter 11 Plan and Disclosure Statement: The Basic Building Blocks

The panelists will identify and illustrate the essential elements of a Chapter 11 plan of reorganization and its associated disclosure statement. The presentation will include practical advice about methods for reducing potential legal attacks on the plan by creditors.

*Will R. Tansey & Michael L. Meyer*

### 2. Debtors Versus Associations and Cooperatives

The speakers will discuss legal characteristics of homeowner associations and cooperatives. They will examine the effect of a bankruptcy on a debtor's membership, and the rights and remedies of associations and co-ops. The speakers will analyze Bankruptcy Code provisions regarding property of the estate, the automatic stay, discharge, and Chapter 13 plans.

*John A. Hedback & Fredrick R. Krietzman*

### 3. 10 Things Bankruptcy Lawyers Should Know About Family Law

Learn valuable tips about the interaction of bankruptcy and dissolution law, including which to file first.

*Doraine A. Larison*

### 4. Bankruptcy 101: Client Intake and Chapter Selection

**NEW BANKRUPTCY PRACTITIONERS:** Do you know just enough about consumer bankruptcy to be dangerous? This one-hour program will review the basics of Chapter 7 and Chapter 13 allowing the attorney new to bankruptcy to decide which chapter is most applicable to a client's given situation.

*Ronald J. Lundquist*

12:30 – 1:30 p.m.

INSTITUTE LUNCHEON (*provided by Minnesota CLE*)

1:30 – 2:30 p.m.

## Breakout Session B

### 5. Just Follow the Rules: Procedural Pitfalls in Chapter 11 Practice and Pointers for Avoiding Them

This panel will discuss the procedural aspects of Chapter 11, including the Federal Rules, Local Rules

and the Court's Filing Guidelines applicable to all Chapter 11 cases. Practice pointers to be discussed include case commencement, first-day motions and expedited hearings, retention of professionals, use of cash collateral, joint administration, disclosure and the confirmation process.

*Judge Gregory F. Kishel, David E. Runck & Robert B. Raschke*

### 6. The ABCs of Mortgage Foreclosure Defense

This session will provide you with a foreclosure defense tool box; including the Real Estate Settlement Procedures Act, Home Ownership and Equity Preservation Act, and the Truth in Lending Act.

*Amber Hawkins*

### 7. 10 Things Bankruptcy Lawyers Should Know About Tax Law

From establishing a claim in the bankruptcy estate to the effect of discharge of indebtedness on tax attributes, learn what you must know about taxes to properly advise your bankruptcy clients.

*Kenneth E. Keate & Thomas M. Regan*

### 8. Bankruptcy 101: Working with the Clerk's Office and the Chapter 7 Trustee

While Clerk's office staff and trustees cannot give legal advice to you or your clients, the presenters of this session will offer suggestions and practical advice on working effectively with both the clerk's office and trustees to ensure the smooth and swift progression of your cases from filing to closing.

*Lori A. Vosejпка & Julia A. Christians*

2:30 – 2:45 p.m. BREAK

2:45 – 3:45 p.m.

## Breakout Session C

### 9. The Current State of Retail Bankruptcies

The panelists will discuss developments of particular note in, and provide an overview of, the retail bankruptcy arena. Topics will include the effects of BAPCPA on the retail bankruptcy process, trends in financing retail bankruptcy cases, and current sale practices in retail bankruptcy cases.

*Rafael Klotz & Dennis M. Ryan*

### 10. Saving the House through Bankruptcy

Some debtors can cure mortgage or real estate tax arrearages in installments via a chapter 13 plan. Some debtors can negotiate mortgage loan modifications and embody them in a reaffirmation agreement. Some debtors can delay foreclosure or eviction or extend a redemption period by a bankruptcy filing. Learn about all these options in this informative session.

*Richard M. Schreiber & Gregory J. Wald*

### 11. 10 Things Bankruptcy Lawyers Should Know About Real Estate Law

This session includes the latest information on short sales, foreclosures, loan modifications, life estate and remainder interests, and unrecorded liens.

*Thayer A. Butler & Howard A. Roston*

### 12. Bankruptcy 101: Tips for Working with Chapter 13 Trustees and Getting Your Plan Confirmed

Valuable advice for lawyers new to bankruptcy practice on how to get your plan confirmed and your fees paid.

*Kyle L. Carlson, Mary C. Hoben & Thomas E. Johnson*

3:45 – 4:00 p.m. BREAK

4:00 – 5:00 p.m.

## Breakout Session D

### 13. Canadian Insolvency Law and Cross-Border Issues with Canada

A leading Canadian attorney will present an overview of the general principles of Canadian bankruptcy and insolvency laws, including how they differ from the U.S. model.

*Aubrey Kauffman*

### 14. Everything You Wanted to Know about Debt Collectors' Methods, But Were Afraid to Ask

Earnings garnishments, bank levies, executions on personal property, Orders for Financial Disclosure, post-judgment asset discovery, and contempt motions are all things that debtors may experience before a bankruptcy case. Do you know what these collection remedies are, when they are used, and how debtors may respond to them outside bankruptcy?

*John A. Halpern & G. Martin Johnson*

### 15. 10 Things Bankruptcy Lawyers Should Know About Estate Planning

Learn the basics of estate planning; including what bankruptcy lawyers should know about probate laws, trusts, and the new transfer on death deed.

*James M. Clay*

### 16. Bankruptcy 101: Bailout for the Financially Distressed Individual Debtor – The Discharge in Bankruptcy and Related Concepts and Procedures

Just what is the bankruptcy discharge and what consequences flow from it? How and when can a debt be reaffirmed, if at all? How and when can the discharge of a particular debt, or of all debt of a particular debtor, be attacked?

*Richard J. Pearson & Peter B. Stein*

5:00 – 5:45 p.m.

### Reception

Join your colleagues for complimentary drinks and hors d'oeuvres and a chance to win a free registration to next year's Bankruptcy Institute.

*Sponsored by the Bankruptcy Section of the Minnesota State Bar Association*

5:45 – 7:30 p.m.

### Bankruptcy Section Dinner

The Wadsworth Room at The Northland Inn

*Sponsored by the Bankruptcy Section of the Minnesota State Bar Association*

*Pre-registration required. See registration form for details.*



## Tuesday, October 6, 2009

8:30 – 9:00 a.m.

CONTINENTAL BREAKFAST

9:00 – 9:45 a.m.

### The Recession in Perspective

A senior economist at the Federal Reserve Bank of Minneapolis will discuss current economic conditions and place the 2009 recession into historical perspective.

*Terry J. Fitzgerald*

9:45 – 10:45 a.m.

### The Recession: What Chapter 11 Can and Cannot Do

The deepest recession in decades comes at the same time that Chapter 11 itself is undergoing dramatic change. Sales in Chapter 11 became commonplace over the last few years, but now liquidity has disappeared. Secured creditors are more pervasive and enjoy much more control than they had even a decade ago, but debtor in possession financing is in short supply. Financial innovation has dramatically increased the complexity of the debtor's capital structure and each investor's position at the same time the economic environment has made negotiations harder. This session will address how—and whether—Chapter 11 can meet the new challenges it faces.

*Professor Douglas G. Baird*

10:45 – 11:00 a.m. BREAK

11:00 a.m. – 12:00 p.m.

### Perspectives on the Petters Cases: The Parallel and Divergent Paths of Criminal, Receivership and Bankruptcy Proceedings

The unique facts of the cases, interplay among multiple criminal, civil and bankruptcy proceedings and the unusual challenges presented by them will be discussed from a receiver-trustee, trustee-creditor and counsel perspective. The panel will share views on the current status of the cases and what may lie ahead.

*Douglas A. Kelley & Ronald R. Peterson*

*James A. Lodoen, moderator*

12:00 – 12:30 p.m.

### State of the Court

*Chief Judge Nancy C. Dreher*

12:30 – 1:30 p.m.

INSTITUTE LUNCHEON (*provided by Minnesota CLE*)

1:30 – 2:30 p.m.

## Breakout Session E

### 17. Claims Trading

Issues swirling around the purchase and sale of claims are increasing in number and complexity. A national expert and a local practitioner will discuss them in detail.

*Douglas G. Baird & Jane S. Welch*

### 18. Elimination of Bias:

#### Understanding Problem Gambling

*2-hour session*

*2.0 elimination of bias credits (applied for)*

This presentation will address:

- the prevalence of problem gambling in Minnesota
- common myths about gambling behavior and addiction
- the stigma of gambling addiction
- resources and treatment options for problem gamblers
- intervention strategies for lawyers who have clients with gambling problems

*Representatives from Lawyers Concerned for Lawyers & Northstar Problem Gambling Alliance*

### 19. Bankruptcy 101: Adversary Proceedings

Discussion by a Bankruptcy Judge and litigator on the conduct of adversary proceedings.

*Judge Dennis D. O'Brien & Cynthia L. Hegarty*

2:30 – 2:45 p.m. BREAK

2:45 – 3:45 p.m.

## Breakout Session F

*18. Problem Gambling, cont.*

### 20. Alternatives: Pre-packs, State Court Receiverships and ABCs

Pre-packaged Chapter 11 bankruptcy cases, receiverships, and Assignments for the Benefit of Creditors are on the increase. Why? And how do you "do" them?

*Katherine A. Constantine & Stephen F. Grinnell*

### 21. Beware the New Relief from Stay Requirements – How to Stand and Be Counted! (Plus an Update on Redemptions)

In light of the complex and changing mortgage industry, judges are focusing on evidentiary issues in motions for relief from stay. You don't want to miss this lively session describing how both standing and payment histories have been incorporated into motions for relief from stay under pending Local Rule 4001. The session will address how and why the changes were made – as well as demonstrate how to complete the pending Local Form for payment histories. The session will conclude with a few practice pointers on redemptions.

*Terri A. Running & Bradley J. Halberstadt*

3:45 p.m.

INSTITUTE ADJOURNS

### Designates the NEW Bankruptcy 101 Track.

A Complete Track of Sessions Specially Designed for Lawyers New to Bankruptcy Practice.

## Join the guest speakers and your colleagues at the Bankruptcy Institute Reception and the Bankruptcy Section Dinner Meeting.

The Institute reception takes place immediately following the conclusion of the first day's sessions.

Following the reception, the Bankruptcy Section of the Minnesota State Bar Association will hold its monthly dinner meeting at **The Wadsworth Room at The Northland Inn**. The members of the Bankruptcy Section invite you to join them for an enjoyable dinner in a relaxed setting.

*Reservations and payment for the dinner meeting must be made before **September 25th**. The price of the dinner is \$25 per person and is not included in the course tuition.*

# The 2009 Bankruptcy Institute

October 5 & 6, 2009 • The Northland Inn • I-94 at Boone Avenue • Brooklyn Park

**PLEASE "✓" APPROPRIATE BOX BELOW:**

- \$495 MSBA member
- \$495 paralegal / legal assistant
- \$595 standard rate
- I have a Minnesota CLE Season Pass <sup>SM</sup>.

Pass # \_\_\_\_\_

**NEW LAWYER DISCOUNT!**

- I was first admitted to the bar after October 5, 2006, and have deducted \$60 from the registration fee marked at left.

**PLEASE "✓" INSTITUTE BREAKOUT CHOICES (1 PER SESSION):**

SESSION A	SESSION B	SESSION C	SESSION D	SESSION E	SESSION F
<input type="checkbox"/> #1	<input type="checkbox"/> #5	<input type="checkbox"/> #9	<input type="checkbox"/> #13	<input type="checkbox"/> #17	<input type="checkbox"/> #20
<input type="checkbox"/> #2	<input type="checkbox"/> #6	<input type="checkbox"/> #10	<input type="checkbox"/> #14	<input checked="" type="checkbox"/> #18 (2 hour session)	<input type="checkbox"/> #21
<input type="checkbox"/> #3	<input type="checkbox"/> #7	<input type="checkbox"/> #11	<input type="checkbox"/> #15	<input type="checkbox"/> #19	<input type="checkbox"/> #22
<input type="checkbox"/> #4	<input type="checkbox"/> #8	<input type="checkbox"/> #12	<input type="checkbox"/> #16		

**SECTION DINNER AT THE WADSWORTH ROOM:**

Reservations must be made before **September 25**. The price of the dinner is not included in the tuition and is not covered by the Minnesota CLE Season Pass <sup>SM</sup>.

445-10-02

- Yes, I will attend the Dinner Meeting. \_\_\_\_\_ will attend at \$25.00 each.

- Check here if address below is new.
- Check here if you have already registered.

Name (first) \_\_\_\_\_ (mi) \_\_\_\_\_ (last) \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

E-mail \_\_\_\_\_

Attorney License No. (if applicable) \_\_\_\_\_

Profession, if non-attorney \_\_\_\_\_

**PROGRAM MATERIALS:**  
I cannot attend. Please send me the following:

- \_\_\_\_ copy(ies) of the Institute manual in **hard copy** at \$125.00 each.
- \_\_\_\_ copy(ies) of the Institute manual on **CD-ROM** at \$125.00 each.
- \_\_\_\_ copy(ies) of the Institute manual in **hard copy and CD-ROM** at \$175.00 per set.

*(Materials will be available 10/14/09)*

Cost of item(s).....\$ \_\_\_\_\_

Shipping/Handling.....\$ \_\_\_\_\_

Subtotal.....\$ \_\_\_\_\_

Tax.....\$ \_\_\_\_\_

**TOTAL.....\$ \_\_\_\_\_**

COST OF ITEM(S)	S & H
CD-ROM.....	\$4
\$50.01 - 75.....	\$7
\$75.01 - 100.....	\$8
\$100.01 - 150.....	\$9
\$150.01 - 250.....	\$12
\$250.01 +.....	\$15
Expedited shipping available	
<b>TAX ON SUBTOTAL</b>	
Pick the appropriate tax based on where the book is received.	
Minneapolis, MN.....	7.775%
Saint Paul, MN.....	7.625%
Hennepin Co. (outside Mpls.).....	7.275%
Ramsey Co. (outside St. Paul).....	7.125%
Anoka, Dakota, Washington Co.....	7.125%
All other MN.....	6.875%
Outside MN.....	exempt

**ENCLOSED IS \$ \_\_\_\_\_ BY:**

- Check (payable to Minnesota CLE)
- VISA       MasterCard       Discover       AmEx

Card No. \_\_\_\_\_ Exp. \_\_\_\_\_

Signature \_\_\_\_\_



Minnesota State Bar Association  
Continuing Legal Education

2550 UNIVERSITY AVE W #160-S, SAINT PAUL MN 55114

DATED MATERIAL — PLEASE EXPEDITE!

Nonprofit Org.  
U.S. Postage  
PAID  
Minnesota Continuing  
Legal Education

## COURSE INFORMATION

### COURSE MATERIALS

You will receive all Institute materials on a fully-searchable CD-ROM plus hardcopy handouts for all the sessions you attend. It's the best of both worlds! Even if you cannot attend, you can still receive the materials by using the order form in this brochure.

### CREDITS

Minnesota CLE has applied to the State Board of CLE for **11.25 total credits**, including **2.0 elimination of bias credits for session #18**. Attendees of the elimination of bias session will report 9.25 standard credits and 2.0 elimination of bias credits. The maximum number of credits attendees may report for the 2009 Bankruptcy Institute is **11.25**.

### CANCELLATION/NO-SHOW POLICY

Paid registrants who cancel their registration at least 72 hours before the program will receive a full credit on their account; if fewer than 72 hours, a \$25 administrative fee will be deducted. Paid registrants who fail to attend will receive the written materials. Passholders may purchase the materials at 50% of the full retail price.

### ACCOMMODATION

If you have a disability and need an accommodation in order to attend, contact Minnesota CLE as soon as possible at 2550 University Avenue West, Suite 160-S, Saint Paul, MN 55114 or call us at 651-227-8266 or 800-759-8840.

### QUESTIONS?

Call Minnesota CLE at **651-227-8266** or **800-759-8840**. Or, visit us online at **www.minncle.org**.

## TO REGISTER/ORDER:

**MAIL TO:** Minnesota CLE  
2550 University Avenue West #160-S  
St. Paul, MN 55114

**ONLINE AT:** www.minncle.org

**FAX TO:** Minnesota CLE at 651-227-6262

**OR CALL:** Minnesota CLE at 651-227-8266  
or 800-759-8840

# The 2009 Bankruptcy Institute

Monday & Tuesday, October 5 & 6, 2009

The Northland Inn  
I-94 at Boone Avenue North  
7025 Northland Drive  
Brooklyn Park

### Special Hotel Accommodation Rates

Minnesota CLE has negotiated a special room rate of \$109 at The Northland Inn for Institute attendees. Call 800-441-6422 by **September 17** and request the Minnesota CLE rate.

### Free Parking

Free parking is available to Institute attendees in the parking lot at **The Northland Inn**.

