



Minnesota CLE and the  
Bankruptcy Section of the MSBA proudly present

# The 2012 Bankruptcy Institute

**Tuesday & Wednesday,  
October 2 & 3, 2012**

## **3 More Reasons to Attend:**

- Leading Bankruptcy Experts Deliver 24 of This Year's Hottest Bankruptcy Topics
- Bankruptcy 101: A Special Track of Sessions Designed for Lawyers New to Bankruptcy Practice
- Two Full Days of Learning and Networking with Your Colleagues and Friends

**Minneapolis Marriott Northwest**  
*(formerly The Northland Inn)*  
7025 Northland Drive  
Minneapolis

## **The Institute Welcomes 5 Special Guest Speakers This Year:**

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### **Judge Eugene R. Wedoff**

U.S. Bankruptcy Court; Northern District of Illinois

### **Professor Ralph Brubaker**

University of Illinois; Champaign, Illinois

### **Professor Pamela Foohey**

University of Illinois; Champaign, Illinois

### **Barron K. Henley**

Affinity Consulting Group; Columbus, Ohio

### **Tom Stinson**

Minnesota State Economist; Saint Paul

## **Plus 4 of Minnesota's Bankruptcy Judges**

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**Chief Judge Gregory F. Kishel**

**Judge Robert J. Kressel**

**Judge Dennis D. O'Brien**

**Judge Kathleen H. Sanberg**

# Once again, the Bankruptcy Institute has brought together national authorities and Minnesota experts to share their insights into the latest developments and hot topics in bankruptcy law. Choose from 18 breakout sessions to design the curriculum that best fits your practice needs and goals.

## Tuesday, October 2, 2012

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

9:00 – 10:00 a.m.

### New Developments in the Bankruptcy Rules

Hot news on big upcoming changes to the bankruptcy rules and forms! What you need to know about new appellate rules, entirely new form layouts, and a potential national form for Chapter 13 plans—presented by the chair of the Judicial Conference’s Bankruptcy Rules Committee and a perennial Minnesota favorite. *Judge Eugene R. Wedoff*

10:00 – 11:00 a.m.

### Maximizing the Benefits of Technology in Your Bankruptcy Practice

One of the nation’s top legal technologists shares his picks for the best software, systems and gadgets to increase productivity in bankruptcy practice. He won’t just tell you what to buy, but also the best ways to use it. Whether you practice in a large or small firm, following his tech tips will increase your productivity and save you time. *Barron K. Henley*

11:00 – 11:15 a.m.

BREAK

11:15 – 11:45 a.m.

### State of the Court

*Chief Judge Gregory F. Kishel*

11:45 a.m. – 1:00 p.m. LUNCH (provided by Minnesota CLE)

1:00 – 2:00 p.m.

## Breakout Session A

### 1 New Receivership and ABC Statutes: Old Ways in the New Age

The panel will provide an overview of the statutes, including the two new types of receiverships, sales free and clear, assignment of contracts, and stay of actions. The panel will also discuss the advantageous and limitations of the receivership and ABC processes as compared to other alternatives.

*James A. Bartholomew, Phillip L. Kunkel & Ryan T. Murphy, moderator*

### 2 Lien Stripping in Chapter 13 Cases

This panel will discuss lien stripping of wholly unsecured mortgage in a Chapter 13 cases. The panel will address a new proposed Local Rule, recent case law, proposed plan language and additional procedures related to lien stripping. In addition, the panel will discuss issues involving the county recorders’ offices, e.g., recording the lien strip, requirements to effectuate removal of the lien from the real estate records, and more.

*Wayne D. Anderson, Margaret H. Culp, Bradley J. Halberstadt & Timothy C. Theisen*

### 3 Technology to Easily Manage and Produce Documents in Bankruptcy Practice

*(1.0 law office management credit applied for)*

Learn all about the latest and greatest systems for document management and scanning, and how to best integrate them into your bankruptcy practice.

*Barron K. Henley*

### 4 Bankruptcy 101: Bankruptcy Basic Principles and Players, Selecting Chapter 7 or 13 Bankruptcy, and other Pre-Filing Considerations

90-minute session

The panel will initially discuss the most basic principles of bankruptcy and the players involved in a bankruptcy. The discussion will then lead into pre-filing considerations that lead up to the selection of a Chapter 7 or Chapter 13 bankruptcy. The panelists will discuss the initial consultation with the Debtors, bankruptcy worksheets and forms, pre-bankruptcy debt counseling, eligibility issues in qualifying for a Chapter 7 and Chapter 13, assets and debts, preferences and fraudulent transfers, and the advantages/disadvantages of both a Chapter 7 and Chapter 13 bankruptcy.

*Jeffrey M. Bruzek, Jeanine L. Johnson & Ron Lundquist*

2:00 – 2:15 p.m.

BREAK

2:15 – 3:15 p.m.

## Breakout Session B

*Bankruptcy 101 continued*

### 5 Planning for an Individual Chapter 11 Case

Individual Chapter 11 cases are not simply big Chapter 13 cases or little Chapter 11 reorganization cases. This session will address special requirements under the Bankruptcy Code for individuals in Chapter 11 and help identify how those requirements can affect the outcome of the case.

*Douglas W. Kassebaum, Jamie R. Pierce & Sarah J. Wencil*

### 6 Disaster Preparedness for Small Firms: Your Ethical Duties and the Tech Tools to Help You

*(1.0 ethics credit applied for)*

Are you ready if disaster strikes your firm? Beyond the obvious business reasons to be prepared, you also have an ethical duty to protect your clients’ files. In this session, you’ll learn how to “disaster-proof” your office with the latest in data back-ups and remote storage options, and meet your ethical obligations.

*Eric T. Cooperstein & Barron K. Henley*

### 7 Litigation Skills: Working with Witnesses

- Effective witness preparation
- Strategies for direct and cross-examination
- How to impeach a witness

*Deborah A. Ellingboe*

### 8 Bankruptcy 101: So You Chose a Chapter 7 Bankruptcy

105-minute session beginning at 2:45

This panel will discuss all matters relating to the filing of a Chapter 7 Bankruptcy. This panel will discuss how to properly draft the bankruptcy petition and schedules. The panel will also concentrate on preparing a client for the 341 meeting, dealing with any UST requests for information, negotiating reaffirmation agreements with secured creditors, dealing with relief stay motions, handling discharge issues, and representing a client in an adversary action.

*Stephen J. Behm, Stephen J. Creasey, Bradley J. Halberstadt, John A. Hedback & Michel E. Ridgway*

3:15 – 3:30 p.m.

BREAK

3:30 – 4:30 p.m.

## Breakout Session C

*Bankruptcy 101 continued*

### 9 Business Bankruptcy Roundtable

A panel of “seasoned” business bankruptcy lawyers discuss recent developments in business bankruptcies from both the debtor and creditor perspective along with practical advice on how to handle them.

*Christopher A. Camardello, Steven W. Meyer, Ralph V. Mitchell & David Galle, moderator*

### 10 Reaffirmation Agreements – The Ethical Dilemma for Debtors’ Counsel

*(1.0 ethics credit applied for)*

The speakers will discuss the ethical obligations for a debtor’s attorney regarding reaffirmation agreements. The discussion will range from the ethical obligations under the Minnesota Rules of Professional Conduct and local bankruptcy rules, to the practical advice needed to assist your client in determining whether or not a reaffirmation agreement is in their best interest.

*Professor Gregory M. Duhl & Jeffrey M. Bruzek*

### 11 Litigation Skills: Evidence

- How to get your evidence admitted
- How to use evidence at trial
- When and how to object to the other side’s evidence

*Gregory R. Merz*

4:30 – 5:30 p.m.

### Bankruptcy Section Summer Barbecue

Join your colleagues for drinks, burgers, brats and other summer treats compliments of the Bankruptcy Section of the Minnesota State Bar Association.



## SAVE 25%!

### Do you have your Bankruptcy Practice in Minnesota Deskbook yet?

- The most comprehensive resource available for Minnesota bankruptcy attorneys
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Purchase your copy of the *Deskbook* at the Bankruptcy Institute and save 25% off the regular price!



## Wednesday, October 3, 2012

8:30 – 9:00 a.m.

CONTINENTAL BREAKFAST

9:00 – 10:00 a.m.

### Stern v. Marshall, One Year Later

The Supreme Court’s issuance of *Stern v. Marshall* generated much concern over the opinion’s implications for the Bankruptcy Court as an institution. A leading academic commentator will explore its impact so far.

*Professor Ralph Brubaker*

10:00 – 11:00 a.m.

### The New Normal: Understanding the State of Minnesota Economy

As Minnesota continues to emerge from the Great Recession, questions remain as to the overall outlook for our recovery in terms of jobs, housing, state budgets and fiscal policy. Tom Stinson, Minnesota State Economist, will offer an in-depth analysis of the state of our economy today and the conditions business leaders may face both in the coming year and over the long haul.

*Tom Stinson*

### ALTERNATE SESSION

9:00 – 11:00 a.m.

### Bankruptcy 101: So You Chose a Chapter 13 Bankruptcy

2-hour session

This panel will discuss all matters relating to the filing of a Chapter 13 Bankruptcy. The panel will, however, specifically concentrate on drafting a Chapter 13 plan and on properly modifying/amending a Chapter 13 plan after confirmation of the initial plan. Throughout this discussion on drafting the Chapter 13 plan, the panelists will discuss the various current issues that arise such as length of plan, adequate protection, mortgages in default, other secured claims in default, 910 car claims, wholly unsecured second mortgages, IRS/MDR claims, child support arrearages, creating separate classes of unsecured creditors, and negotiating with secured creditors.

*Michael J. Gieseke, Thomas E. Johnson, Bradley J. Halberstadt & Kenneth A. Moats*

11:00 – 11:15 a.m.

BREAK

11:15 a.m. – 12:45 p.m.

### Case Law Update and Bankruptcy Trends

An expert review of notable bankruptcy court, district court, court of appeals and U.S. Supreme Court cases from the past year.

*Judge Dennis D. O’Brien, Craig W. Andresen & Katherine A. Constantine*

12:45 – 1:45 p.m.

LUNCH (provided by Minnesota CLE)

1:45 – 2:45 p.m.

## Breakout Session D

### 12 To Be Paid, Or Not To Be Paid. That Is the Question

This panel discussion includes participation from the US Trustee’s office, a Chapter 7 Trustee and an attorney primarily representing debtors. The discussion will center around issues about how bankruptcy attorneys get paid in the District of Minnesota and the ethical concerns that each attorney has to be aware of if they wish to be hired by a bankruptcy estate. The topics will include new rules on flat fee agreements, applications to be hired as a professional in a Chapter 11 case, new rules pending concerning Chapter 11 fees in large cases and disgorgement of fees.

*Colin D. Kreuziger, Brian F. Leonard & Kenneth Corey-Edstrom, moderator*

### 13 The Non-Filing Spouse Under Chapters 7 and 13

Many complications can result when a married individual debtor files for bankruptcy without the joinder of the spouse. The panel will explore the most common issues involving property of the estate, income, exemptions, the means test and more.

*Michael R. Fadlovich, Mary Jo Jensen-Carter, G. Martin Johnson & Thomas E. Johnson*

### 14 Mock Hearing: Valuation

Observe a mock hearing of a valuation issue in a Chapter 11 case and learn what to do and what not to do. You’ll also have the opportunity to ask questions of the lawyers, the witness and the judge.

*Judge Kathleen H. Sanberg, John R. McDonald, Jeffrey D. Smith & Lara O. Glaesman, moderator*

2:45 – 3:00 p.m.

BREAK

3:00 – 4:00 p.m.

## Breakout Session E

### 16 Non-Profit Entities as Debtors, Creditors and Avoidance Targets – Navigating Bankruptcy and Other Applicable Laws as Charitable and Non-Charitable Objectives Collide

This session will discuss whether the absolute priority rule and other Chapter 11 requirements apply to non-profit Chapter 11 debtors, whether financial pledges by debtors give rise to allowed claims by non-profits against a debtor’s estate, recent changes to Minnesota law and bankruptcy law issues applicable to avoidance actions against non-profits and the legal and practical tools and impediments to satisfying judgments against non-profits.

*William J. Fisher, Pamela Foohey & James A. Lodoen*

### 17 Stump the Chumps: A Roundtable Discussion with a Panel of Experts on Hot Consumer Topics

Bring your burning questions on preferences, fraudulent transfers, small businesses, and home owner associations to our panel of experts.

*Julia A. Christians, Thomas F. Miller, Randall Smith, Patti J. Sullivan & Jessica N. McKinney, moderator*

### 18 Mock Hearing: Non-Disclosure

Observe a mock hearing of a non-disclosure issue in a Chapter 7 case and learn what to do and what not to do. You’ll also have the opportunity to ask questions of the lawyers, the witness and the judge.

*Judge Robert J. Kressel, Matthew R. Burton, Timothy Pramas & Lara O. Glaesman, moderator*

### Designates the Bankruptcy 101 Track.

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

# Guest Speakers

## Judge Eugene R. Wedoff

Judge Wedoff was appointed to the Bankruptcy Court in the Northern District of Illinois in 1987 and served as Chief Judge from 2002–2007. Judge Wedoff is a frequent guest speaker at the Bankruptcy Institute, having spoken in 2000, 2003 and 2007.

## Professor Ralph Brubaker

Professor Brubaker serves on the faculty of the University of Illinois College of Law in Champaign, Illinois. He is the editor-in-chief and contributing author of the *Bankruptcy Law Letter* (West Group) and serves on the editorial advisory board for the *American Bankruptcy Institute Law Review*. He is co-author of *Bankruptcy Law: Principles, Policies, and Practice* (with Charles J. Tabb) and has written numerous articles exploring the complex jurisdictional and procedural facets of federal bankruptcy proceedings.

## Professor Pamela Foohey

Pamela Foohey is a visiting professor University of Illinois in Champaign, Illinois. Her research centers on bankruptcy, particularly how businesses and individuals situated on the margins of what the Bankruptcy Code is designed to handle are affected by bankruptcy. Her current project is an empirical study of the reorganization of non-profit entities under Chapter 11 of the Bankruptcy Code.

## Barron K. Henley

Barron Henley is an attorney, legal technologist and founding member and president of Affinity Consulting Group, in Columbus, Ohio, which has provided legal technology consulting to more than 500 law firms nationwide. He offers cost-saving ideas for purchasing equipment, and new ideas on how to use technology, giving specific examples and recommendations.

## Tom Stinson

Tom Stinson has served as the Minnesota State Economist since 1987 and also teaches in the Department of Applied Economics at the University of Minnesota. In his role as state economist, Stinson is responsible for preparing revenue forecasts for the Governor and Legislature.

# Faculty & Planners

\* Planning Committee Member

Special Guest Speaker

## \* David Galle

*Institute Chairperson*  
Oppenheimer Wolff & Donnelly LLP  
Minneapolis

## Wayne D. Anderson

Examiner of Titles, Ramsey County  
Saint Paul

## Craig W. Andresen

Law Offices of Craig W. Andresen  
Bloomington

## James A. Bartholomew

Lighthouse Management Group, Inc.  
Arden Hills

## Stephen J. Behm

Behm Law Group, Ltd.  
Mankato

## Ralph Brubaker

University of Illinois College of Law  
Champaign, Illinois

## \* Jeffrey M. Bruzek

Bruzek Law Office  
Saint Paul

## Matthew R. Burton

Leonard, O'Brien, Spencer, Gale & Sayre, Ltd.  
Minneapolis

## Christopher A. Camardello

Winthrop & Weinstine, P.A.  
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## \* Kyle L. Carlson

Chapter 13 Trustee  
Barnesville

## Julia A. Christians

Lapp, Libra, Thomson, Stoeber & Pusch, Chtd.  
Minneapolis

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Dorsey & Whitney LLP  
Minneapolis

## Eric T. Cooperstein

The Law Office of Eric T. Cooperstein  
Minneapolis

## \* Kenneth Corey-Edstrom

Larkin Hoffman Daly & Lindgren Ltd.  
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William Mitchell College of Law  
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## Michael R. Fadlovich

U.S. Trustees Office  
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## William J. Fisher

Gray Plant Mooty  
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## Pamela Foohey

University of Illinois College of Law  
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## Michael J. Gieseke

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## \* Lara O. Glaesman

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Roseville

## John A. Hedback

Hedback, Arendt, Kohl & Carlson, PLLC  
Saint Anthony

## Barron K. Henley

Affinity Consulting Group  
Columbus, Ohio

## Mary Jo Jensen-Carter

Buckley & Jensen  
Vadnais Heights

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## Jeanine L. Johnson

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## Judge Robert J. Kressel

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## Ron Lundquist

Attorney at Law  
Eagan

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Jessica McKinney Law Office  
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## Gregory R. Merz

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## Thomas F. Miller

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## \* Robert B. Raschke

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Minneapolis

## Michael E. Ridgway

U.S. Trustees Office  
Minneapolis

## Judge Kathleen H. Sanberg

U.S. Bankruptcy Court  
Minneapolis

## Jeffrey D. Smith

Lindquist & Vennum, PLLP  
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## Randall Smith

Randall Smith Law Office  
Saint Paul

## Tom Stinson

Minnesota State Economist  
Saint Paul

## \* Patti J. Sullivan

Sullivan Law Firm P.A.  
Saint Paul

## Timothy C. Theisen

Timothy C. Theisen, P.A.  
Anoka

## \* Henry T. Wang

Gray Plant Mooty, P.A.  
Minneapolis

## Judge Eugene R. Wedoff

Bankruptcy Court  
Northern District of Illinois

## Sarah J. Wencil

U.S. Trustees Office  
Minneapolis

# The 2012 Bankruptcy Institute

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## COURSE INFORMATION

### CREDITS

Minnesota CLE has applied to the State Board of CLE for **11.0 total credits, including 1.0 law office management credit**. The total also includes **1.0 law office management credit for breakout session #3** and **1.0 ethics credit each for breakout sessions #6 and #10**. 11.0 is the maximum number of total credits you may report for attending the 2012 Bankruptcy Institute.

### NEW LAWYER SCHOLARSHIP PROGRAM

In recognition of the challenges facing lawyers entering the profession, Minnesota Continuing Legal Education has established a scholarship program for unemployed and underemployed lawyers admitted fewer than three years. Those wishing to apply for such assistance should contact Grant at **651-254-2111** or **gdavies@minncle.org** for details.

### CANCELLATION/NO-SHOW POLICY

Paid registrants who cancel their registration at least 3 business days before the program will receive a full credit on their account; if fewer than 3 business days, 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.

### SPECIAL DIETARY NEEDS

If you require a vegetarian or gluten-free lunch, please contact Lisa McKinnon at Minnesota CLE by calling 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**.

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- \$495 MSBA member
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- I was first admitted to the bar after October 2, 2009, and have deducted \$60 from the registration fee marked at left.

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### PROGRAM MATERIALS:

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

\_\_\_\_\_ copy(ies) of the Institute manual in **hard copy** at \$125.00 each.

*(Materials will be available 10/10/12)*

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

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# The 2012 Bankruptcy Institute

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7025 Northland Drive  
Minneapolis**

**Free Parking**

Free parking is available to Institute attendees in the parking lot at the **Minneapolis Marriott Northwest**.

**Special Hotel Accommodation Rates**

Minnesota CLE has negotiated a special room rate of \$129 (single or double occupancy) per night at the Minneapolis Marriott Northwest. Make your reservations early to ensure room availability by calling 1-877-303-1681. Be sure to request the Minnesota CLE Bankruptcy Institute rate.

