

# Faculty & Planners

◆ **Craig W. Andresen**  
Institute Chairperson  
Law Offices of Craig W. Andresen  
Bloomington

**Nicole Anderson**  
Anderson & Associates, L.L.C.  
Forest Lake

**James C. Brand**  
Fredrikson & Byron, P.A.  
Minneapolis

◆ **Jeffrey M. Bruzek**  
Office of the Chapter 13 Trustee  
Minneapolis

**Summer Chandler**  
Concordia University School of Law  
Boise, Idaho

**Judge Scott C. Clarkson**  
Central District of California  
Santa Ana, California

◆ **Judge Katherine A. Constantine**  
U.S. Bankruptcy Court  
Saint Paul

**James Cullen**  
Steeplechase Advisors, LLC  
Minnetonka

**Sara E. Diaz**  
Bulie Diaz Law Office  
Fargo, North Dakota

◆ **Kenneth Edstrom**  
Sapientia Law Group, PLLC  
Minneapolis

**Chris Farrell**  
Minnesota Public Radio  
Saint Paul

**Pamela Foohey**  
Maurer School of Law, Indiana University  
Bloomington, Indiana

**Heather M. Forrest**  
Office of the Chapter 13 Trustee  
Minneapolis

**Ted Gavin**  
Gavin/Solmonese LLC  
Wilmington, Delaware

**Michael J. Gieseke**  
Office of Chapter 13 Trustee  
Barnesville

**Eric R. Goodman**  
Baker & Hostetler LLP  
Cleveland, Ohio

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

**Jerrad Havins**  
CredLife  
Burnsville

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Morrison Sund PLLC  
Minnetonka

**Steven J. Heim**  
US Bank National Association  
Minneapolis

**Kay Nord Hunt**  
Lommen Abdo, P.A.  
Minneapolis

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

**Karl J. Johnson**  
Hellmuth & Johnson  
Minneapolis

**Elyssa S. Kates**  
Baker & Hostetler LLP  
New York City, New York

**Ferve E. Khan**  
Baker & Hostetler LLP  
New York City, New York

**Orin J. Kipp**  
Wilford, Geske & Cook, P.A.  
Woodbury

◆ **Connie A. Lahn**  
Barnes & Thornburg LLP  
Minneapolis

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Montevideo

**Nauni J. Manty**  
Manty & Associates, P.A.  
Minneapolis

**Joseph Novello**  
The Financial Training Organization  
Metuchen, New Jersey

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Dudley & Smith, P.A.  
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LeaderOne Financial Corporation  
Minneapolis

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Office of the U.S. Trustee  
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**Todd C. Scott**  
Minnesota Lawyers Mutual Insurance Co.  
Minneapolis

**George H. Singer**  
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Minneapolis

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University of Minnesota Law School  
Minneapolis

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**Patti J. Sullivan**  
Sullivan Law Firm P.A.  
Saint Paul

◆ **Kesha L. Tanabe**  
Tanabe Law Firm  
Minneapolis

**Timothy C. Theisen**  
The Law Offices of Timothy C. Theisen, P.A.  
Anoka

**Alison K. Tregilgas**  
Associated Banc-Corp  
Minneapolis

**George E. Warner, Jr.**  
Warner Law LLC  
Minneapolis

**Judge Eugene R. Wedoff**  
Northern District of Illinois (Ret.)  
Oak Park, Illinois

## INSTITUTE INFORMATION

### HOTEL ACCOMMODATIONS

Go to the Visit Minneapolis website to search for hotels and book your room. The closest hotels to the Minnesota CLE Conference Center are the Minneapolis Marriott City Center and the Radisson Blu Minneapolis. <http://www.minneapolis.org/>

### PARKING – SPECIAL DISCOUNTED RATE

Parking is available in the City Center parking ramp for **only \$13 per day** if you arrive before 8:30 a.m. and leave after 1:00 p.m.

### CREDITS

Minnesota CLE has applied to the State Board of CLE for **11.0 CLE credits, including 1.0 ethics credit and 1.0 elimination of bias credit, and 1.0 ethics credit for session 102**. The maximum number of total credits you may report for attending the 2019 Bankruptcy Institute is 11.0.

### COURSE MATERIALS

Course materials will be available online for attendees prior to the Institute, during the Institute and for three years afterwards. Attendees will receive hardcopy handouts for the plenary sessions and all the breakout sessions attended. Even if you cannot attend, you can still receive the materials by using the order form in this brochure.

### SCHOLARSHIPS AVAILABLE

Minnesota CLE maintains a scholarship program for those individuals with a financial need. Most scholarships awarded are 50% off the seminar price. To obtain a scholarship application, contact Grant at **651-254-2111** or [gdavies@minncle.org](mailto:gdavies@minncle.org).

### CANCELLATION / NO-SHOW POLICY

Paid registrants who cancel before the seminar will receive a full credit on their account, or refund upon request. Paid registrants who do not cancel and are unable to attend will retain access to the seminar written materials and PowerPoint presentations through their website account. 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**.  
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DATED MATERIAL — PLEASE EXPEDITE!

Register today at [www.minncle.org](http://www.minncle.org) or call **651-227-8266** or **800-759-8840**

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## The 2019 Bankruptcy Institute

October 3 & 4, 2019 Minnesota CLE Conference Center

### PLEASE “✓” APPROPRIATE BOX:

- \$495 MSBA member  
 \$495 paralegal  
 \$595 standard rate

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I have been admitted to the bar for fewer than 3 years and am deducting 50% from the registration fee marked above.

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### Can't attend the Institute?



The hardcopy is available for \$125 (plus tax and handling). Call Minnesota CLE at 651-227-8266 or 800-759-8840 to place your order. Orders will be filled after the Institute.

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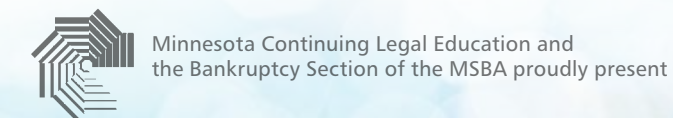
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# The 2019 Bankruptcy Institute

## Institute Highlights:

• **19 All-New Presentations** on Business and Consumer Bankruptcy Topics, Financial Issues, Attorney Wellness, Ethics, Elimination of Bias, the Annual Case Law Update and Many More!

• **12 Special Guest Speakers** Join a Talented Local Faculty!

**Summer Chandler**  
Concordia University School of Law  
Boise, Idaho

**Judge Scott C. Clarkson**  
Central District of California  
Santa Ana, California

**Chris Farrell**  
Minnesota Public Radio  
Saint Paul

**Pamela Foohey**  
Maurer School of Law, Indiana University  
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**Ted Gavin**  
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**Eric R. Goodman**  
Baker & Hostetler LLP  
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**Elyssa S. Kates**  
Baker & Hostetler LLP  
New York City, New York

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**Joseph Novello**  
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Metuchen, New Jersey

**Paul Steven Singerman**  
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Miami, Florida

**Kristina M. Stanger**  
Nyemaster Goode PC  
Des Moines, Iowa

**Judge Eugene R. Wedoff**  
Northern District of Illinois (Ret.)  
Oak Park, Illinois

THURSDAY & FRIDAY, OCTOBER 3 & 4, 2019

Minnesota CLE Conference Center  
600 Nicollet Mall, Suite 370 | Third Floor City Center, Minneapolis

# 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 12 timely breakout sessions to design the curriculum that best fits your practice needs and goals.

## Thursday, October 3

8:15 – 8:45 a.m.  
CHECK-IN AND CONTINENTAL BREAKFAST

8:45 – 9:00 a.m.  
WELCOME

9:00 – 10:30 a.m.  
**2019 Case Law Update**  
An in-depth review of notable bankruptcy court, district court, Bankruptcy Appellate Panel, court of appeals and U.S. Supreme Court cases from the past year.

– James C. Brand  
Karl J. Johnson  
Nauni J. Manty  
Keshia L. Tanabe

10:30 – 10:45 a.m.  
BREAK

10:45 – 11:45 a.m.  
**The ABI Commission on Consumer Bankruptcy: How Its Final Report Could Change Your Work**

The ABI Commission was charged with making recommendations that can be implemented not just in Code amendments, but in national bankruptcy rules, local court rules, judicial decisions, and individual attorney practice. The Commission itself was composed of members from all interest groups affected by bankruptcy – debtors, creditors, trustees, and judges – and its recommendations reflect a consensus on how to make the consumer bankruptcy system work more effectively for everyone involved. The Commission's Report affects all bankruptcy lawyers and cases. Judge Wedoff, a member of the ABI Commission, will discuss how the report treats a range of issues, including student loan debt; attorney fees in both chapter 7 and chapter 13; access to exemptions; the balance of creditor and debtor rights in chapter 13; and systemic issues (fees, forms, credit reporting).

– Judge Eugene R. Wedoff (Ret.)

11:45 a.m. – 1:00 p.m.  
LUNCH (PROVIDED TO ALL ATTENDEES)

12:15 – 12:45 p.m.  
**LUNCH PRESENTATION:  
State of the Court**  
– Chief Judge Michael E. Ridgway

12:45 – 1:00 p.m.  
BREAK

	1:00 – 2:00 p.m. Breakout A	2:15 – 3:15 p.m. Breakout B
Business	<p>101 <b>Does this Tractor Run – Fuel It, Fix It or Sell It?</b> The presentation will discuss issues unique to operators and creditors in the agriculture sector, including cash flows, lien priorities, valuation and sale issues in this troubled environment.</p> <p>– James Cullen James A. Lodoen Krystal M. Lynne George H. Singer, moderator</p>	<p>201 <b>Section 365: IP &amp; Bankruptcy</b> Many debtors rely upon licenses to use intellectual property to operate their businesses. In other cases, IP may be among the debtor's most valuable assets. Join our panel in exploring the intersection of Section 365 and intellectual property agreements such as copyright, patent and trademark licenses. The panelists will also discuss the Supreme Court decision in the <i>Tempnology</i> case and issues most likely to generate litigation in current cases.</p> <p>– Summer Chandler Ferve E. Khan Elyssa S. Kates Eric R. Goodman</p>
Consumer	<p>102 <b>Placing Bets and Cashing Checks: How to Get Paid in a Consumer Bankruptcy Case</b> <i>1.0 ethics credit applied for</i> Much like the action at the casino, lawyers representing parties in bankruptcy is a risky proposition. The panel will discuss how attorneys representing debtors and creditors in consumer cases can seek compensation for the services the attorneys provide in Chapter 7 and Chapter 13 consumer bankruptcy cases. The speakers will address various issues regarding fees including the ethical dilemma of fee arrangements in bankruptcy cases, issues regarding retainer agreements, and how to apply for an award allowing compensation of fees.</p> <p>– Jeffrey M. Bruzek Bradley J. Halberstadt Timothy C. Theisen</p>	<p>202 <b>Effective Handling of Post-Petition Chapter 13 Issues</b> This panel of experienced bankruptcy attorneys and Chapter 13 trustee counsel will discuss treatment of important issues, including:</p> <ul style="list-style-type: none"> <li>• Review of the claims register and claims for mortgages, taxes, and student loans</li> <li>• Objections to claims and mortgage fees and use of Bankruptcy Rule 3002.1</li> <li>• Post-petition debts and claims</li> <li>• Post-petition assets and income</li> <li>• Direct home mortgage and car loan payments</li> <li>• Lift-stay motions and Local Form 4001-1</li> <li>• Post-petition sale of real estate</li> <li>• Factors affecting the need to file modified Chapter 13 plans</li> <li>• Compensation of attorneys – procedure and deadline dates</li> <li>• Conversion to Chapter 7</li> </ul> <p>– Nicole Anderson Heather M. Forrest Orin J. Klipp Steven C. Opheim</p>
General Interest	<p>103 <b>The Art of Writing Like a Lawyer</b> This program will focus on the structure of the elements lawyers use to craft written work. Yes, that means grammar. But after studying the legal writer's tools, the program will examine artfully drafted legal work product to foster an appreciation of the art of legal writing.</p> <p>– Christopher D. Soper</p>	<p>203 <b>Rebuilding Credit After a Bankruptcy</b> Bankruptcy practitioners often field non-legal questions from clients about the real-world consequences of bankruptcy. This session will equip lawyers with answers to commonly asked questions such as: How do I rebuild my credit? Can I purchase a home after bankruptcy? What can be reported to credit bureaus? and What should be done about errors?</p> <p>– Jerrad Havins Liz Peter</p>

2:00 – 2:15 p.m. BREAK

3:15 – 3:30 p.m. BREAK

3:30 – 4:30 p.m.

### Mental Health and Mindfulness in Restructuring Matters

This presentation will explore mental health, self-care and wellness for participants in restructuring matters. What we do for a living is hard, and for our clients, sometimes these matters are "bet the company" on many levels. Our clients expect us to be at peak performance. How can we elicit peak performance from them? We will explore some basic mindfulness principles and practices that will offer a great return on investment and will enhance your personal and professional performance too.

– Paul Steven Singerman

4:30 – 5:30 p.m.

### Bankruptcy Section Reception

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

## Friday, October 4

8:30 – 9:00 a.m.  
CONTINENTAL BREAKFAST

9:00 – 10:00 a.m.

### Elimination of Bias: The Growing Crisis of Seniors in Bankruptcy – How We Got Here and Some Hope for the Future

*1.0 elimination of bias credit applied for*

Over the past 15 years, debt balances held by younger borrowers held steady or declined. At the same time, debt held by borrowers between the ages of 50 and 80 increased by roughly 60 percent. Bankruptcy filing statistics mirror this trend. The panel will discuss the depths of this problem, why it is happening and the prospects for reversing the trend.

– Chris Farrell  
Pamela Foohey  
Kenneth Edstrom, moderator

10:00 – 10:15 a.m.  
BREAK

## Special Deskbook Offer for Bankruptcy Institute Attendees!



### Bankruptcy Practice in Minnesota Deskbook –

This two-volume set is packed with everything you need to know about consumer and commercial bankruptcy in Minnesota.

### The Debtor-Creditor Handbook and Formbook –

A user-friendly guide to judgments and execution, pre-collection practice, debtor's assets, liens, collection and defense, secured and unsecured creditors, and much more.

On October 3 and 4, Bankruptcy Institute attendees may purchase either deskbook in hard copy or electronic form for **30% off** or **both for 40% off!**

## Breakout C

301

### Are the Chickens Coming Home to Roost? Gearing Up for a Potential Wave of Chapter 12 Filings

For both new and seasoned practitioners in Chapter 12, topics include attorney application requirements, seasonal timing issues, use of cash collateral and incurring debt, amortization/interest terms, notice issues, plan filing & confirmation hearing time limits, and negotiation strategies for debtors and creditors.

– Sara E. Diaz  
Michael J. Gleseke

302

### Veterans and Consumer Bankruptcy

This session will examine areas in which debt collection laws and the bankruptcy system treat servicemembers and veterans (especially disabled veterans) differently from civilians. The panel will also discuss the practical impact of recent legislative changes such as the Honoring American Veterans in Extreme Need (HAVEN) Act and the National Guard and Reservists Debt Relief Extension Act, and the work of the ABI Committee for Veterans' Affairs.

– Ted Gavin  
Kristina M. Stanger  
George E. Warner, Jr.

303

### The Lawyer's Guide to Accounting Principles and Financial Statements, Part I

- Foundations of Modern Accounting
- Basic Equation of Finance
- Financial Statements: Income Statement, Balance Sheet, Cash Flow Statement

– Joseph Novello

11:15 – 11:30 a.m. BREAK

11:30 a.m. – 12:30 p.m.

### Rembrandt, the Bankrupt Printmaker: His Life and Bankruptcy Proceeding of 1656

This presentation combines art and insolvency law to reveal fascinating insights into Dutch artist Rembrandt's life (1606-69): his Amsterdam workshop, loves, real estate and art investing, fraudulent transfers and secret corporations, along with asset auctions and jurisdictional issues not seen since *Stern v. Marshall*.

– Judge Scott C. Clarkson

12:30 – 1:30 p.m. LUNCH (ON YOUR OWN)

## Breakout D

401

### Bankruptcy from the Banks' Perspectives

What happens from a bank's perspective when there is a default or a commercial bankruptcy? What is important to the bank? What is distressing to the bank? A look behind the curtain with perspectives from small to large banks that only those on the inside can provide.

– Steven J. Heim  
Lorrie L. Litzinger  
Alison K. Tregilgas  
Connie A. Lahn, moderator

402

### Hot Topics in Chapter 7

An expert panel tackles the latest issues and trends in Chapter 7 bankruptcy practice, including:

- Exempting common household items using Minn. Stat. sec. 550.37 s. 4(a) and 4(b)
  - In re Lerbakken, exempting IRAs awarded in divorce proceedings
  - Marital liens and other issues arising from divorce decrees
  - Judicial estoppel and omitted causes of action
  - Defending lift stay motions
  - Exempting injury cases, employment lawsuit settlements, and medical malpractice awards using sections 522(d)(10) and (11)
  - Getting the trustee to conclude the 341 meeting, and Local Rule 4004-3
  - Trustee involvement in frozen financial accounts
- Craig W. Andresen  
Mary Jo Jensen-Carter  
Patti J. Sullivan

403

### The Lawyer's Guide to Accounting Principles and Financial Statements, Part II

- Private Company Accounting and Auditing
- How to Spot Signs of Financial Manipulation

– Joseph Novello

2:30 – 2:45 p.m. BREAK

2:45 – 3:45 p.m.

### Legal Malpractice Actions and Ethics Issues Related to Bankruptcy Matters

*1.0 ethics credit applied for*

Our panel of experienced attorneys will discuss potential malpractice claims and ethical problems in bankruptcy cases, with an emphasis on examples from real cases. This session will also discuss critical issues presented when malpractice claims are pursued in bankruptcy proceedings including standing and privilege, damage considerations for malpractice claimants and defenses raised to malpractice claims in bankruptcy. The panel will also consider and discuss potential pitfalls for attorneys such as disqualification of counsel, disallowance of fees and sanctions.

– Kay Nord Hunt  
Barry A. O'Neil  
Todd C. Scott