



Consumer Bankruptcy Committee

ABI Committee News

In This Issue

Volume 7, Number 11 / November 2009

- [Session Materials for ABI's 21st Annual Winter Leadership Conference](#)
- [ABI's 2009 Detroit Consumer Bankruptcy Conference](#)

Session Materials for ABI's 21st Annual Winter Leadership Conference

ABI's [21st Annual Winter Leadership Conference](#) will take place Dec. 3-5 at the gorgeous La Quinta Resort & Club in La Quinta, Calif. La Quinta is the classic Palm Springs resort, nestled at the base of the Santa Rosa Mountains. Enjoy the beautiful landscape, as well as renowned tennis, golf and the spa. This year's conference will offer insights from some of the top insolvency and restructuring experts on issues confronting the profession in 2010. There are several sessions that will be of interest to the committee.

Panelists in the session "High-income Individuals: Chapter 11 by and for the People" will discuss changes made to the Bankruptcy Code under BAPCPA that have led more people with large amounts of unsecured debt to file chapter 11 instead of chapter 7 or 13. James Patrick Shea of Shea & Carlyon, Ltd. in Las Vegas will moderate. Panelists will include Debra I. Grassgreen of Pachulski Stang Ziehl & Jones LLP in San Francisco, Lee M. Kutner of Kutner Miller Brinen, PC in Denver, Hon. Geraldine Mund of the U.S. Bankruptcy Court (C.D. Cal.) in Woodland Hills, Calif. and Patricia A. Redmond of Stearns, Weaver, Miller, Weissler, Alhadeff & Sitterson, PA in Miami. Click the link below to read the materials.

[High Income Individuals: Chapter 11 by and for the People](#)

The session "'Discharge by Declaration' and Other Strategies to Discharge Consumer Debts" will address past discharge by declaration cases, specifically the *Espinosa* case, and examine the related issues that arise in chapter 11. Stephen W. Sather of Barron, Newburger & Sinsley PLLC in Austin, Texas will moderate. Panelists will include Rebecca Buehler Connelly, Chapter 13 Trustee from Roanoke, Va., Hon. Jeffery P. Hopkins of the U.S. Bankruptcy Court (S.D. Ohio) in Cincinnati and Paul G. Swanson of Steinhilber, Swanson, Mares, Marone & McDermot in Oshkosh, Wis. Click the links below to read the materials by Ms. Connelly and Mr. Sather.

[Discharge by Declaration: So What's Wrong with That?](#)

[Committee Officers](#)

[Upcoming Events](#)

[Contribute to the Newsletter](#)

[ABI World](#)

[Newsletter Archives](#)

[Discharge by Declaration: What Chapter 13 Lawyers Can Learn From Chapter 11](#)

Panelists in the session "Foreclosure Litigation: Defenses and Counterclaims" will discuss recent decisions by bankruptcy courts that must decide whether to grant automatic stay relief for lenders, servicers or agents who want to foreclose on real property and cannot provide a paper trail proving their entitlement. Rudy J. Cerone of McGlinchey Stafford, LLC in New Orleans will moderate. Panelists will include Hon. Samuel L. Bufford of the U.S. Bankruptcy Court (C.D. Cal.) in Los Angeles, Ford Elsaesser of Elsaesser, Jarzabek, Anderson, Marks, Elliott & McHugh, Chtd. in Sandpoint, Idaho and Thomas M. Hefferon of Goodwin Procter LLP in Washington, D.C. Click the link below to view the materials.

[Foreclosure Litigation: Defenses and Counterclaims](#)

The Consumer Bankruptcy Committee will partner with the Professional Compensation Committee to present a session entitled "The ABI Consumer Fee Study: The Results of the Pilot Study and Where We Are Going from Here" on Friday, Dec. 4 at 11:15 a.m. Panelists in the session will discuss the proposed Consumer Fee Study to examine the effect of BAPCPA on fees and expenses in consumer cases. Hon. Steven W. Rhodes of the U.S. Bankruptcy Court (E.D. Mich.) in Detroit will moderate. Panelists will include James H. Cossitt, Attorney & Counsellor at Law in Kalispell, Mont. and Prof. Lois R. Lupica of the University of Maine School of Law in Portland, Maine. Click the link below to view the materials.

[Proposal - Consumer Fee Study](#)

[ABI's 2009 Detroit Consumer Bankruptcy Conference](#)

The [2009 Detroit Consumer Bankruptcy Conference](#) was held on Wednesday, November 11 at the Hyatt Regency Dearborn in Dearborn, Mich. This day-long conference was specifically designed for Michigan-area consumer practitioners and addressed important topics such as working with your trustee, a case law update, best practices, non-bankruptcy alternatives and fraudulent transfers and preferences. The conference finished with an ever-popular judges' panel and a cocktail reception.

Panelists in the session "What's New: Cases You Need to Know" gave a thorough update on relevant consumer bankruptcy issues and covered everything from automatic stay to collateral attack. John C. Lange of Gold, Lange & Majoros PC in Southfield, Mich. moderated. Panelists included Thomas D. DeCarlo, Staff Attorney for the Office of the Chapter 13 Trustee in Southfield, Mich. and Michael P. Hogan of Kilpatrick & Assoc., PC in Auburn Hills, Mich. Click the link below to view the materials.

[Case Law Update](#)

The session "The Special Challenges of High-Income Debtors (Including the Means Test and Individual Chapter 11 Cases)" addressed the circumstances and preparation for filing high-end debtors cases and explained when chapter 7 or 11 is more appropriate,

exemption and property of the estate issues. Mark H. Shapiro of Steinberg, Shapiro & Clark in Southfield, Mich. moderated. Panelists included Michael E. Baum of Schafer & Weiner PLLC in Bloomfield Hills, Mich., Charles D. Bullock of Stevenson & Bullock PLC in Southfield, Mich. and Hon. Phillip J. Shefferly of the U.S. Bankruptcy Court (E.D. Mich.) in Detroit. Click the link below to view the materials.

[The Special Challenges of High Income Debtors \(Including the Means Test and Individual Chapter 11 Cases\)](#)

Panelists in the session "Best Practices in Representing Debtors: From Preparing Papers to Reaffirmation Agreements" gave advice about how to best represent a debtor throughout the bankruptcy process and tips to insure consistency and few errors. Daralcyce M. Lassner of Scarletta Lassner PLC in Pleasant Ridge, Mich. moderated. Panelists included David W. Allard of Allard & Fish PC in Detroit and James H. Cossitt of James H. Cossitt PC in Kalispell, Mont. Click the link below to view the materials.

[Best Practices in Representing Debtors: From Preparing Papers to Reaffirmation Agreements](#)

The panel "Non-Bankruptcy Alternatives" discussed alternatives to bankruptcy for those for whom bankruptcy does not make sense as well as counseling those clients. These alternatives include loan modifications, forbearance agreements, real estate short sales and possible credit card options. Julie Beth Teicher of Erman Teicher Miller Zucker & Freedman PC in Southfield, Mich. moderated. David Findling of the Findling Law Firm PLC in Royal Oak, Mich. and Brian J. Small of Thav, Gross, Steinway & Bennett PC in Bingham Farms, Mich. participated on the panel. Click the link below to view the materials.

[Non-Bankruptcy Alternatives for Consumers](#)

Panelists in the session "What Are Mortgage Companies Doing Now?" discussed the ineffectiveness of the government's attempts to help troubled consumers get loan modifications and how to best serve your clients under the circumstances. Heather D. McGivern of Orleans & Associates, PC in Troy, Mich. moderated. Roberta W. Andrews of Firebaugh & Andrews PLLC in Westland, Mich. and Terrance A. Keith, the Chief Deputy Treasurer of the Michigan State Housing Development Authority in Wayne County, Mich. sat on the panel. Click the link below to view Ms. Andrews' materials.

[What Mortgage Companies Are Doing Now - A Debtor-Side Perspective](#)