

BANKRUPTCY

The **LATEST** Post-BAPCPA Resolved & Unresolved Issues
Practice Pointers From the Experts!

MARCH 2011

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FOCUS

The Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA) radically altered the bankruptcy landscape for both debtors and creditors. Since its enactment, the Supreme Court has resolved some of the issues raised by BAPCPA, and Ninth Circuit bankruptcy and appellate courts have decided several others (sometimes spawning circuit splits of authority). But many post-BAPCPA issues remain unresolved and, with the new decisions, many new issues are surfacing.

Our panel of bankruptcy experts will guide you through the most recent court cases and explain their impact on debtor and creditor rights and remedies. You will also hear their "need-to-know" *Practice Pointers* evolving with the latest decisions and the emerging new issues. Whether you are an experienced bankruptcy practitioner or new to the field, this seminar will provide you with essential tools for successfully navigating the bankruptcy minefield.

HIGHLIGHTS

"Landmark" Post-BAPCPA Supreme Court Decisions (Resolved and Unresolved Issues)

Circuit Split re Supreme Court *Marrama* Decision Limiting Debtor's "Absolute" Right to Convert or Dismiss

Effect of "Negative Equity" on Car Lender's Purchase Money Security Interest (9th Circuit vs. Out-of-Circuit Decisions)

New "Need-to-Know" Circuit and BAP Decisions . . . Including:

- Effect of sending postpetition "informational" debt notices to debtors
- Effect of postpetition "administrative" freezes on debtor's bank accounts
- Is loan servicer a real party in interest for relief from stay purposes?
- Can debtor whose case was dismissed for failing to obtain prepetition credit counseling reopen case to "cure" the defect?

- Can bankruptcy courts suspend or disbar attorneys from appearing before them?

• Chapter 11 and 13 cases

- Can Chapter 11/13 debtors "cure" defaults on secured debts and pay debt through a plan?
- Is lienstripping available in Chapter 11 or 13?
- Does the "absolute priority rule" apply in Chapter 11?

• Chapter 7 cases

- When can trustee revoke abandonment of property?
- Who receives benefit of increases in estate property value during case? (debtor vs. trustee)
- Can debtor defeat motion to dismiss where "means test" presumption indicates "abuse" but unsecured creditors would receive zero if case were converted?

New Bankruptcy Technical Corrections Act

Ethical Considerations

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- Avoidance and Turnover Actions
- Discharge and Nondischargeability
- Closing and Reopening Bankruptcy Cases

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