

Bankruptcy Practice in MN

Deskbook & Seminar

The Seminar

Live and Video Replays

Tuition Includes:

- 1 Attendance at the seminar
- 2 The Deskbook in hardcopy
- 3 The Deskbook on CD-ROM

Highlights Include:

- e-filing, who's who and what's what, gathering information
- Spousal rights, constructive trusts, bank account issues
- Stay/relief issues, cash collateral and adequate protection
- 363, Sales risks/rewards/treatment of executory contracts and handling liens
- Factors for Chapter 7 denial, §§ 544, 545 & 546 – trustees avoiding powers/limitations, fraudulent conveyances and prudent actions
- Working with preferences, post-petition transfers and setoffs
- A detailed look at process for Chapters 7, 11 & 12
- The nuts and bolts of Chapter 13 from drafting a plan, looking at feasibility and post-confirmation responsibilities
- Handling claims, adversary proceedings and contested matters
- Working with conversions and dismissal
- How to get paid and keep the money
- Bankruptcy tax issues, and the pitfalls of crimes and fraud

The Deskbook

- The most comprehensive resource available for Minnesota attorneys
- Over 50 authors, editors and contributors
- 27 chapters fully indexed and searchable covering all areas of bankruptcy practice
- 1,000s of cases, rules, and statutes fully cited with analysis
- Practice tips for efficient and effective representation



- Omnibus table of contents, subject index, and case index – all completely searchable
- All purchasers receive the hardcopy of the book with fully searchable CD-ROM



Minnesota State Bar Association
Continuing Legal Education

Wednesday & Thursday, June 13 & 14, 2012
Minnesota CLE Conference Center

Seventh Street & Nicollet Mall
Third Floor City Center, Minneapolis

Video replay details inside.

Day 1 Schedule

Wednesday, June 13, 2012

8:15-9:00 a.m.

Registration and Continental Breakfast

8:45-9:00 a.m.

Welcome and Introduction

- *Dorraine A. Larison, Course Co-Chair and Editor*
Gray Plant Mooty, Saint Cloud
- *Terri A. Running, Course Co-Chair and Editor*
Running Law Firm PC, Minneapolis
- *Michael R. Stewart, Course Co-Chair and Editor*
Faegre Baker Daniels LLP, Minneapolis

9:00-9:40 a.m.

Overview of Bankruptcy Practice in MN: Requirements for Admission and Electronic Filing (Chapt. 1)

Requirements to be admitted to practice before the Bankruptcy Court; how to become certified to electronically file cases and documents; and where to find guidance and necessary forms.

- *Erin E. Knapp Darda*
Dorsey & Whitney LLP, Minneapolis
- *Lori Vosejka*
U.S. Bankruptcy Court, Minneapolis
- *Jane S. Welch*
Morrison Fenske & Sund, Minnetonka

9:40-10:20 a.m.

Who, What, When, Where and Why of Bankruptcy Practice (Chapt. 2)

An introduction to the bankruptcy court and how to navigate the court system, including information for finding answers to questions and for appearing before the bankruptcy judges; common players in the bankruptcy system, such as the U.S. Trustee's office, private trustees, and creditors, including an explanation of the parties' duties and tips for interacting with other parties involved in the case, and an explanation of who can be a debtor under the different chapters.

- *Sarah J. Wencil*
Office of the United States Trustee – Minneapolis

10:20-11:00 a.m.

Jurisdiction and Venue (Chapt. 3)

The impact of *Stern v. Marshall*; constitutional dimensions to bankruptcy law and practice, and an analysis of various issues preclusion doctrines.

- *James A. Rubenstein*
Moss & Barnett, PA., Minneapolis

11:00-11:15 a.m. – BREAK

BREAKOUT A – 11:15-12:15 p.m.

1. Commencement of the Case (Chapt. 4)

Information to be collected prior to preparing the petition; pitfalls encountered in petition preparation; and avoiding problems with the trustee.

- *Mary L. Cox*
Stein & Moore, PA., Saint Paul
- *G. Martin Johnson*
G. Martin Johnson Ltd, Burnsville

2. Executory Contracts and Leases in Bankruptcy (Chapt. 11)

Overview of an executory contract and why it is important; the basic rules governing bankruptcy treatment of executory contracts; and treatment of both real property and personal property leases including BAPCPA and *In re Burival*.

- *Phillip W. Bohl*
Gray Plant Mooty, Minneapolis

3. Bankruptcy Exemptions in Minnesota (Chapt. 6)

What is exempt and what is owned; how to use the online spread sheet; analysis of exemptions and case law, constitutional issues; and *Schwab v. Riley*.

- *Kenneth Corey-Edstrom*
Larkin Hoffman Daly & Lindgren Ltd., Bloomington

12:15-1:00 p.m. – LUNCH (on your own)

BREAKOUT B – 1:00-2:00 p.m.

4. The Automatic Stay – “Stop in the Name of the Law!” (Chapt. 7)

The breadth of the stay; issues and strategies for obtaining relief from the stay; and special provisions and limits for real estate cases.

- *Colin F. Dougherty*
Faegre Baker Daniels LLP, Minneapolis
- *Michael R. Stewart*
Faegre Baker Daniels LLP, Minneapolis
- *Abby E. Wilkinson*
Faegre Baker Daniels LLP, Minneapolis

5. An Adequate Discussion on Adequate Protection (Chapt. 8)

Adequate protection basics: where it came from; what it is (and isn't); who gets it (and who doesn't); and how they get it; acceptable forms of adequate protection; assessing the adequacy of the adequate protection offer; and adequate protection in other sections of the Bankruptcy Code

- *Monica L. Clark*
Dorsey & Whitney LLP, Minneapolis

6. Spending Your Lender's Cash and Getting More (Chapt. 9)

The essentials regarding cash collateral and post-petition financing, including a review of the relevant bankruptcy code provisions; the applicable federal rules in obtaining the use of cash collateral and post-petition lending; the applicable local rules and unique local chapter 11 instructions; and limitations on using non-cash assets outside of the ordinary course of business.

- *Katherine A. Constantine*
Dorsey & Whitney LLP, Minneapolis

2:00-2:15 p.m. – BREAK

Day 1 Credits:

6.0

BREAKOUT C – 2:15-3:15 p.m.

7. Sales of Assets Under Section 363 of the Bankruptcy Code (Chapt. 10)

What is a 363 sale?; when and why would a buyer or seller want to use one; maximizing value using free and clear sales; the mechanics of 363 sales; and risks and rewards.

- *Michael D. Howard*
Ravich Meyer Kirkman McGrath Nauman & Tansey, PA, Minneapolis
- *John R. McDonald*
Briggs and Morgan PA, Minneapolis
- *Michael L. Meyer*
Ravich Meyer Kirkman McGrath Nauman & Tansey, PA, Minneapolis

8. Usual and Unusual Issues Under Section 541 (Chapt. 5)

Basic concepts under Section 541; frequently occurring issues regarding bank accounts, rights of redemption after foreclosure, post-petition inheritances, spousal rights in property, self-settled trusts, constructive trusts, forfeiture clauses, transfer restrictions, and child support/alimony v. debt issues.

- *Brian F. Leonard*
Leonard O'Brien Spencer Gale & Sayre Ltd., Minneapolis

9. Dealing with Liens in Bankruptcy Cases (Chapt. 12)

Rights of lien holders in bankruptcy cases; abilities of debtors to modify liens; reaffirming debts secured by liens; redeeming collateral secured by liens; and permissible treatment of liens in Chapter 13 cases.

- *Bradley J. Halberstadt*
Stewart Zlimen & Jungers, Roseville

3:15-3:30 p.m. – BREAK

BREAKOUT D – 3:30-4:30 p.m.

10. Discharge and Nondischargeability of Debts in Minnesota (Chapt. 13)

Factors causing a Chapter 7 discharge to be denied; debtor's counsel role in advising a client in order to minimize the risk of losing the discharge; fraud, student loans, domestic support obligations and other non-dischargeable debts; procedures, proof standards and timing of discharge and nondischargeability actions. Differences between discharge standards in Chapters 7, 11, 12 & 13.

- *James A. Lodoen*
Lindquist & Vennum PLLP, Minneapolis
- *George H. Singer*
Lindquist & Vennum PLLP, Minneapolis

11. Trustee's Avoiding Powers and Limitations (Chapt. 14)

Sections 544, 545 and 546 The Bankruptcy Trustee's power to avoid transfers debtor's property; collection remedies and property rights which a near "perfect" creditor or purchaser would have under state law but subject to most of the same limitations; the use of 545 to avoid the fixing of certain statutory liens that arise because of the debtor's financial situation, and the status of a purchaser from the debtor as of the filing; and limitations to the trustee's avoiding powers.

- *Charles W. Ries*
Maschka Riedy & Ries, Mankato
- *Renee C. Rubish*
Maschka Riedy & Ries, Mankato

4:30 p.m. – Adjourn

Day 2 Schedule

Thursday, June 14, 2012

8:15-9:00 a.m.

Registration and Continental Breakfast

9:00-9:40 a.m.

Fabulous Conveyances – Looking a Gift Horse in the Mouth (Chapt. 15)

Whether the risk of a fraudulent conveyance prevents a creditor from taking prudent actions; when does taking advantage of existing laws, such as exemptions, morph into “intent to hinder delay or defraud creditors?”; do creditors ever get benefit from the pursuit of fraudulent conveyances?; and how have the recent spate of Ponzi scheme cases changed the way we think about fraudulent cases.

- *Mark J. Kalla*
Barnes & Thornburg LLP, Minneapolis

9:40-10:20 a.m.

Preferences (Chapt. 16)

- *Michael S. Dove*
Gilson & Hunter LLP, New Ulm

10:20-11:00 a.m.

Leveling the Field After the Game Starts – Post-Petition Transfers and Setoffs (Chapt. 17)

Post-petition transfers made or suffered by the debtor; application of statute of limitation issues; what “safe harbors” are available; and normal related practices of Chapter 7 Trustees.

- *Steven W. Meyer*
Oppenheimer Wolff & Donnelly LLP, Minneapolis
- *Timothy D. Moratzka*
Mackall Crouse & Moore PLC, Minneapolis

11:00-11:15 a.m. – BREAK

BREAKOUT E – 11:15-12:15 p.m.

12. Chapter 7 Bankruptcy – The Players, the Process and the Pitfalls for the Unwary (Chapt. 18)

An overview of the Chapter 7 bankruptcy process, including the roles and responsibilities of the Chapter 7 trustee, the debtor, debtor’s counsel, creditors and their counsel.

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

Day 2 Credits:

6.0

13. Chapter 11 in Minnesota – It’s All About Procedure (oh, and who gets the money) (Chapt. 19)

Preserving value (especially going concern value) for the benefit of all stakeholders; the process meant to encourage negotiated agreement on a plan (governed by Section 1129), which divides the value, including future value; local process, Local Rules, instructions and the notice requirements; case law; and the trend to conduct a § 363 sale, followed by a liquidating plan as a means to distribute money quickly.

- *James L. Baillie*
Fredrikson & Byron, PA, Minneapolis
- *Clinton E. Cutler*
Fredrikson & Byron, PA, Minneapolis
- *Cynthia A. Moyer*
Fredrikson & Byron, PA
- *Ryan T. Murphy*
Fredrikson & Byron, PA
- *Douglas W. Kassebaum*
Fredrikson & Byron, PA
- *James C. Brand*
Fredrikson & Byron, PA
- *Sarah M. Gibbs*
Fredrikson & Byron, PA
- *Sarah C.S. McLaren*
Fredrikson & Byron, PA

14. Family Farm Bankruptcy (Chapt. 20)

Eligibility factors in qualifying for a Chapter 12 bankruptcy, commencement and timelines, duties of the Trustee and Debtor, formulating and confirming a plan, and tax implications/benefits.

- *Kyle L. Carlson*
Chapter 12 and 13 Bankruptcy Trustee
- *Michael J. Gieseke*
Counsel to Kyle L. Carlson,
Chapter 12 and 13 Bankruptcy Trustee

12:15-1:00 p.m. – LUNCH (on your own)

BREAKOUT F – 1:00-2:00 p.m.

15. The Chapter 13 Trustee and the Chapter 13 Plan (Chapt. 21)

Things to know about the Trustee’s offices; nuts and bolts of drafting a plan; section by section analysis of the local form plan; how to draft a confirmable plan from the outset; unique Chapter 13 tools; statutory debt limits; feasibility analysis; utilizing Form B22C; frequently encountered post-confirmation issues; attorney responsibilities post-confirmation; discharge; and a discussion of lien stripping.

- *Mary C. Hoben*
The Law Office of Curtis Walker, Minneapolis
- *Thomas E. Johnson*
Office of the Chapter 13 Bankruptcy Trustee,
Minneapolis
- *Ronald J. Lundquist*
Lundquist Law Firm, Eagan
- *Wayne G. Nelson*
Attorney at Law, Golden Valley

16. Everything You Wanted to Know About Claims but Were Afraid to Ask (Chapt. 22)

What is the definition of a “claim,” and the various types of claims including: secured, administrative, priority, etc.; how and when to assert the different claims; how to defend claim objections; and the potential risk of claim subordination.

- *Amy J. Swedberg*
Maslon Edelman Borman & Brand, Minneapolis

17. Bankruptcy Litigation – Navigating Your Dispute Through the Perils of Procedure (Chapt. 23)

Distinctions between adversary proceedings and contested matters; the types of relief that may be sought by filing a lawsuit in a bankruptcy case; timeline and procedural requirements for a bankruptcy lawsuit; types of disputes that must be commenced by motion; requirements and preferences of the bankruptcy judges.

- *Lara O. Glaesman*
Leonard Street and Deinard PA, Minneapolis
- *Edwin H. Caldie*
Leonard Street and Deinard PA

2:00-2:15 p.m. – BREAK

BREAKOUT G – 2:15-3:15 p.m.

18. Conversion and Dismissal of Cases (Chapt. 24)

- *Daniel C. Beck*
Winthrop & Weinstine, Minneapolis
- *Michael A. Rosow*
Winthrop & Weinstine, Minneapolis
- *Christopher A. Camardello*
Winthrop & Weinstine, Minneapolis

19. Retention and Compensation in Bankruptcy Cases – How to Get Paid and Keep the Money (Chapt. 25)

Discussion of the challenges facing debtor’s counsel in receiving compensation for all legal services provided; ways to avoid common mistakes in bankruptcy representation that may lead to the disgorgement of fees; and how to navigate the requirements of the Minnesota Local Bankruptcy Rules related to representing consumer debtor’s in bankruptcy. Includes local forms and amendment to Rule 2019(b).

- *Stephen J. Creasey*
Lapp, Libra, Thomson, Stoebner & Pusch, Chtd.,
Minneapolis

3:15-3:30 p.m. – BREAK

BREAKOUT H – 3:30-4:30 p.m.

20. Bankruptcy Tax Issues – A Primer for Dealing with the Taxman When He Cometh (Chapt. 26)

Debtor’s filing and tax payment obligations; cancellation of debt and reduction of attribute issues; dischargeability/non-dischargeability of tax debts; individual/partnership/corporate tax-differing responsibilities; and taxation of the bankruptcy estate.

- *Thomas E. Brever*
Foster & Brever PLLC, Saint Anthony

21. Bankruptcy Crimes and Fraud – Do Not Pass Go, Do Not Collect Your Discharge, Go Directly to Jail (Chapt. 27)

What not to do as a debtor; what may be permissible in bankruptcy as to all exemptions and transfers; the consequences of failure to disclose, transferring for less than reasonably equivalent value, and how to avoid going to jail and losing your discharge.

- *Nicole A. Engisch*
U.S. Attorney’s Office, Minneapolis
- *Nauni J. Manty*
Manty & Associates, PA, Minneapolis

4:30 p.m. – Adjourn

The Deskbook

The Best Resource on Bankruptcy Practice available for Minnesota Attorneys!

CHAPTER 1

Overview of Bankruptcy Practice in Minnesota

- *Dorraine A. Larison*
Gray Plant Mooty
- *Terri A. Running*
Running Law Firm PC
- *Michael R. Stewart*
Faegre Baker Daniels LLP
- *Erin E. Knapp Darda*
Dorsey & Whitney LLP
- *Jane S. Welch*
Morrison Fenske & Sund
- *Lori Vosejпка*
U.S. Bankruptcy Court – Minneapolis

CHAPTER 2

Basic Structure of the Players and Duties

- *Sarah J. Wencil*
Office of the United States Trustee – Minneapolis

CHAPTER 3

Jurisdiction and Venue

- *James A. Rubenstein*
Moss & Barnett, P.A.

CHAPTER 4

Commencement of the Case

- *G. Martin Johnson*
G. Martin Johnson Ltd
- *Mary L. Cox*
Stein & Moore, P.A.

CHAPTER 5

Property of the Estate

- *Brian F. Leonard*
Leonard O'Brien Spencer Gale & Sayre Ltd.

CHAPTER 6

Exemptions

- *Kenneth Corey-Edstrom*
Larkin Hoffman Daly & Lindgren Ltd.

CHAPTER 7

The Automatic Stay

- *Colin F. Dougherty*
Faegre Baker Daniels LLP, Minneapolis
- *Michael R. Stewart*
Faegre Baker Daniels LLP, Minneapolis
- *Abby E. Wilkinson*
Faegre Baker Daniels LLP, Minneapolis

CHAPTER 8

Adequate Protection

- *Monica L. Clark*
Dorsey & Whitney LLP

CHAPTER 9

Cash Collateral and Post-Petition Financing

- *Katherine A. Constantine*
Dorsey & Whitney LLP

CHAPTER 10

Sale of Assets

- *Michael L. Meyer*
Ravich Meyer Kirkman McGrath Nauman & Tansey, PA
- *John R. McDonald*
Briggs and Morgan PA
- *Michael D. Howard*
Ravich Meyer Kirkman McGrath Nauman & Tansey, PA

CHAPTER 11

Executory Contracts and Unexpired Leases

- *Phillip W. Bohl*
Gray Plant Mooty

CHAPTER 12

Security Interests and Liens

- *Bradley J. Halberstadt*
Stewart Zlmen & Jungers

CHAPTER 13

Discharge

- *James A. Lodoen*
Lindquist & Vennum PLLP
- *George H. Singer*
Lindquist & Vennum PLLP

CHAPTER 14

Avoiding Powers

- *Charles W. Ries*
Maschka Riedy & Ries
- *Renee C. Rubish*
Maschka Riedy & Ries, Mankato

CHAPTER 15

Fraudulent Transfers

- *Mark J. Kalla*
Barnes & Thornburg LLP

CHAPTER 16

Preferences

- *Michael S. Dove*
Gislason & Hunter LLP

CHAPTER 17

Post-Petition Transfers and Setoffs

- *Steven W. Meyer*
Oppenheimer Wolff & Donnelly LLP
- *Timothy D. Moratzka*
Mackall Crouse & Moore PLC

CHAPTER 18

Chapter 7 – Liquidation

- *Mary Jo Jensen-Carter*
Buckley & Jensen

CHAPTER 19

Chapter 11 – Reorganization

- *James L. Baillie*
Fredrikson & Byron, PA
- *Clinton E. Cutler*
Fredrikson & Byron, PA
- *Cynthia A. Moyer*
Fredrikson & Byron, PA
- *Ryan T. Murphy*
Fredrikson & Byron, PA
- *Douglas W. Kassebaum*
Fredrikson & Byron, PA
- *James C. Brand*
Fredrikson & Byron, PA
- *Sarah M. Gibbs*
Fredrikson & Byron, PA
- *Sarah C.S. McLaren*
Fredrikson & Byron, PA

CHAPTER 20

Chapter 12 – Family Farmer with Regular Income

- *Kyle L. Carlson*
Chapter 12 and 13 Bankruptcy Trustee
- *Michael J. Gieseke*
Counsel to Kyle L. Carlson,
Chapter 12 and 13 Bankruptcy Trustee

CHAPTER 21

Chapter 13 – Individuals with Regular Income

- *Thomas E. Johnson*
Office of the Chapter 13 Bankruptcy Trustee
- *Mary C. Hoben*
The Law Office of Curtis Walker
- *Ronald L. Lundquist*
Lundquist Law Firm
- *Wayne G. Nelson*
Attorney at Law

CHAPTER 22

Claims

- *Amy J. Swedberg*
Maslon Edelman Borman & Brand

CHAPTER 23

Adversary Proceedings and Contested Matters

- *Lara O. Glaesman*
Leonard Street and Deinard PA
- *Edwin H. Caldie*
Leonard Street and Deinard PA

CHAPTER 24

Conversion and Dismissal of Cases

- *Daniel C. Beck*
Winthrop & Weinstine
- *Michael A. Rosow*
Winthrop & Weinstine, Minneapolis
- *Christopher A. Camardello*
Winthrop & Weinstine, Minneapolis

CHAPTER 25

Attorneys and Other Professionals

- *Stephen J. Creasey*
Lapp, Libra, Thomson, Stoebner & Pusch, Chtd.

CHAPTER 26

Tax and Accounting Issues

- *Thomas E. Brever*
Foster & Brever PLLC

CHAPTER 27

Bankruptcy Crimes and Fraud

- *Nicole A. Engisch*
U.S. Attorney's Office
- *Nauni J. Manty*
Manty & Associates PA

1 ATTEND BOTH DAYS
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<input type="checkbox"/> #3	<input type="checkbox"/> #6	<input type="checkbox"/> #9	<input type="checkbox"/> #14	<input type="checkbox"/> #17			

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I was first admitted to the bar after June 14, 2009, and have deducted \$60 from the registration fee marked at left.

COURSE INFORMATION

LIVE PRESENTATION

DAY 1: Wednesday, June 13, 2012 | DAY 2: Thursday, June 14, 2012

Minnesota CLE Conference Center
 Seventh Street & Nicollet Mall • Third Floor City Center, Minneapolis

VIDEO REPLAYS

Schedule times for video replays are subject to change due to abbreviated lunch and break periods. Start times are as indicated below. Please register at least one week in advance to secure your copy of the course materials on the day of the seminar. The video replay will show video of all live plenary sessions, plus one topic from each of the breakout sessions to be determined at a later date.

DAY 1:

Minneapolis – 7/10/12 & 7/25/12

Reg. 8:30; Replay 9:00

MN CLE Conference Center
 Seventh Street & Nicollet Mall
 Third Floor City Center

DAY 2:

Minneapolis – 7/11/12 & 7/26/12

Reg. 8:30; Replay 9:00

MN CLE Conference Center
 Seventh Street & Nicollet Mall
 Third Floor City Center

Duluth – 7/26/12

Reg. 8:30; Replay 9:00

Radisson Hotel Duluth – Harborview
 505 West Superior Street

Duluth – 7/27/12

Reg. 8:30; Replay 9:00

Radisson Hotel Duluth – Harborview
 505 West Superior Street

Mankato – 7/19/12

Reg. 8:15; Replay 8:30 a.m.

Farrish Johnson Law Office, Eastwood
 Industrial Centre, 1907 Excel Dr.

Mankato – 7/20/12

Reg. 8:15; Replay 8:30 a.m.

Farrish Johnson Law Office, Eastwood
 Industrial Centre, 1907 Excel Dr.

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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 do not cancel, yet fail to attend, will receive the written materials. Passholders may purchase materials for 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.

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