



Oregon Law Institute  
of Lewis & Clark Law School

***NEW LAW!***

# **Bankruptcy Abuse Prevention and Consumer Protection Act of 2005**

**J**oin representatives from the bench, debtor's counsel, creditor's counsel, and the Trustee's office, for a day-long seminar that will address the most important areas of change, including: Chapter 13 procedures, credit counseling and debtor education, means testing, new attorney liability provisions, tax liabilities, changes to Chapter 7, child support changes, and much, much more!

**THURSDAY, JUNE 30, 2005**

Oregon Convention Center  
777 NE Martin Luther King Jr., Blvd.  
Portland, Oregon

**7.5 MCLE Credits**

# SCHEDULE

8:00 LATE REGISTRATION AND DISTRIBUTION OF MATERIALS

8:25 WELCOME AND INTRODUCTION

8:30 - 8:45 **Overview of Amendments**

- Effective date
- Summary of major changes
  - *Richard A. Slottee*

8:45 - 10:00 **New Hurdles for Debtors**

- Credit counseling requirements
- Additional documents required of debtor
- Tax returns
- Discouraging repeat filings
- Residency requirements to claim exemptions
- New limitations on discharge of certain debts
- Automatic stays
  - *Kent V. Snyder*
  - *Todd Trierweiler*

10:00 - 10:15 BREAK

10:15 - 11:15 **Needs Based Bankruptcy**

- *Means Testing* — What is it and how does it operate?
  - The definition of “consumer debts”
  - IRS National expense standards
  - How to do the calculations
- Exceptions and procedure
  - *Hon. Frank R. Alley III*
  - *Ann K. Chapman*
  - *Jeffrey M. Wong*

11:15 - 11:30 **New Attorney Liability Provisions**

- BR 9011 — why is it now so important?
  - Attorney’s duty to verify accuracy of schedules
  - Attorneys as Debt Relief Agency
    - The new disclosure requirements
    - Attorney liability
- *Russell D. Garrett*

11:30 - 12:00 **Changes to Chapter 7**

- Prevention of creditor abuses
  - Reaffirmation procedures
  - Redemptions
  - Asset protection
  - Audits
- *Hon. Elizabeth L. Perris*

12:00 - 1:00 LUNCH BREAK (optional box lunch and roundtable)

1:00 - 2:15 **Chapter 13**

- Changes to procedure
  - Changes to cram down
  - Changes to how allowable living expenses are calculated
  - Limited conversion to Chapter 7
- Scope of Chapter 13 discharge reduced
- Mandatory five year payment plans
  - *Ann Chapman*
  - *Kent V. Snyder*
  - *Todd Trierweiler*

# SCHEDULE (cont.)

2:15 - 2:45

## Tax Liabilities

- New exceptions to the Chapter 13 superdischarge for taxes
- Tolling rules for priority periods with prior bankruptcy cases and administrative appeals
- Dismissal or conversion for failure to file past-due or postpetition returns
- Mandatory discussion of tax consequences in Chapter 11 disclosure statements
  - *Jeffrey M. Wong*

2:45 - 3:00

BREAK

3:00 - 3:30

## Business Bankruptcies

- Leases
- Utilities
- Small business provisions
- Chapter 11 plan issues
  - *S. Ward Greene*

3:30 - 4:00

## Protecting Spouses and Children

- New priority standards for child support
- Modifications to automatic stay
- Nondischargeability
  - *Russell D. Garrett*
  - *Hon. Elizabeth L. Perris*

4:00 - 4:30

## Preferential Transfers

- Defenses
- Venue
- Amounts at issue
  - *Russell D. Garrett*

4:30 - 5:00

## The New Role of the United States Trustee

– *US Trustee TBD*

5:00

ADJOURN

# Program Faculty

**Hon. Frank R. Alley III**

*U.S. Bankruptcy Court*

**Ann Chapman**

*VandenBos and Chapman, LLP*

**Russell D. Garrett**

*Bullivant Houser Bailey PC*

**S. Ward Greene**

*Greene & Markley PC*

**Hon. Elizabeth L. Perris**

*U.S. Bankruptcy Court*

**Richard A. Slottee**

*Program Planner*

*Director, Lewis & Clark Legal Clinic  
Lewis & Clark Law School*

**Kent V. Snyder**

*Snyder and Associates*

**Todd Trierweiler**

*Todd Trierweiler and Associates*

**Jeffrey M. Wong**

*Greene & Markley PC*

## LIVE PRESENTATION

**Portland – 6/30/05**

Oregon Convention Center  
777 NE MLK Jr. Blvd.

## MCLE CREDIT

*Bankruptcy Abuse Prevention and  
Consumer Protection Act of 2005* will  
receive **7.5** MCLE credits.

## PROGRAM TAPES

Even if you cannot attend, you can still get the program on audiotape or videotape. Use the order form in this brochure to order your set today! OLI Annual Passholders may purchase the tapes at 50% off the full retail price.

## QUESTIONS?

Please call OLI at (503) 768-6580 in Portland or toll-free in Oregon at (800) 222-8213, e-mail us at [oli@lclark.edu](mailto:oli@lclark.edu); or visit our Web site at [www.lclark.edu/org/oli](http://www.lclark.edu/org/oli).

## VIDEO REPLAYS

Please register at least one week prior to the replay date.

**Bend – 7/22/05**

**Replay 8:30 a.m.**

Bryant Lovlien & Jarvis  
591 Mill View Way

**Eugene – 7/15/05**

**Replay 8:30 a.m.**

Harrang Long Gary & Rudnick, P.C.  
360 East 10th Avenue, Ste. 300

**Medford – 7/15/05**

**Replay 8:30 a.m.**

Kellington, Krack, Richmond,  
Blackhurst & Glatte, LLP  
23 Newtown Street

**Portland – 7/27/05**

**Replay 9:00 a.m.**

Oregon Law Institute  
Gus J. Solomon Courthouse,  
620 S.W. Main St., Suite 706

**Bankruptcy Abuse Prevention and Consumer Protection Act of 2005**

Thursday, June 30, 2005

Name \_\_\_\_\_ OSB No. or Profession \_\_\_\_\_

Firm/Organization \_\_\_\_\_

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Please "✓" appropriate box below:

 Live presentation Video replay. Location: \_\_\_\_\_ Date: \_\_\_\_\_**TUITION***(Prices apply to live and video replays.)*

- \$159** "Early Bird" tuition (*received by June 24, 2005*).
- \$119** "Early Bird" tuition for new attorneys (admitted 2004–2005), paralegals, or secretaries (*received by June 24, 2005*).
- \$ 15** OLI Annual Pass holder (Annual Pass No. \_\_\_\_\_).
- \$ 20** Add to above tuition if registration received *after June 24, 2005*.

**OPTIONAL LUNCH AND ROUNDTABLE DISCUSSION**

- \$20** Add to above tuition (live seminar only)

**BOOK AND TAPE ORDERS***I am unable to attend. Please send me:*

- Audiotapes and course book, at \$169 per set.
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 or email us at [oli@lclark.edu](mailto:oli@lclark.edu).**

**CONFIRMATION:** Confirmation will be sent via e-mail or fax.**CANCELLATION POLICY:** Tuition minus a \$20 handling charge will be refunded if the cancellation request is *written and received* by June 27, 2005.**NEED ASSISTANCE:** If you are a person with a disability, please let OLI know in time to make any necessary accommodations for you.**TUITION ASSISTANCE:** A limited number of scholarships are available based on financial need. Contact OLI.