

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

**DAY 1 – Thursday, October 13, 2016**

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

8:45 – 9:00 a.m.  
WELCOME & INTRODUCTION

9:00 – 10:30 a.m.  
**Case Law Update and Bankruptcy Trends**

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.  
– Judge Michael E. Ridgway  
– Judge Katherine A. Constantine

10:30 – 10:45 a.m.  
BREAK

10:45 – 11:45 a.m.  
**The Latest Developments from the Dark Net, Smartphone Hacking and the Internet of Things**

Back by popular demand, Mark Lanterman returns to the Bankruptcy Institute to reveal current developments in the digital underground, as well as provide realistic advice for cyber protection. He will discuss recent high profile cyber-crime events, including website breaches impacting retailers, banks and government agencies. Mark will also discuss particularly dangerous types of threats that might affect individuals such as crimes and scams involving the Dark Net, the Internet of Things, smartphone hacking, phishing, doxing and wifi attacks.  
– Mark Lanterman

11:45 a.m. – 1:00 p.m.  
INSTITUTE LUNCHEON  
(PROVIDED BY MINNESOTA CLE)

12:15 – 12:45 p.m.  
**State of the Court**  
– Chief Judge Kathleen H. Sanberg

	1:00 – 2:00 p.m. Breakout A	2:15 – 3:15 p.m. Breakout B
<b>Business</b>	<p>101 <b>Secret Liens, Interests and Encumbrances</b> Panelists will discuss secret liens, interests and encumbrances that interfere with administering property in a bankruptcy or recovering property outside of a bankruptcy. Among other topics included for discussion are agricultural liens, PACA claims, and shipping trust fund claims. – Michael S. Dove – Nauni J. Manty</p>	<p>201 <b>Hot Topics in Business Bankruptcy Roundtable</b> Join three experienced bankruptcy attorneys for an interactive discussion about hot business topics: the work of the venue reform committee, PROMESA – Puerto Rico’s Oversight, Management and Economic Stability Act, the story of Target’s bankruptcy in Canada under the Companies’ Creditors Arrangements Act, and other topics. – James L. Baillie – Dennis M. Ryan – Clark T. Whitmore – Amy J. Swedberg, moderator</p>
<b>Consumer</b>	<p>102 <b>Real Estate Issues Affecting Bankruptcy Attorneys</b> A helpful session focusing on real estate issues that bankruptcy attorneys are likely to encounter including the automatic stay, bankruptcy sales, title insurance concerns and treatment of real property taxes – Rebecca Holschuh – Chuck Hoyum – Robert L. Russell</p>	<p>202 <b>Better Serving the Debtor: Collateral Issues to Bankruptcy</b> Filing bankruptcy may just be the first step to addressing a debtor’s needs. Several consumer statutes may be relevant to a debtor’s issues, before, during, and after a bankruptcy. Learn the basics of the FDCPA, FCRA, foreclosure issues and other hot topics. – Jonathan L.R. Drewes – Kalli L. Ostlie – Mark L. Vavreck</p>
<b>Evidence</b>	<p>103 <b>Recurring Evidentiary Issues in Bankruptcy Cases</b> 2-hour session Judge Michael Ridgway and Judge Gordon Shumaker discuss the meaning of judicial discretion; key objections; offers of proof and motions in limine; habit/routine practice evidence; defining hearsay; key hearsay exemptions and exceptions; witness credibility; limits of expert testimony; authentication; and applying the “best evidence” rule. Judge Michael E. Ridgway Judge Gordon W. Shumaker, Jr.</p>	
<b>Bankruptcy Fundamentals</b>	<p>104 <b>Bankruptcy Fundamentals: Pre-Filing Considerations</b> The panel will initially discuss the most basic principles of bankruptcy and the players involved in bankruptcy. The discussion will then lead into pre-filing considerations that lead up to the selection of a Chapter 7 or Chapter 13 bankruptcy. The panelists will discuss the initial consultation with the debtors, bankruptcy worksheets and forms, pre-bankruptcy debt counseling, eligibility issues in qualifying for a Chapter 7 and Chapter 13, assets and debts, preferences and fraudulent transfers, the advantages/disadvantages of both Chapter 7 and Chapter 13 bankruptcy and the bankruptcy lawyer’s ethical duties. – John A. Hedback – Jeanine L. Johnson – Ronald L. Lundquist – Patti J. Sullivan</p>	<p>204 <b>Bankruptcy Fundamentals: Chapter 7 Bankruptcy</b> This panel will discuss all matters relating the filing of Chapter 7 Bankruptcy. This panel will discuss how to properly draft the bankruptcy petition and schedules. The panel will also concentrate on preparing a client for the 341 meeting, dealing with any UST requests for information, negotiating reaffirmation agreements with secured creditors, dealing with relief stay motions, handling discharge issues, current chapter 7 issues, representing a client in an adversary action and the bankruptcy lawyer’s ethical duties. – Stephen J. Behm – John A. Hedback – Bradley J. Halberstadt – Sarah J. Wencil</p>
	2:00 – 2:15 p.m. BREAK	3:15 – 3:30 p.m. BREAK

3:30 – 4:30 p.m.  
**Cocktail Party Law: Answers to Questions that Lawyers are Asked at Cocktail Parties**  
A team of experts in family, criminal, personal injury and debt collection law will provide answers to the questions that you are often asked by colleagues, family and friends who think you should know everything about every area of law.  
– Aaron Eken  
– R. Leigh Frost  
– Randall Ryder  
– Timothy D. Webb  
– Roy S. Ginsburg, moderator

4:30 – 5:00 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.

**DAY 2 – Friday, October 14, 2016**

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

9:00 – 10:00 a.m.  
**New Developments in Technology and Time Management for Bankruptcy Lawyers**

Own your technology – Don’t let it own you! The very technology that we love is an enormous source of interruptions and distractions during the day. Learn how to manage the latest and greatest technology to take control of your daily tasks, tame your email in-box, delegate tasks more efficiently and improve client communication. Enhance your time management and technology skills to regain control of your law practice...and your life.  
– Paul J. Unger

10:00 – 10:15 a.m.  
BREAK

	10:15 – 11:15 a.m. Breakout C	11:30 a.m. – 12:30 p.m. Breakout D
<b>Business</b>	<p>301 <b>Representing Creditors in Wilmington and Manhattan: A Minnesotan’s Guide to America’s Busiest Bankruptcy Courts</b> This presentation will guide the Minnesota attorney in representing creditors in Delaware and New York chapter 11 cases, focusing on commonly encountered situations such as protecting clients at first-day hearings and quick sale cases, responding to claim objections, and defending preferences. In a world where bankruptcy cases are fewer and smaller, and clients are demanding more value from their attorneys, this presentation will help you represent your clients with confidence in these districts, deliver more value to your clients, and keep more work in-house. – David M. Banker – Luke Murley – Adam C. Ballinger, moderator</p>	<p>401 <b>Distressed Agriculture in Minnesota</b> Panelists will highlight recent trends in agriculture insolvencies with a focus on work-out and bankruptcy options. The panel will also discuss farmer-lender mediation. – David C. McLaughlin – Jeffrey A. Peterson – Mary Nell Preisler – Mychal A. Bruggeman, moderator</p>
<b>Consumer</b>	<p>302 <b>How to Discharge Taxes in Bankruptcy</b> National bankruptcy and tax expert, Larry Heinkel, discusses issues related to tax dischargeability in Chapter 7 and Chapter 13 bankruptcies, including: • Secured and unsecured tax debts • Priority and non-priority tax debts • Tax penalties • Preparing the Chapter 13 plan • Converting from a Chapter 13 to a Chapter 7 – Larry Heinkel</p>	<p>402 <b>Understanding Trust Fund Recovery Penalties</b> National bankruptcy and tax expert, Larry Heinkel, discusses penalties related to non-payment of payroll withholding taxes, including: • Statute of limitations for assessment • Definition of “responsible persons” • Investigations • Protesting proposed assessments • Litigation • Avoiding malpractice – Larry Heinkel</p>
<b>Technology</b>	<p>303 <b>iPad Tips and Techniques for Bankruptcy Lawyers</b> This session will show you how you can power your practice by using the iPad to carry a paperless client/matter file with you, reduce paper in the workplace and edit documents. Learn about the nuts and bolts, must-have apps for lawyers, how to use the iPad in litigation and much more! Bring your iPads for hands-on learning! – Paul J. Unger</p>	<p>403 <b>PowerPoint Tips and Techniques for Bankruptcy Lawyers</b> Effective lawyers give a lot of presentations. Whether it’s in a courtroom, a corporate boardroom, or at a CLE, lawyers are regularly called upon to teach and persuade. PowerPoint is a powerful and ubiquitous tool for aiding presentations, but it is frequently misused and abused. Learn effective PowerPoint tips to make your presentations more powerful. No matter your skill level, this course will offer easy-to-use tips and tools for your next PowerPoint presentation. – Paul J. Unger</p>
<b>Bankruptcy Fundamentals</b>	<p>304 <b>Bankruptcy Fundamentals: Chapter 13 Pre-Confirmation Issues and Concerns</b> This panel will discuss all pre-confirmation matters relating to the filing of a Chapter 13 Bankruptcy. The panel will discuss drafting a chapter 13 plan, getting your attorney fees paid, current pre-confirmation issues such as length of plan, adequate protection, mortgages in default, other secured claims in default, 910 car claims, wholly unsecured second mortgages, IRS/MDR claims, child support arrearages, creating separate classes of unsecured claims, student loans, divorce property settlements, negotiating with secured creditors, and the bankruptcy lawyer’s ethical duties. – Stephen J. Behm – Jeffrey M. Bruzek – Michael J. Gieseke – Bradley J. Halberstadt</p>	<p>404 <b>Bankruptcy Fundamentals: Chapter 13 Post-Confirmation Issues and Concerns</b> This panel will discuss all post-confirmation matters relating to a Chapter 13 Bankruptcy. The panel will discuss the drafting of a post-confirmation plan, getting attorney fees for post-confirmation legal work, current post-confirmation issues such as windfalls, bad faith conversions, severing cases due to a divorce, death of a joint debtor, post-confirmation mortgage default, increased disposable income, inheritance, tax refunds, loss of jobs, issues to be aware of at the end of case and the bankruptcy lawyer ethical duties. – Stephen J. Behm – Jeffrey M. Bruzek – Michael J. Gieseke – Bradley J. Halberstadt</p>
	11:15 – 11:30 p.m. BREAK	12:30 – 1:30 p.m. LUNCH (ON YOUR OWN)

1:30 – 2:30 p.m.  
**Ask the Judges**  
All of the Minnesota Bankruptcy Judges will be available to answer your questions and talk about procedures, rules and more. Anyone wishing to pose a question to the panel is invited to do so by sending the question to lori\_vosejпка@mnb.uscourts.gov prior to close of business on Wednesday, Oct. 12. (Note: no advisory opinions will be given!)  
– Chief Judge Kathleen H. Sanberg  
– Judge Michael E. Ridgway  
– Judge Katherine A. Constantine  
– Judge William J. Fisher  
– Judge Robert J. Kressel  
– Lori A. Vosejпка, moderator

2:30 – 3:30 p.m.  
**Elimination of Bias: When Your Client is Impaired**  
1.0 elimination of bias credit (applied for)  
Lawyers often see clients who appear to be suffering from substance abuse, addiction, compulsive gambling or other impairments. While it is not our job to diagnose, what is our role, responsibility and opportunity? How do our biases govern our actions and behaviors? What if the issue is not with a client but with a colleague? The answers are seldom simple and never easy. This program will provide a framework for understanding these issues as well as practical guidance and resources for lawyers facing these questions.  
– Chase L. Andersen

**FREE POST-INSTITUTE WEBCAST!**

As a special bonus, you may view this 1-hour webcast after the Institute for no additional fee. A coupon code, along with instructions for how to register for free at www.minncle.org will be distributed at the Institute.

**Friday, November 18, 2016 9:00 – 10:00 a.m.**

**A Roadmap to Bringing a Student Loan Adversary Proceeding**

Two experienced attorneys will provide a roadmap of what you should know before filing an adversary proceeding to discharge student loans. The presenters will also discuss options inside and out of bankruptcy for dealing with student loans where a discharge case might not make sense.  
– David L. Friedman  
– Julie K. Swedback

# The 2016 Bankruptcy Institute



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## 6 Special Guest Speakers Join the Institute Faculty!

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### Larry Heinkel

Heinkel Tax Law Group, LLC; Tampa Bay, Florida

### Mark Lanterman

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### Luke Murley

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21 presentations, including  
insights from trusted faculty  
on Bankruptcy Fundamentals,  
Evidence, Real Estate Issues,  
Secret Liens, Chapter 12, How  
to Discharge Taxes, The Annual  
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Plus a free post-Institute  
webcast on "A Roadmap  
to Bringing a Student Loan  
Adversary Proceeding."

## COURSE 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 \$12 per day** if you arrive before 8:30 a.m. and leave after 1:00 p.m. Enter off South 7th Street between Nicollet Mall and Hennepin Avenue.

### CREDITS

Minnesota CLE has applied to the State Board of CLE for **11.0 total credits, including 1.0 elimination of bias credit**. The maximum number of total credits you may report for attending the 2016 Bankruptcy Institute is 11.0.

Minnesota CLE has applied to the State Board of CLE for **1.0 standard credit** for the post-Institute webcast, *A Roadmap to Bringing a Student Loan Adversary Proceeding*. You must view this webcast to claim the additional 1.0 standard credit.

### 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.

### NEW LAWYER SCHOLARSHIP PROGRAM

In recognition of the challenges facing lawyers entering the profession, Minnesota Continuing Legal Education has established a scholarship program for unemployed and underemployed lawyers admitted fewer than three years. Those wishing to apply for such assistance should contact Grant at **651-254-2111** or **gdavies@minncle.org** for details.

### CANCELLATION / NO-SHOW POLICY

Paid registrants who cancel their registration at least 3 business days before the program will receive a full credit on their account; if fewer than 3 business days, a \$25 administrative fee will be deducted. Paid registrants who fail to attend will receive the written materials. 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**. Or visit us online at [www.minncle.org](http://www.minncle.org).

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## The 2016 Bankruptcy Institute

October 13 & 14, 2016 Minnesota CLE Conference Center

### PLEASE "✓" APPROPRIATE BOX:

\$495 MSBA member

\$495 paralegal

\$595 standard rate

### NEW LAWYER DISCOUNT!

I was first admitted to the bar after October 13, 2013, and have deducted \$60 from the tuition marked above.

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### Can't attend the Institute?



The **electronic version** is available online for \$125 (plus tax). This online version may be purchased at [www.minncle.org](http://www.minncle.org) after the Institute. To purchase the **hardcopy version** for \$125 (plus tax and handling), call Minnesota CLE at 651-227-8266 or 800-759-8840. Hardcopy orders will be filled after the Institute.

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