

September 8, 2005

The Consumer Bankruptcy Committee of the Debtor-Creditor Section

Minutes from September 8, 2005:

Thank you to the Judges for providing the snacks. George Holston's office will provide food for our next meeting, October 13, 2005.

The following issues were addressed at the meeting:

Trustee Announcements:

- Brian Lynch announced that his trustee percentage will be reduced for the August/September disbursement to 2 3/4 % but will rise to 8 3/4 % in October.
- Brian Lynch is looking into becoming a financial education advisor for chapter 13 clients. He hopes to be able to offer the class to debtors after the 341a hearing, at no additional cost to the debtor.
- A suggestion was made that the debtor/creditor section organize the education class for Chapter 7 debtors.

IRS guidelines:

- With respect to calculating plan payments under the new legislation, the Trustee's office has indicated that they plan to treat housing and utility expenses as two numbers. One for rent or mortgage, and one for utilities and maintenance, including insurance and property taxes. The higher of the debtor's actual mortgage payment, or the IRS standard is the figure that the Trustee's office will use.
- The size of your household is dictated by the number of dependents that you could claim on your taxes.
- New Drafts of Chapter 13 Plans and Orders Confirming Plan:
- Comments on the new Chapter 13 Plans and Orders Confirming Plans were shared.
- A suggestion was made that Chapter 13 plan 1(c) should read "36 or 60 months from the filing date" rather than "36 or 60 months from the date the first plan payment is due."
- Judge Dunn will continue to accept comments on the new Chapter 13 plan and Orders Confirming Plans. Please get any comments to him as soon as possible.
- A discussion was held about attorneys considering adding expected expenses to J as supplemental fees to bill for post-petition adversaries. This will likely be subject to litigation down the road.

Attorney Certificates:

- The Debtor's attorney will need to provide certificates to the Court indicating among other things that the debtor has been advised of alternatives to bankruptcy, and that the information provided in the petition is complete, accurate and truthful.
- The Debtors' Bar may want to develop a certificate that the attorneys are comfortable with signing.
- Todd Trierweiler and Ann Chapman will work to develop a certificate.

Forms Updates:

- The Court will look into updating forms only once per month and providing that information on the web-site.
- Expect a general order after 9/30

BAPCPA videos:

- The Trustee's office will show a DVD on BAPCPA from a lecture put on by Judge Lundin and Chapter 13 Trustee, Hank Hildebrandt at the NACTT seminar. The schedule and details are attached.
- Please note that the October 14th showing will be postponed until October 21st. An announcement regarding the rescheduling will be made at the session on September 30th.

General Announcements:

- Electronic filing will be available on October 16, but not October 17. If you need to file anything with the Court on October 17th, hard copies need to be filed.
- Volume 79 of the Bankruptcy Law Journal contains an article entitled [Nine Traps and One Slap](#), which provides guidance on advertising under the new code. It is also available for purchase.
- Carolyn Wade has taken a position at the State Attorneys General Office.

Attachment:

Consumer Bankruptcy Practice Under The Bankruptcy Abuse Prevention And Consumer Protection Act of 2005

(The New Bankruptcy Law)

(repeated)

Session 1 Friday, September 23, 2005, 9:00 – 10:30 & 12:00 – 1:30

Session 2 Friday, September 30, 2005, 9:00 – 10:30 & 12:00 – 1:30

Session 3 Friday, October 14, 2005, 9:00 – 10:30 & 12:00 – 1:30

Session 4 Friday, October 21, 2005, 9:00 – 10:30 & 12:00 – 1:30

The Hearing Room at the Chapter 13 Trustee Office

1300 SW Fifth Avenue, Suite 1700

Portland, OR

4 General CLE credits No fee required

(1 for each session attended)

Session 1

Friday, September 23, 2005

9:00 – 10:30 & 12:00 – 1:30

OVER VIEW/ HISTORY/ 10 PRINCIPLES AND MOST IMPORTANT NINE (9) SECTIONS OF THE NEW LAW (20 minutes)

Speakers: Hank Hildebrandt, Chapter 13 Trustee & Honorable Keith Lundin, Bankruptcy Judge from Memphis, Tennessee

"GETTING IN" TO BANKRUPTCY §§109(h) (Eligibility),
521 (Debtor Duties), 707(b) (Means Test) (40 minutes)

Speaker: Honorable C. Ray Mullins, Bankruptcy Judge from Atlanta, Georgia

Moderators: Brian Lynch, Standing Chapter 13 Trustee, Portland, OR and Jack Fisher, Staff Attorney

Session 2

Friday, September 30, 2005

9:00 – 10:30 & 12:00 – 1:30

§§1301 -1325 "CHAPTER 13" PART I (70 minutes)

Speakers: Hank Hildebrandt, Chapter 13 Trustee & Honorable Keith Lundin, Bankruptcy Judge from Memphis, Tennessee

Moderators: Brian Lynch, Standing Chapter 13 Trustee, Portland, OR and Jack Fisher and Wayne Godare, Staff Attorneys

Session 3

Friday, October 14, 2005

9:00 – 10:30 & 12:00 – 1:30

§§1325 -1330 "CHAPTER 13"PART II (1 HOUR)

Speakers: Hank Hildebrandt, Chapter 13 Trustee & Honorable Keith Lundin, Bankruptcy Judge from Memphis, Tennessee

Moderators: Brian Lynch, Standing Chapter 13 Trustee, Portland, OR and Jack Fisher and Wayne Godare, Staff Attorneys

Session 4

Friday, October 21, 2005

9:00 – 10:30 & 12:00 – 1:30

§§526, 527, 528 "ATTORNEY RESPONSIBILITY – BECOMING A DEBT RELIEF AGENCY" (1 hour)

Speaker: Honorable Tom Waldron, Bankruptcy Judge from Dayton, Ohio

Moderators: Brian Lynch, Standing Chapter 13 Trustee, Portland, OR and Jack Fisher and Wayne Godare, Staff Attorneys