



Education & Events

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ABI and the Consumer Bankruptcy Association of the Eastern District of Michigan welcome you back to the Detroit area for the 2016 Hon. Steven W. Rhodes Consumer Bankruptcy Conference. This one-day program features sessions designed for consumer practitioners, including getting paid, tax foreclosures, domestic-relations litigation and other hot topics in chapters 7 and 13, as well as a case law update. It is a must-attend program for all Michigan-area consumer bankruptcy practitioners!

CBA Members: Access Registration Form Here [↗](#).

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Friday, November 11

7:30 a.m.-8:30 a.m.

Continental Breakfast and Registration

8:30 a.m.-8:45 a.m.

Veterans Day Tribute and Welcome

Chief Judge Phillip J. Shefferly

U.S. Bankruptcy Court (E.D. Mich.); Detroit

8:45 a.m.-10:15 a.m.

Opening Plenary Session

Depositions in Consumer Bankruptcy Cases

This session will focus on depositions in consumer bankruptcy cases, such as lien strips, objections to exemptions, good-faith challenges to chapter 13 plans, and dischargeability issues in consumer bankruptcy cases. All aspects of a deposition will be considered. How does one prepare to take someone's deposition? How do you prepare your client to be deposed? How do you conduct yourself when representing the deponent? What can you object to? Can the deposition be stopped? How does one resolve objections and disputes during the deposition? What uses can be made of the deposition transcript at trial? Consistent with past years' litigation sessions, this year's panel will conduct demonstrations of depositions in real-world consumer bankruptcy settings.

Scott A. Wolfson, Moderator

Wolfson Bolton PLLC; Troy, MI

Kelley Callard

Office of the U.S. Trustee; Detroit, MI

Hon. Scott W. Dales

U.S. Bankruptcy Court (W.D. Michigan); Grand Rapids, MI

Howard Sher

Jacob & Weingarten; Southfield, MI

10:15 a.m.-10:30 a.m.

Refreshment Break

10:30 a.m.-11:45 a.m.

Concurrent Sessions (3)

How Do I Get Paid for This Work?

This topic will focus on minefield issues for attorneys in chapter 13 who wish to get paid for their work pre- and post-confirmation. How does Harris v. Viegela apply? What happens if a chapter 13 case is converted after there is an outstanding fee award? What if a chapter 13 case is dismissed after an outstanding fee award? Can a debtor's attorney preemptively contract to deal with Harris issues in the original retention agreement signed pre-petition? How does a debtor's attorney get paid for work performed during the home stretch under a chapter 13 plan when there are no additional funds to be put into the plan to pay for those services? Can the attorney fees survive discharge? Does § 1328 apply to an attorney fee that was incurred for services rendered post-confirmation? What if the debtor's attorney provides post-discharge services? How does Baker Botts affect a debtor's attorney in dealing with fee objections?

Melissa A. Caouette, Moderator*Office of Carl L. Bekofske, Chapter 13 Trustee; Flint, MI***Kimberly Bedigian***Stevenson & Bullock, PLC; Southfield, MI***Michelle Lee Marrs***Marrs & Terry, PLLC; Ann Arbor, MI***Hon. Daniel S. Opperman***U.S. Bankruptcy Court, Eastern District of Michigan; Bay City, MI***When I Got Laid Off, I Applied for Unemployment Benefits: Was That a Mistake?**

This session will focus on a very hot topic in consumer bankruptcy cases: debts owed by a debtor for overpayment of unemployment compensation. Learn about the automated process used by the State of Michigan Unemployment Insurance Agency. What can be discharged under § 523(a)(2)(A) and (a)(7)? What are the nondischargeability differences between chapters 7 and 13? Are the Agency's procedures for contesting a determination of overpayments sufficient to create a collateral estoppel argument in a later bankruptcy case? The panelists will educate the attendees both about the process used to obtain unemployment benefits and the potential issues that the payment of unemployment benefits can cause in a later bankruptcy case.

Help
Center**Andrew J. Gerdes, Moderator***Capital Bankruptcy; Lansing, MI***Steve Gray***Unemployment Insurance Clinic; Ann Arbor, MI***Hon. John T. Gregg***U.S. Bankruptcy Court for the Western District of Michigan; Grand Rapids, MI***Shirley L. Horn***Law Office of Shirley Horn; Royal Oak, MI***Two Worlds Collide: Domestic Relations and Bankruptcy**

Many individuals in bankruptcy are also involved in domestic-relations litigation. This panel will discuss the necessity for proper advice to potential clients about bankruptcy ramifications when filing for divorce and negotiating property settlements, and vice-versa. What obligations under a judgment of divorce or property settlement are nondischargeable? What claims under a judgment of divorce or property settlement can be exempted? What steps can be taken to enforce a judgment of divorce or property settlement after a bankruptcy petition is filed without violating the automatic stay? What are the exceptions to the automatic stay to allow domestic-support litigation to go forward? Which court has the jurisdiction to decide the applicability of the automatic stay?

Tracy M. Clark, Moderator*Steinberg Shapiro & Clark; Southfield, MI***Roberta W. Andrews***Firebaugh & Andrews PLLC; Westland, MI***Patrick Anthony Foley***Stevenson & Bullock, PLC; Southfield, MI*

11:45 a.m.-12:45 p.m.

Networking Luncheon

12:50 p.m.-2:00 p.m.

Concurrent Sessions (3)

What's Wrong with This Claim?

Mortgage escrow accounts remain a mystery in many cases as debtors' and creditors' attorneys both struggle to understand the calculations set forth in them and the effect they have on chapter 13 cases. This panel will focus on escrow accounts, as well as new proof-of-claim forms and how they treat escrow accounts.

Heather McGivern, Moderator*Orlans Associates PC; Troy, MI***Barbara Foley***Chapter 13 Trustee-Kalamazoo; Kalamazoo, MI***Erin A. Kramer***Sweeney Law Offices PLLC; Franklin, MI*

Stop This Tax Foreclosure

Payment of property taxes remains a recurring problem for many homeowners. Frequently, they do not understand what taxes are required to be paid, what interest rates are being charged, and what the consequences of nonpayment are. What is the process for property tax foreclosure? How long is the redemption period? Is there a point when a chapter 13 case can no longer be effective in dealing with property taxes? What if the taxing authority enters into repayment plans during or after the redemption period? What is the effect of these plans when an individual files for bankruptcy in the midst of a repayment program? What property interest, if any, does the debtor retain after foreclosure, or after redemption? How does a debtor address delinquent property taxes in his or her schedules?

Kevin Calhoun, Moderator

Calhoun & Di Ponio PLC; Southfield, MI

Nicholas D. Chambers

Charles J. Schneider PC; Livonia, MI

Diane L. Roark

Oakland County Government; Pontiac, MI

Ongoing Problems in Identifying What Constitutes a Debtor's Projected Disposable Income

Litigation over what constitutes projected disposable income continues unabated post-BAPCPA. Is Social Security income included? Is a nonfiling spouse's income included? What about the income of a significant other who is a nondebtor? Can a debtor make voluntary retirement contributions, or are they considered part of projected disposable income? This panel will address some current tricky issues in this area.

Christopher W. Jones, Moderator

Acclaim Legal Services; Warren, MI

Jill M. Gies

Office of the U.S. Trustee; Detroit, MI

Maria Gotsis

Krispen S. Carroll, Trustee; Detroit, MI

Hon. Mark A. Randon

U.S. Bankruptcy Court, Eastern District of Michigan; Detroit, MI

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2:00 p.m.-2:10 p.m.

Break

2:10 p.m.-3:20 p.m.

Concurrent Sessions (3)

Causes of Action Owned by a Debtor

This panel will deal with the various issues that arise when a debtor owns a cause of action and the distinctions that occur depending on whether the debtor's cause of action arose pre-petition, post-petition, post-confirmation, post-discharge or at any other time. How are pre-petition causes of action valued for purposes of confirming a plan? What happens if the debtor's cause of action pays off during a chapter 13 case (who gets the money)? What obligations do debtors have to amend their schedules to deal with post-petition events that create causes of action? What are the debtor's obligations to keep the bankruptcy court and the debtor's creditors informed? Are there potential judicial estoppel arguments that can arise?

Garik Osipyants, Moderator

Thav Gross PC; Bingham Farms, MI

A. Todd Almassian

Keller & Almassian, PLC; Grand Rapids, MI

Krispen S. Carroll

Chapter 13 Trustee's Office; Detroit, MI

Hon. Thomas J. Tucker

U.S. Bankruptcy Court, Eastern District of Michigan; Detroit, MI

Current Hot Topics in Chapter 13

This session will deal with a mixture of the most topical and unsettled issues in chapter 13 cases coming before the courts. What happens to the case if a debtor becomes deceased or incapacitated? Can a debtor force a creditor to accept a surrender of property? The panel will also cover explaining to a debtor what tax obligations will remain post-discharge, dealing with model plan provisions, modifications and conflicting plan provisions, and understanding the new chapter 13 forms for creditors.

Lisa K. Mullen, Moderator

Office of the Chapter 13 Standing Trustee; Southfield, MI

Dario Ianni

The Carey Law Group, PC; Dearborn, MI

Tamara A. White

Holzman Corkery, PLLC; Southfield, MI

Current Hot Topics in Chapter 7

This session will deal with a mixture of the most topical and unsettled issues in chapter 7 cases coming before the courts. What does a debtor do if the court denies a reaffirmation agreement but the debtor needs the car? If no reaffirmation agreement is signed, can a case be later reopened to permit a reaffirmation agreement at a creditor's request? What are debtors' attorneys' responsibilities in counseling debtors about potential preferences and fraudulent transfers that they made to family members and friends? What remedies does a chapter 7 trustee have when a debtor breaches his or her duties under § 521? Are student loans consumer or nonconsumer debts for purposes of means testing?

Michael A. Stevenson, Moderator

Stevenson & Bullock, PLC; Southfield, MI

Kelly M. Hagan

Hagan Law Offices PLC; Traverse City, MI

Erika D. Hart

The Taunt Law Firm; Birmingham, MI

3:20 p.m.-3:35 p.m.

Refreshment Break

3:35 p.m.-5:00 p.m.

Closing Plenary Session

Annual Case Law Update

This must-attend annual favorite will cover all recent current bankruptcy law decisions and consumer bankruptcy law issues.

James W. Boyd

U.S. Bankruptcy Court, WD MI; Grand Rapids, MI

Thomas D. DeCarlo

Chapter 13 Trustee Office; Southfield, MI

5:00 p.m.-6:00 p.m.

Networking Reception

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