

The United States Bankruptcy Courts for the Northern and Southern Districts of West Virginia and the Bankruptcy Law Section of the West Virginia State Bar

West Virginia Bankruptcy and Commercial Law Seminar

October 4-5, 2019  
West Virginia University College of Law

	Consumer Law	Commercial Law	Bankruptcy 101	Bankruptcy Law and Practice
Friday, October 4 <sup>th</sup>	Friday, October 4 <sup>th</sup>	Friday, October 4 <sup>th</sup>	Friday, October 4 <sup>th</sup>	Friday, October 4 <sup>th</sup>
8:15 – 8:45	Plenary: Judge Flatley	Plenary: Judge Flatley	Plenary: Judge Flatley	Plenary: Judge Flatley
8:45 – 8:50	Break	Break	Break	Break
8:50 – 9:40	No. 1: Views from the Bench Judges Deller, Flatley, & Volk	No. 1: Views from the Bench Judges Deller, Flatley, & Volk	No. 1: Views from the Bench Judges Deller, Flatley, & Volk	No. 2: Law Office Staff Breakout / Law Office Management: Tips, Tricks, Training, Recruitment, Responsible Staff Utilization, and Open Forum: McNeil & Gallian Moderators
9:40-9:50	Break	Break	Break	Break
9:50 – 10:40	No. 3: Formulating Chapter 13 Plans, Feasibility, Step Payments and Exempt Property as Disposable Income: Ch. 13 Trustee's Office	No. 4: Mac Warner and the WV Secretary of State's Office	No. 5: Choosing Between Chapters 7, 11, and 13: Hayes & Lugo	No. 6: Judicial Lien Avoidance: Voithofer
10:40-10:50	Break	Break	Break	Break
10:50-11:40	No. 7: Chapter 13 Post-Petition Issues: Mortgage Payment Changes, Taxes & 1305 Claims: Chapter 13 Trustee's Office, Fluharty, Voithofer	No. 8: Mis-Indexing Security Instruments with the West Virginia Secretary of State: Sheehan	No. 9: Commercially Reasonable Sales: D. Thomas, Santa Barbara	No. 10: Default and Default Judgment in Adversary Proceedings: Wyckoff
11:40-11:50	Break	Break	Break	Break
11:50 – 12:40	No. 11: Arbitration, Mediation & Bankruptcy: Judge Deller	No. 11: Arbitration, Mediation & Bankruptcy: Judge Deller	No. 12: Small Business and Individual Chapter 11 Cases: U.S. Trustee's Office.	No. 13: Different Methods of Dealing with Student Loan Debt for Individuals: S. Thomas
12:40 – 1:40	Lunch: Dean Bowman & WVU Consumer Law Project (1:00 to 1:30)	Lunch: Dean Bowman & WVU Consumer Law Project (1:00 to 1:30)	Lunch: Dean Bowman & WVU Consumer Law Project (1:00 to 1:30)	Lunch: Dean Bowman & WVU Consumer Law Project (1:00 to 1:30)

1:50-2:40	<b>No. 14:</b> Matters Affecting the Bankruptcy System, Trends and Topics & Important Case Law Updates: Judge Flatley	<b>No. 14:</b> Matters Affecting the Bankruptcy System, Trends and Topics & Important Case Law Updates: Judge Flatley	<b>No. 15:</b> Automatic Stay and Discharge Injunction: Judge Volk	<b>No. 16:</b> Notice and Service in Bankruptcy Proceedings: Hayes, R. Johnson
2:40 – 2:50	<b>Break</b>	<b>Break</b>	<b>Break</b>	<b>Break</b>
2:50 – 3:40	<b>No. 17:</b> Automatic Stay, Divorce, Property Division and Martial Debts Post-Discharge: Hinkle	<b>No. 18:</b> Statute of Limitations on Unsecured Claims: Amore	<b>No. 19:</b> Reaffirmation Agreements: R. Johnson, T. Johnson	<b>No. 20:</b> Formulating Chapter 13 Plans: Chapter 13 Trustee's Office Practical Exercise
3:40 – 3:50	<b>Break</b>	<b>Break</b>	<b>Break</b>	<b>Break</b>
3:50 – 4:40	<b>No. 21:</b> Credit Reporting: Pietz	<b>No. 22:</b> How You Can Go Broke in the Dope Business: Sheehan	<b>No. 21:</b> Credit Reporting: Pietz	<b>No. 21:</b> Credit Reporting: Pietz
4:40 – 4:50	<b>Break</b>	<b>Break</b>	<b>Break</b>	<b>Break</b>
4:50 – 5:40	<b>No. 23:</b> Cryptocurrency, Blockchain and Smart Contracts: Judge Volk	<b>No. 23:</b> Cryptocurrency, Blockchain and Smart Contracts: Judge Volk	<b>No. 24:</b> Bankruptcy Jurisdiction: Wyckoff	<b>No. 25:</b> Law Office Management & Ethics: When is it Legal Advice, Guidance for Non-Attorneys: Hoops
6:00 -	<b>Social Mixer</b>	<b>Social Mixer</b>	<b>Social Mixer</b>	<b>Social Mixer</b>
Saturday, Oct. 5 <sup>th</sup>	Saturday, Oct. 5 <sup>th</sup>	Saturday, Oct. 5 <sup>th</sup>	Saturday, Oct. 5 <sup>th</sup>	Saturday, Oct. 5 <sup>th</sup>
7:00 – 7:50	Breakfast – Committee Meeting for the Bankruptcy Law Section of the WV State Bar	Breakfast – Committee Meeting for the Bankruptcy Law Section of the WV State Bar	Breakfast – Committee Meeting for the Bankruptcy Law Section of the WV State Bar	Breakfast – Committee Meeting for the Bankruptcy Law Section of the WV State Bar
8:00-8:50	<b>No. 26:</b> Creditor Issues in Consumer Bankruptcy Cases: Proctor	<b>No. 27:</b> Law Office Management: Tips, Tricks, Recruitment and Responsible Staff Utilization in a Creditor's Rights and Bankruptcy Practice: Cappellanti	<b>No. 28:</b> Legal Writing Judge Volk	<b>No. 28:</b> Legal Writing Judge Volk
8:50-9:00	<b>Break</b>	<b>Break</b>	<b>Break</b>	<b>Break</b>
9:00 – 9:50	<b>No. 29:</b> Office Management and Collecting Attorney's Fees for Bankruptcy Work: T. Johnson	<b>No. 30:</b> Environmental Issues in Bankruptcy Cases: Barrett	<b>No. 31:</b> Law and the Cinema: Pop Culture and the Practice of Law: Judge Flatley	<b>No. 31:</b> Law and the Cinema: Pop Culture and the Practice of Law: Judge Flatley
9:50 – 10:00	<b>Break</b>	<b>Break</b>	<b>Break</b>	<b>Break</b>
10:00-10:50	<b>No. 32:</b> State Law Remedies for Debtors and Creditors: Amore & T. Johnson	<b>No. 32:</b> State Law Remedies for Debtors and Creditors Amore & T. Johnson	<b>No. 33:</b> Exemptions: Fluharty	<b>No. 34:</b> Chapter 7 Means Test & the Disposable Income Test: U.S. Trustee's Office, Chapter 13 Trustee's Office. Practical Exercise
10:50-11:00	Plenary: Wrap Up and Evaluation: Judge Volk	Plenary: Wrap Up and Evaluation: Judge Volk	Plenary: Wrap Up and Evaluation: Judge Volk	Plenary: Wrap Up and Evaluation: Judge Volk
TBD	<b>WVU v. Texas</b>	<b>WVU v. Texas</b>	<b>WVU v. Texas</b>	<b>WVU v. Texas</b>

## Course Descriptions

Class	Date	Track	Time	Description
NA	10/4/2019	Consumer Law, Commercial Law, Bankruptcy 101, Bankruptcy Law and Practice	8:15 – 8:45	<b>Plenary: Opening remarks, introductions, orientation, news and announcements.</b> Presenter: <i>Hon. Patrick M. Flatley.</i>
1.	10/4/2019	Consumer Law, Commercial Law, Bankruptcy 101	8:50 – 9:40	<b>Views from the Bench.</b> Gain unique perspectives from bankruptcy judges in the Western District of Pennsylvania, the Northern District of West Virginia and the Southern District of West Virginia. The Judges will cover several current bankruptcy topics. Presenters: <i>Bankruptcy Judges: Jeffery Deller, Patrick M. Flatley, Frank Volk.</i>
2.	10/4/2019	Bankruptcy Law and Practice	8:50 – 9:40	<b>Law Office Staff Breakout / Law Office Management: Tips, Tricks, Training, Recruitment, Responsible Staff Utilization, and Open Forum.</b> This is a moderated session focusing on law office staff. The session involves participant introductions, responsibilities, work flow, office best practices and Q&As regarding working in a bankruptcy law practice. Moderators: <i>Lisa McNeil, Leslie Gallian</i>
3.	10/4/2019	Consumer Law	9:50 – 10:40	<b>Formulating Chapter 13 Plans, Feasibility, Step Payments and Exempt Property as Disposable Income.</b> The Office of the West Virginia Chapter 13 Trustee presents issues that frequently arise when completing Chapter 13 plans and offers best practices for ensuring plans flow smoothly through confirmation and completion. The second part of the presentation (Bankruptcy Law & Practice Track, 2:50-3:40) concerns the nuts and bolts of completing a Chapter 13 plan, a practice exercise, and a questions and answers session with the Chapter 13 Trustee's Office. Presenters: <i>Helen Morris, Meagan Preece</i>
4.	10/4/2019	Commercial Law	9:50 – 10:40	<b>Mac Warner and the WV Secretary of State's Office.</b> Hear Secretary of State Mac Warner discuss his Office, his website, and the impact that the Secretary of State has on the practice of commercial law in the West Virginia.
5.	10/4/2019	Bankruptcy 101	9:50 – 10:40	<b>Choosing Between Chapters 7, 11, and 13.</b> Faculty examine the three most common filing chapters and their differences. Learn 20 items to consider when choosing between Chapter 7 and Chapter 13 petition, and the advantages and disadvantages of Chapter 11 as an alternative to Chapters 7 and 13. Presenters: <i>Matthew Hayes, Jose Lugo</i>
6.	10/4/2019	Bankruptcy Law and Practice	9:50 – 10:40	<b>Judicial Lien Avoidance.</b> Learn the correct method for avoiding a judicial lien in 11 U.S.C. § 522(f). The course covers multiple other judicial lien avoidance topics such as statutory liens, valuation, exemptions, amended statutory exemptions, the "fixing of a lien" on property, what happens when a debtor does not own real property, fractional interests in real property, joint and several liability on a mortgage when the judgment is in the name of one of the joint owners, when to bring the lien avoidance action, and the effect of the discharge injunction on unattached liens. Participants will complete a practical exercise. Presenter: <i>James Voithofer</i>

7.	10/4/2019	Consumer Law	10:50 - 11:40	<b>Chapter 13 Post-Petition Issues: Mortgage Payment Changes, Taxes, § 1305 Claims.</b> Presenters: Chapter 13 Trustee's Office, Fluharty, Voithofer
8.	10/4/2019	Commercial Law	10:50 – 11:40	<b>Indexing and Mis-Indexing Security Instruments with the West Virginia Secretary of State.</b> Learn about the West Virginia UCC-1 recording system, mistakes that can happen, and some consequences that flow from those mistakes. Presenter: <i>Martin Sheehan</i>
9.	10/4/2019	Bankruptcy 101	10:50-11:40	<b>Commercially Reasonable Sales.</b> Gain perspectives on when to work with a delinquent debtor, when to liquidate collateral, and the best practices for such a liquidation. Learn from the mistakes of others in failing to dispose of collateral in a commercially reasonable manner and what that means in term of potential lender liability. Presenters: <i>David Thomas, Kathy Santa Barbara</i>
10.	10/4/2019	Bankruptcy Law and Practice	10:50 – 11:40	<b>Default &amp; Default Judgment.</b> With a focus on adversary proceedings, follow the process from the issuance of the summons, service, entry of default and the motion for default judgment. Learn how the clerk's office reviews a case for entry of default, how the Soldiers and Sailor's Civil Relief Act impacts default proceedings, who enters default judgment, how default judgements against the United States are handled, and what it means when a plaintiff is asked to prove entitlement to default judgment. Presenter: <i>McKay Wyckoff</i>
11.	10/4/2019	Consumer Law, Commercial Law	11:50 – 12:40	<b>Arbitration, Mediation &amp; Bankruptcy.</b> Learn about the intersection between bankruptcy and arbitration, how to work in alternative dispute resolution in pending bankruptcy matters and gain best practice insight from an experienced bankruptcy mediator. Presenter: <i>Hon. Jeffery Deller.</i>
12.	10/4/2019	Bankruptcy 101	11:50 – 12:40	<b>Small Business and Individual Chapter 11 Cases.</b> Among other things, learn how to navigate small business and individual chapter 11 cases and what is needed to comply with requirements from the U.S. Trustee Program. Presenter: <i>U.S. Trustee's Office.</i>
13.	10/4/2019	Bankruptcy Law and Practice	11:50 - 12:40	<b>Different Methods of Dealing with Student Loan Debt for Individuals.</b> At about \$1.5 trillion, student loan debt is the second highest consumer debt category behind mortgages. There are over 44 million student loan borrowers and about 10% of those are more than 90 days delinquent. Learn how to best deal with student loan debt both in and out of bankruptcy. Learn what student loans are dischargeable, what happens in Chapter 7, and how to best treat student loans in Chapter 13. Presenter: <i>Steve Thomas</i>
NA	10/4/2019	Lunch	12:40 – 1:40	<b>Lunch with Dean Bowman.</b> Lunch is provided as part of the Conference. Enjoy a catered lunch and listen to Dean Bowman speak about West Virginia University's Consumer Law Project.
14.	10/4/2019	Consumer Law Commercial Law	1:50 – 2:40	<b>Matters Affecting the Bankruptcy System, Trends and Topics &amp; Important Case Law Updates.</b> Get updates about the bankruptcy system, bankruptcy statistics, and recent bankruptcy case decisions from the U.S. Supreme Court, Fourth Circuit Court of Appeals, and the West Virginia federal courts. Presenter: <i>Hon. Patrick M. Flatley</i>
15.	10/4/2019	Bankruptcy 101	1:50 - 2:40	<b>Automatic Stay and Discharge Injunction.</b> Learn about the Bankruptcy Code's automatic stay, what it means, when it applies, how it is lifted, and damages for its

				violation. Learn about the discharge injunction, when it is entered, and how it is different from the automatic stay. Presenter: <i>Hon. Frank Volk</i>
16.	10/4/2019	Bankruptcy Law & Practice	1:50 – 2:40	<b>Notice and Service in Bankruptcy Proceedings.</b> Learn about a bankruptcy case's mailing list, preferred addresses, the Bankruptcy Noticing Center, noticing costs, and the difference between notice and service in bankruptcy proceedings. Learn when service may be effected electronically and when a filer has reason to know that an electronic transmission has failed. Presenters: <i>Matthew Hayes &amp; Ryan Johnson</i>
17.	10/4/2019	Consumer Law	2:50 – 3:40	<b>Automatic Stay, Divorce, Property Division and Martial Debts Post-Discharge: When is the Optimal Time to File Bankruptcy for Divorcing Partners.</b> Learn about the collision between domestic relations law and bankruptcy. Learn about whether the automatic stay prevents entry of a divorce, whether a trustee can intervene in a marital dissolution case, how the division of marital property affects property of the estate, and what happens to the rights and obligations of the spouses when one or both file bankruptcy. Presenter: <i>David Hinkle</i>
18.	10/4/2019	Commercial Law	2:50 – 3:40	<b>Statute of Limitations on Unsecured Claims.</b> Learn how to determine what state's statute of limitations applies to an unsecured claim, how it affects the debt buying industry and claims trading, how to determine when to file an objection to a claim, and why objecting to a stale claim may or may not matter. Presenter: <i>Aaron Amore</i>
19.	10/4/2019	Bankruptcy 101	2:50 – 3:40	<b>Reaffirmation Agreements.</b> Learn about reaffirmation agreement theory, processes, deadlines, how the court treats the 20 different kinds of reaffirmation agreements, what happens when an attorney represents a debtor but refuses to sign the agreement, and what happens when a reaffirmation agreement is not executed. Find out what a "back-door" ride though means and why it might be advantageous to a client. Presenters: <i>Ryan Johnson, Todd Johnson</i>
20.	10/4/2019	Bankruptcy Law & Practice	2:50 – 3:40	<b>Formulating Chapter 13 Plans.</b> The Office of the Chapter 13 Trustee leads a guided exercise on completing a Chapter 13 plan and answers questions from participants. Presenters: <i>Helen Morris, Meagan Preece.</i>
21.	10/4/2019	Consumer Law Bankruptcy 101 Bankruptcy Law & Practice	3:50 – 4:40	<b>Credit Reporting.</b> Learn about the accuracy, preparation and correction of credit reports, access to credit reports and privacy, adverse actions based on credit reporting, disputes, the difference between the Fair Credit Reporting Act and other acts such as TILA, FDCPA, ECOA, and statutory remedies under the FCRA. Presenter: <i>James Pietz</i>
22.	10/4/2019	Commercial Law	3:50 – 4:40	<b>How You Can Go Broke in the Dope Business.</b> Learn about the intersection of bankruptcy law and issues arising with the legalization of marijuana. Presenter: <i>Martin Sheehan</i>
23.	10/4/2019	Consumer Law Commercial Law	4:50 – 5:40	<b>Bitcoin, Cryptocurrency and Smart Contracts.</b> These assets have appeal to entrepreneurs and businesses. They are also a cause for concern from regulators, and change how we perceive money, property and the banking system. Find out how to manage cryptocurrency assets in a volatile and emerging market. Learn how these currencies may be regulated by SEC, CFTC, IRS and others. Presenter: <i>Hon. Frank Volk</i>

24.	10/4/2019	Bankruptcy 101	4:50 – 5:40	<b>Bankruptcy Jurisdiction.</b> Learn how a court created under Article I of the U.S. Constitution functions as a unit of an Article III court. Learn what a bankruptcy court can finally determine and how to remove a controversy that is pending in a bankruptcy court to an Article III decision maker. Presenter: <i>McKay Wyckoff</i>
25.	10/4/2019	Bankruptcy Law & Practice	4:50 – 5:40	<b>Law Office Management &amp; Ethics: When is it Legal Advice, Guidance for Non-Attorneys Working in a Law Office.</b> All office staff know not to give legal advice to anyone. Find out what that means in practice and how to determine whether a response constitutes legal advice. Presenter: <i>Lesley Hoops</i>
NA	10/4/2019	Social Mixer	6:00 –	Join conference participants in the WVU School of law event space for a social event.
NA	10/5/2018	Bankruptcy Committee	7:00 – 7:50	Meeting of the Bankruptcy Law Committee of the WV State Bar. Moderators: Todd Johnson, Aaron Amore
26.	10/5/2019	Consumer Law	8:00 – 8:50	<b>Creditor's Issues in Consumer Cases.</b> Hear a commercial law attorney address common issues that arise in consumer bankruptcy cases. Presenter: <i>Michael Proctor</i>
27.	10/5/2019	Commercial Law	8:00 – 8:50	<b>Law Office Management: Tips, Tricks, Recruitment and Responsible Staff Utilization in a Creditor's Rights and Bankruptcy Practice.</b> Learn about law office management in a large West Virginia law firm with an emphasis on management of its commercial lending, litigation and restructuring practice areas. Presenter: <i>Ellen Cappellanti</i>
28.	10/5/2019	Bankruptcy 101 Bankruptcy Law and Practice	8:00 – 8:50	<b>Legal Writing.</b> The Hon. Frank Volk, Chief Bankruptcy Judge of the Bankruptcy Court for the Southern District of West Virginia, shares his insight on legal writing and provides participants some of the same training instruction that he provides to his law clerks. Presenter: <i>Hon. Frank Volk</i>
29.	10/5/2019	Consumer Law	9:00 – 9:50	<b>Office Management and Collecting Attorney's Fees for Bankruptcy Work.</b> Learn office management techniques from a solo bankruptcy attorney. Find out how to get paid for bankruptcy work and how to maximize value from a case for both the attorney and the client regarding consumer related litigation. Presenter: <i>Todd Johnson</i>
30.	10/5/2019	Commercial Law	9:00 – 9:50	<b>Environmental Issues in Bankruptcy Cases.</b> Learn about environmental issues that affect bankruptcy proceedings: including, Brownfields Agreements, sales, reclamation claims, and confirmation issues. Learn about the involvement of the West Virginia Department of Environmental Protection in bankruptcy cases. Presenter: <i>Kevin Barrett</i>
31.	10/5/2019	Bankruptcy 101 Bankruptcy Law & Practice	9:00 – 9:50	<b>Law and the Cinema: Pop Culture and the Practice of Law.</b> Learn what the entertainment industry can teach us – or not teach us – about the practice of law. Learn about common perceptions held by non-legal clients. Presenter: <i>Hon. Patrick M. Flatley</i>
32.	10/5/2019	Consumer Law Commercial Law	10:00 – 10:50	<b>State Law Remedies for Debtors and Creditors.</b> Presenters: <i>Aaron Amore, Todd Johnson</i>
33.	10/5/2019	Bankruptcy 101	10:00 – 10:50	<b>Exemptions.</b> Learn how exemptions work in bankruptcy proceedings. Learn about West Virginia's bankruptcy exemptions, other statutory exemptions, and Constitutional exemptions. Cover topics such as exemption stacking, exemptions by declaration and claims for 100% of fair market value. Learn about a debtor's right to amend exemptions and when that might be prohibited. Presenter: <i>Thomas Fluharty</i>

34.	10/5/2019	Bankruptcy Law & Practice	10:00 – 10:50	<b>Chapter 7 Means Testing and Chapter 13 Disposable Income Test.</b> Learn how the Office of the U.S. Trustee reviews means testing information in Chapter 7 cases. Learn how the Office of the Chapter 13 trustee makes disposable income determinations in Chapter 13 cases. The course includes a practical exercise. Ask questions and get answers. Presenters: <i>U.S. Trustee's Office, Chapter 13 Trustee's Office</i>
NA.	10/5/2019	Consumer Law Commercial Law Bankruptcy 101 Bankruptcy Law and Practice	10:50 – 11:00	<b>Plenary:</b> Wrap Up and Evaluations.