

**Consumer Bankruptcy in Practice:
A Webinar Series**

Explore current developments
with experts in consumer bankruptcy.

AMERICAN BANKRUPTCY INSTITUTE

First Stop: Atlanta

Income, Expenses and Related Issues under BAPCPA

A Roundtable Discussion Featuring Debtor's Counsel, the U.S. Trustee, Chapter 13 Trustee and the Bench

**Debtor Attorney's Practical Tips
on Working the Case
Outside the Courtroom**

- Communication, communication, communication
- Internal firm mechanics (how cases are assigned, dedicated fax machine, "go to" people, monitoring court calendar)
- Firm grasp of issues before filing
- Address issues in filings and get documents
- Heads up on issues to trustee/UST
- Define real bone of contention
- Pick your battles

**Chapter 13 Trustee and UST
Perspectives:
Hot Issues and Litigation**

- Overview and statutory sections
- IRS ownership deduction for vehicle owned free and clear?
- Secured deduction for surrendered collateral?
- Household size issues
- Deduction for student loan payments?
- Deduction for 401k payment/loan?
- Marital adjustment issues
- Changed circumstances in 13 context – projected disposable income
- Applicable commitment period – temporal requirement or multiplier

Judge's Perspective

- Myth or reality – the bigger picture
- Understanding how to use the cases to formulate arguments
- Addressing reality through discretion
- Addressing reality through 707(b)(3)
- Special circumstances
- Good faith

USTP and Chapter 13 Trustee Discretion

- Statutory discretion to USTP in 7s
- Real examples of discretion by USTP in Northern District of Georgia
- Real examples of discretion by chapter 13 trustee in Northern District of Georgia
- Choose your battles carefully

Debtor Attorney's Perspective: Changed Circumstances and Working with Client

- Double check means test – different perspectives and fluid situations
- Really flesh out circumstances with client
- Ensure changes are not short term
- Good faith
- Ensure client understands duties to itemize, provide documentation, attest under oath, etc.
- Communicate the information to the USTP/chapter 13 trustee


