

**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 Seminar  
Friday, March 23, 2018**

**Marriott Town Center  
Charleston, West Virginia**

<b>Time</b>	<b>Session 1</b>	<b>Session 2 (Nuts and Bolts)</b>	<b>Session 3 (Application Workshop)</b>
<b>8:30 – 8:45</b>	Plenary: Opening Remarks and Orientation  Hon. Patrick M. Flatley, Chief Judge, Bankr. N.D.W. Va.	Plenary: Opening Remarks and Orientation  Hon. Patrick M. Flatley, Chief Judge, Bankr. N.D.W. Va.	Plenary: Opening Remarks and Orientation  Hon. Patrick M. Flatley, Chief Judge, Bankr. N.D.W. Va.
<b>8:45 – 8:50</b>	<b>Break</b>	<b>Break</b>	<b>Break</b>
<b>8:50-9:40</b>	Case Law Update  Hon. Patrick M. Flatley, Chief Judge, Bankr. N.D.W. Va.	Bankruptcy Jurisdiction and Procedure  Hon. Frank Volk, Chief Judge, Bankr. S.D.W. Va.	All-Day Workshop (see course descriptions)
<b>9:40-9:45</b>	<b>Break</b>	<b>Break</b>	<b>Break</b>
<b>9:45 – 10:35</b>	Noteworthy Issues in Chapter 13:  Helen M. Morris, Chapter 13 Trustee David J. Hinkle, Attorney David C. Nalley, Attorney	Purpose of Chapter 7 & 13; Property of the Estate and WV Bankruptcy Exemptions:  Martin P. Sheehan, Attorney and Chapter 7 Trustee	All-Day Workshop (see course descriptions)
<b>10:35-10:45</b>	<b>Break</b>	<b>Break</b>	<b>Break</b>
<b>10:45 – 11:35</b>	Navigating Chapter 11  David L. Bissett, Attorney, U.S. Trustee's Office Steven L. Thomas, Attorney Julia A. Chincheck, Attorney	Automatic Stay, Discharge, and Reaffirmation Agreement  Hon. Patrick M. Flatley, Chief Judge, Bankr. N.D.W. Va.	All-Day Workshop (see course descriptions)
<b>11:35-11:40</b>	<b>Break</b>	<b>Break</b>	<b>Break</b>

<b>11:40-12:30</b>	Bankruptcy Ethics and Law Office Management  Steven A. Shay, Attorney, U.S. Trustee's Office Andrew S. Nation, Attorney Michael G. Clagett, Attorney	Judicial Lien Avoidance  James Voithofer, Career Law Clerk, Bankr. N.D.W. Va.	All-Day Workshop (see course descriptions)
<b>12:30 – 1:45</b>	<b>Break – Lunch on your own WV Bankruptcy Bar Committee Meeting</b>	<b>Break – Lunch on your own WV Bankruptcy Bar Committee Meeting</b>	<b>Break – Lunch on your own WV Bankruptcy Bar Committee Meeting</b>
<b>1:45 – 2:35</b>	Domestic Relations and Bankruptcy  Matt Hayes, Clerk, U.S. Bankruptcy Court, S.D.W. Va. Hon. Robert M. Montgomery, Family Court Judge, Kanawha County, WV	Bankruptcy Ethics and Law Office Management: How to Set Up Your Bankruptcy Practice and Get Paid  Thomas H. Fluharty, Attorney and Chapter 7 Trustee Gary Kinder, Attorney	All-Day Workshop (see course descriptions)
<b>2:35 – 2:40</b>	<b>Break</b>	<b>Break</b>	<b>Break</b>
<b>2:40 – 3:30</b>	Emerging Consumer Issues:  Hon. Frank W. Volk, Chief Judge, Bankr. S.D. W. Va.	Chapter 7 & 13 Timeline, Significant Case Events, Notice and Service  Ryan Johnson, Clerk of Court, Bankr. N.D.W. Va.	All-Day Workshop (see course descriptions)
<b>3:30 – 3:40</b>	<b>Break</b>	<b>Break</b>	<b>Break</b>
<b>3:40 – 4:30</b>	WV Consumer Protection and Bankruptcy  Todd Johnson, Attorney, Aaron Amore, Attorney and Chapter 7 Trustee	Role of the Chapter 7 and 13 Trustee, and Chapter 5 Powers  McKay Wycoff, Career Law Clerk, Bankr. S.D.W. Va.	All-Day Workshop (see course descriptions)
<b>4:35 – 4:40</b>	<b>Break</b>	<b>Break</b>	<b>Break</b>
<b>4:40 – 4:50</b>	Plenary: Wrap Up and Evaluation  Hon. Frank W. Volk, Chief Judge, Bankr. S.D.W. Va.	Plenary: Wrap Up and Evaluation  Hon. Frank W. Volk, Chief Judge, Bankr. S.D.W. Va.	Plenary: Wrap Up and Evaluation  Hon. Frank W. Volk, Chief Judge, Bankr. S.D.W. Va.

## Course Descriptions and Presenter Information

Session 1 Courses	Description	Presenter Information
Emerging Consumer Issues	Judge Volk will discuss emerging issues in consumer bankruptcy through a "Top 10" list of new issues, proposed rule changes, and case law developments.	Hon. Frank Volk was appointed to the bench on October 8, 2015. Judge Volk is an accomplished legal scholar, professor at law, and a former senior law clerk with a deep knowledge of bankruptcy law and a keen appreciation of the important role served by bankruptcy court judges.
Noteworthy Issues in Chapter 13	This is a panel discussion of numerous issues arising in Chapter 13 cases. The Panel may discuss: objections to claims, business debtors, property of the estate, foreclosure and collection, post-petition credit, motions to sell, hiring professionals, post-confirmation attorney's fees, suspend plan payments, cure and maintain issues, and other issues that may be raised by the audience.	Helen M. Morris is the sole Chapter 13 Trustee for the Northern and Southern Districts of West Virginia.  David Hinkle is an attorney with a consumer bankruptcy practice in Martinsburg, WV.  David Nalley is an attorney at Reisenfeld & Associates in Cincinnati, Ohio. He leads the firm's multi-state bankruptcy group.
Navigating Chapter 11	This is a panel discussion regarding individual filings, small business filings, single asset real estate cases, single-member LLC cases, and non-profit bankruptcy. The Panel will generally discuss the pros and cons of Chapter 11 sales of substantially all assets, structured dismissals and plan confirmation.	David Bissett is a Trial Attorney from the Regional Office of the United States Trustee's Office in Charleston, WV.  Steve Thomas is an attorney at Kay, Casto & Chaney in Charleston, WV.  Julie Chincheck is an attorney at Bowles Rice LLP in Charleston, WV
Bankruptcy Ethics and Law Office Management	This panel will discuss the difficulties and ethical issues inherent in a consumer or business bankruptcy practice. Viewpoints from a debtor's practice and a creditor's practice will be highlighted along with professional retention issues.	Alex Shay is a Trial Attorney from the Regional Office of the United States Trustee's Office in Charleston, WV  Andy Nason is an attorney at Pepper & Nason in Charleston, WV, where he practices bankruptcy law.  Mike Clagett is an attorney with a consumer bankruptcy practice in Bridgeport, WV/

Domestic Relations and Bankruptcy	The panel will discuss the benefits of filing bankruptcy before filing for divorce, what happens when a bankruptcy case is filed during a pending divorce, and how a bankruptcy automatic stay and discharge effect the orders issued by the family law judge.	Matt Hayes is the Clerk of Court for the Southern District of West Virginia.  Judge Robert Montgomery serves as a family law judge for the Eleventh Family Court Circuit (Kanawha County)
Case Law Update	The case law update focuses on recent bankruptcy decisions in the United States Supreme Court, the Court of Appeals for the Fourth Circuit, the District Courts in West Virginia and the Bankruptcy Courts in West Virginia	Hon. Patrick M. Flatley was appointed as bankruptcy judge in the Northern District of West Virginia in 2006. Before becoming a bankruptcy judge, he served as the civil chief for the U.S. Attorney's Office in the Northern District of West Virginia.
WV Consumer Protection and Bankruptcy	This panel discussion will focus on the WVCCPA, FDCPA, and recent Supreme Court cases. It will specifically detail proofs of claim and how to determine whether to object based on the discernment of the applicable statute of limitations.	Todd Johnson is an attorney in Morgantown, WV, where he practices bankruptcy law and litigates consumer issues. He is also a trained arbitrator and mediator and he serves as a judge for four municipalities in West Virginia. He is co-chair of the Bankruptcy Law Committee of the West Virginia State Bar.  Aaron Amore is an attorney in Charles Town where he practices bankruptcy and litigates consumer issues. He is also a Chapter 7 trustee for the State of West Virginia and co-chair of the Bankruptcy Law Committee of the West Virginia State Bar
<b>Session 2 Courses</b>	<b>Description</b>	<b>Presenter Information</b>
Chapter 7 & 13 Timeline, Significant Case Events, Notice and Service	Participants obtain a general outline of the life of a typical Chapter 7 and Chapter 13 case, with significant case milestones explained in sufficient detail to explain the consumer bankruptcy process to a client. Bankruptcy has about 145 different notice provisions, and participants will obtain an explanation of the difference between notice and service and how that difference can impact events in a case.	Ryan Johnson is the Clerk of the Bankruptcy Court for the Northern District of West Virginia.
Purpose of Chapter 7 & 13; Property of the Estate and WV Bankruptcy Exemptions	This session focuses on the differences between Chapter 7, Chapter 13, and when a Chapter 11 may be required. The theory of the bankruptcy estate is outlined. How exemptions work in bankruptcy cases and how to claim the West Virginia bankruptcy exemptions in estate property are explained.	Marty Sheehan is an attorney at Sheehan & Nugent, PLLC in Wheeling, WV. He is also a Chapter 7 trustee for the State of West Virginia, past President of the National Association of Bankruptcy Trustees and an Adjunct Lecturer at WVU School of Law.

Automatic Stay, Discharge, and Reaffirmation Agreement	The impact and meaning of the automatic stay is explained, including, but not limited to, certain exceptions from the automatic stay and its termination by operation of law. The difference between the automatic stay and the discharge order is explained, as well as the concept of a reaffirmation agreement, which, if properly executed, will make the discharge inapplicable to a specific debt.	Hon. Patrick M. Flatley was appointed as bankruptcy judge in the Northern District of West Virginia in 2006. Before becoming a bankruptcy judge, he served as the civil chief for the U.S. Attorney's Office in the Northern District of West Virginia
Bankruptcy Ethics and Law Office Management	This session focuses on setting up a bankruptcy practice, hiring appropriate staff, filing software, and getting paid.	Tom Fluharty is an attorney with a bankruptcy practice in Clarksburg, WV. He is also a Chapter 7 trustee for the State of West Virginia.  Gary Kinder is an attorney with a bankruptcy practice in Charleston, WV and a former career law clerk for retired Bankruptcy Judge Ronald G. Pearson.
Judicial Lien Avoidance	This session goes into detail on how to avoid a judicial lien in a bankruptcy case under Section 522(f) of the Bankruptcy Code. Worksheets and sample problems are provided.	J.J. Voithofer is the career law clerk to Bankruptcy Judge Patrick M. Flatley in the Northern District of West Virginia.
Bankruptcy Jurisdiction and Procedure	Among other items, Judge Volk will detail the difference between constitutional authority for a bankruptcy judge to decide a case, subject matter jurisdiction under Section 1334 of Title 28 of the United States Code, ancillary jurisdiction under Section 1367, and the difference between jurisdiction and authority to make a decision in core or non-core proceedings under Section 157 of Title 28 of the United States Code. If that is too complicated, Judge Volk will detail how to "withdraw the reference" for a bankruptcy matter to have it heard by an Article III judicial officer.	Hon. Frank Volk was appointed to the bench on October 8, 2015. Judge Volk is an accomplished legal scholar, professor at law, and a former senior law clerk with a deep knowledge of bankruptcy law and a keen appreciation of the important role served by bankruptcy court judges.
Role of the Chapter 7 and 13 Trustee, and Chapter 5 Powers	The roles and powers of a Chapter 7 trustee are explained, and those are compared to the roles and powers of a Chapter 13 trustee. An explanation is provided of when a debtor in a consumer bankruptcy case may exercise a trustee's power.	McKay Wycoff is the career law clerk to Bankruptcy Judge Frank Volk in the Southern District of West Virginia.

Session 3 Courses	Description	Administrator Information
<p>Completing and Filing:</p> <ul style="list-style-type: none"> <li>• Chapter 7 petition</li> <li>• Schedules</li> <li>• Statements</li> <li>• Disclosures</li> <li>• Means Test</li> <li>• Mailing List</li> <li>• Credit Counseling</li> <li>• Pay Advices</li> <li>• § 342(b) Notice</li> </ul>	<p>The Application workshop is a self-paced, hands-on learning environment covering the filing of a fictitious case and multiple, subsequent case events in the CM/ECF training database for either the Northern or Southern District Bankruptcy Court.</p> <p>We designed the application workshop for attorneys, paralegal staff, and other office support staff who wish to know more about the bankruptcy processes in West Virginia. Subject matter experts are available to answer questions and provide instructions as questions arise.</p> <p>Commercial filing software is not available for this activity. The courts are providing a limited number of laptop computers for the application workshop.</p>	<p>Ryan Johnson is the Clerk of the Bankruptcy Court for the Northern District of West Virginia.</p> <p>Matt Hayes is the Clerk of the Bankruptcy Court for the Southern District of West Virginia.</p> <p>James Voithofer is the career law clerk to Bankruptcy Judge Patrick M. Flatley in the Northern District of West Virginia.</p> <p>McKay Wycoff is the career law clerk to Bankruptcy Judge Frank Volk in the Southern District of West Virginia.</p> <p>Anita Swaton is the Chief Deputy Clerk for the Bankruptcy Court for the Northern District of West Virginia where she has worked since 1982.</p> <p>Leslie Gallian is the Chief Deputy Clerk of the Bankruptcy Court for the Southern District of West Virginia where she has worked since 1994.</p> <p>Jennifer Mattern is an Operations Specialist at the Bankruptcy Court for the Northern District of West Virginia where she has worked since 1997.</p> <p>*Subject matter experts will rotate through the application workshop throughout the day.</p>
<p>Motion to Redeem</p> <ul style="list-style-type: none"> <li>• Declaration</li> <li>• Certificate of Service</li> <li>• Proposed Order</li> </ul>	<p>In a Chapter 7 case, you will complete and file a motion to redeem furniture. At the time of filing, the Debtor owes \$2,600 to a creditor holding a purchase money security interest. The Debtor thinks the furniture is worth \$500. File the motion in the CM/ECF training database and find out what happens next.</p>	<p>See above</p>
<p>Reaffirmation</p>	<p>On the Chapter 7 debtor's statement of intention, he indicated that he wanted to reaffirm a debt secured by his residence. On behalf of the creditor, you will complete the reaffirmation agreement and send it to debtor's counsel. Then, as debtor's counsel, you will evaluate whether to sign the agreement and file it in the CM/ECF training database.</p>	<p>See above</p>

<p>Motion to Avoid Judicial Lien Under 11 U.S.C. § 522(f).</p> <ul style="list-style-type: none"> <li>• Motion</li> <li>• Certificate of Service</li> <li>• Proposed Order</li> </ul>	<p>A hospital holds a judgment lien against the Debtor for pre-petition services. Complete a motion to avoid the judicial lien and file it in the CM/ECF training database.</p>	<p>See above</p>
<p>Motion to Dismiss Chapter 7 Case for Abuse</p>	<p>The Office of the United States Trustee moves to dismiss or convert the Debtor's Chapter 7 case for abuse under 11 U.S.C. § 707(b). File a response on behalf of the Debtor.</p>	<p>See above</p>
<p>Motion to Convert Case from Chapter 7 to Chapter 13</p> <ul style="list-style-type: none"> <li>• Motion</li> <li>• Certificate of Service</li> <li>• Proposed Order</li> </ul>	<p>After consultation with the Debtor, the Debtor desires to convert his Chapter 7 case to Chapter 13. File the necessary documents to effect the conversion.</p>	<p>See above</p>
<p>Amended Schedules on Conversion</p> <ul style="list-style-type: none"> <li>• Completion</li> <li>• Filing</li> </ul>	<p>The Debtor purchased a new automobile before converting his case to Chapter 13. In the converted case, file Amended Schedules A/B, D, C, J, Summary of Schedules, Declaration of Schedules, Statement of Compensation, Chapter 13 Statement of Current Monthly Income, and Chapter 13 Statement of Disposable Income.</p>	<p>See above</p>
<p>Order on Amended Schedules</p>	<p>Receive a court order on the filing of the amended schedules and determine if any action is required.</p>	<p>See above</p>
<p>Chapter 13 Plan</p> <ul style="list-style-type: none"> <li>• Completion</li> <li>• Filing</li> <li>• Notice of Confirmation Hearing</li> </ul>	<p>File a Chapter 13 plan on behalf of the Debtor that accomplishes the Debtor's stated goals and which still presents a plan that is feasible. Receive a notice of the date first set for confirmation of the plan.</p>	<p>See above</p>
<p>Motion to Value</p> <ul style="list-style-type: none"> <li>• Motion</li> <li>• Declaration</li> <li>• Certificate of Service</li> <li>• Proposed Order</li> </ul>	<p>In conjunction with the Chapter 13 plan, file a motion to value the Debtor's furniture. At the time of filing, the Debtor owes \$2,600 to a creditor holding a purchase money security interest. The Debtor thinks the furniture is worth \$500.</p>	<p>See above</p>

<p>Adversary Proceeding to Strip Off a Second Mortgage</p> <ul style="list-style-type: none"> <li>• Complaint</li> <li>• Summons</li> <li>• Summons Service Executed</li> </ul>	<p>Assuming some facts that are not part of the previous learning modules, complete an adversary complaint to strip off a wholly unsecured second mortgage in the Debtor's Chapter 13 bankruptcy case. Receive a summons from the Clerk's Office, execute the summons on the Defendant, and file the summons service executed with the Clerk.</p>	<p>See above</p>
<p>Entry of Default and Default Judgment</p> <ul style="list-style-type: none"> <li>• Request for Entry of Default</li> <li>• Request for Default Judgment</li> <li>• Certificate of Service</li> <li>• Proposed Order</li> </ul>	<p>Assume that the answer deadline in the adversary proceeding expires with the defendant failing to respond or otherwise defend the action. Request that the Clerk enter default. Then after entry of default, request default judgment.</p>	<p>See above</p>
<p>Proof of Claim and Objection to Claim</p> <ul style="list-style-type: none"> <li>• Filing a Proof of Claim</li> <li>• Objection to Proof of Claim</li> <li>• Certificate of Service</li> <li>• Proposed Order</li> </ul>	<p>On behalf of the creditor holding a purchase money security interest in the Debtor's furniture, file a proof of claim in the Chapter 13 case. Then as the Debtor's attorney file and serve an objection to that proof of claim based on the Debtor's pending motion to value.</p>	<p>See above</p>
<p>Motion to Sell in a Chapter 13 Case</p> <ul style="list-style-type: none"> <li>• Motion</li> <li>• Certificate of Service</li> <li>• Proposed Notice</li> <li>• Proposed Order</li> <li>• Amended Plan</li> </ul>	<p>Without informing his attorney, the Debtor engaged a realtor to sell his home. The Realtor has an offer that the Debtor desires to accept and calls your Office to see what needs to happen in the bankruptcy case. On behalf of the Debtor, file a motion to sell, compensate the realtor, pay closing costs, and pay secured debts. Then determine how the sale affects the Debtor's proposed plan and pending judicial lien avoidance motion.</p>	<p>See above</p>



<p>Obtaining Credit in a Chapter 13 Case</p> <ul style="list-style-type: none"> <li>• Motion</li> <li>• Certificate of Service</li> <li>• Proposed Order</li> <li>• Determination of Notice Requirements</li> <li>• Amended Plan</li> </ul>	<p>The Chapter 13 Debtor was involved in an automobile accident and needs to purchase a new vehicle. File a motion to allow the Debtor to incur post-petition debt so that the Debtor can purchase a new car. Determine what happens to the debt on the Debtor's former vehicle and amend the Debtor's plan accordingly.</p>	<p>See above</p>
<p>Motion to Modify Plan by Suspending Plan Payments</p> <ul style="list-style-type: none"> <li>• Motion/Stipulation</li> <li>• Certificate of Service</li> <li>• Determination of Notice Requirements</li> <li>• Proposed Order</li> </ul>	<p>The Debtor suffered a life event and wants to suspend plan payments until he can pay for it. File a motion to suspend the plan payments and determine the impact on the Debtor's proposed plan.</p>	<p>See above.</p>
<p>Application for Compensation for Chapter 13 Debtor's Attorney</p> <ul style="list-style-type: none"> <li>• Application</li> <li>• Certificate of Service</li> <li>• Notice Requirements</li> <li>• Proposed Order</li> </ul>	<p>You performed several tasks for the Chapter 13 Debtor not covered by your retainer agreement. You desired to be paid from the Chapter 13 plan from the money that would otherwise be payable to unsecured creditors. File an application for compensation with the Clerk.</p>	<p>See above</p>
<p>Unclaimed Funds</p> <ul style="list-style-type: none"> <li>• Application</li> <li>• Proposed Order</li> </ul>	<p>Search the Unclaimed Funds database and reach an agreement with a creditor as an unclaimed funds locator. Complete and file an application to withdraw those unclaimed funds from the court registry.</p>	<p>See above.</p>
<p>No-Asset Chapter 7 from Start to Finish</p>	<p>Review a timeline of a no-asset Chapter 7 case.</p>	<p>See above</p>
<p>Meeting of Creditors</p>	<p>Review typical questions asked at the meeting of creditors.</p>	<p>See above.</p>