

From the President

Nancy B. Clark1

History of the cdcbaa

Michael Gouveia2

Incoming President's Greeting

Peter M. Lively4

Earle Hagen Memorial Golf Tennis & Poker Tournament 2016

Jeff Hagen5

A Profile of Chapter 7 Trustee

David A. Gill

David P. Jacob 11

Obtaining a Hardship Discharge in Chapter 13

Peter M. Lively13

Calendar of Events2

Listing of cdcbaa Board of Directors13

Membership Application16

group.

Our final event in 2016 will be our annual Calvin Ashland Award Dinner which will take place on November 3, 2016. As you know from our August Newsletter, this year we honor Chapter 7 Trustee, David Gill. You will find more about our honoree within the pages of this edition of the Newsletter.

CDCBAA's seminars will resume on January 28, 2017. M. Jonathan Hayes will be moderating our Eleventh Annual Ninth Circuit Review with the Honorable Vincent Zurzolo of the Central District of California Bankruptcy Court and the Honorable Laura Taylor of the Southern District of California Bankruptcy Court. This is always one of your best and most popular events and you will not want to miss it next year.

Finally, I would like to close out my time as President with a few observations about the consumer debtor bankruptcy bar. I recently heard one of our bankruptcy judges state that she had never practiced consumer bankruptcy prior to being appointed to the bench. Although she had been involved in Chapter 11 work prior to being appointed, she had done little to no Chapter 7 or Chapter 13 work. Therefore, the practices and procedures, the language, and the ebb and flow that has developed over the years between both Chapter 7 and Chapter 13 Trustee's and consumer attorneys who represented debtors and

From the President

By: Nancy B. Clark

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Well, we have nearly reached the end of my time as President. It has been my honor and privilege to serve you these past two years. I am very proud of the quality of the seminars we have provided. This is in great part due to the fantastic CDCBAA Officers, Board of Directors and the panelist who have given their time to this fantastic organization. The Officers and Directors have worked diligently to continue the high standard of MCLE's established by prior presidents and the founders of this



Nancy Clark with Michael Gouveia

cdcbaa **Upcoming Calendar**

November 3, 2016

Thirteenth Annual Calvin Ashland Awards Banquet

January 28, 2017

11th Annual Review of the 9th Circuit
Decisions on Bankruptcy in 2016

Meetings to be held at Southwestern Law School.

*Please check www.bklawyers.org for up to
date MCLE meeting information.*

creditors was foreign to this judge. I believe this to be true of many of our judges when they first take the bench.

As you, my friends and colleagues, know, consumer bankruptcy is not the simple affair of just filling out documents and filing them, especially in Chapter 13. Debtor attorneys must spend a considerable amount of time and effort learning how to communicate with our clients who make up the vastly diverse population of the Central District of California. We must communicate and extract information in a thorough yet efficient manner in order to provide the proper guidance as to the choice of which chapter to file under and as to how to protect assets. We must explain to a population who has most likely never dealt with an attorney or the law before the parameters and limitations of bankruptcy. We must make difficult choices on what may be disclosed while protecting our clients' right to privileged information. We must balance zealous advocacy with our duties as officers of the Court. We must do the best with the facts and the documents we are provided and the deadlines we are given.

We must do all this while our fees are reviewed more closely than members of other legal specialties. We must do all this with the understanding that our judges have little experience and sometimes, little patience, for the manner in which consumer bankruptcy is practiced. We must do all this with the knowledge that our judges have a natural tendency to defer to trustees. We must do all this while running a small business and enhancing our reputations. Not an easy feat, dear friends!

CDCBAA's purposes is to assist the consumer bankruptcy bar in the Central District of California to navigate these rough waters. Your membership in this

organization is a pledge to our community that you will navigate these waters with the proper understanding, knowledge and advocacy for your clients. It shows your dedication to your craft and your community. Your knowledge and experience will be shared with our judges and bridge the gap of understanding. I encourage you all to continue to support this organization and the wonderful seminars it provides as it can only enhance your practice, knowledge and reputation as a consumer bankruptcy attorney.

Most Sincerely,

Nancy B. Clark

2016 CDCBAA President

Consumer/Debtor Bankruptcy Attorney 

History of the *cdcbaa*

By: Michael Gouveia

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How did the cdcbaa begin?

Recently I asked a few cdcbaa founding members to share their memories of the CDCBAA's history. David Tilem, Dennis McGoldrick, Paul Winkler and Brian Wirsching shared their memories with me.

Dennis McGoldrick recalled that the Los Angeles Bankruptcy Forum started in the late 1980's and would present consumer bankruptcy topics along with Chapter 11 topics. At that time a chapter 13 trustee named Elsie Davis presented Chapter 13 issues from time to time. However, over time the Los Angeles Bankruptcy Forum grew to focus on Chapter 11 issues and not consumer topics.

In the absence of a local consumer oriented bankruptcy group and inspired by the success of NACBA, David Tilem proposed the formation of a group such as CDCBAA to focus on: (1) the performance, nomination and re-nomination of judicial officers, Chapter 13 trustees, Chapter 7 trustees; (2) clerk's office procedures; (3) local rules affecting consumer practice including "no look" fees and compensation procedures; (4) the arrival of electronic filing; (5) California legislation affecting consumer debtors and similar matters. "Some of these goals have since been realized, others not so much so" said Tilem.

Brian Wirsching recalls that in 2003 he was working with David Tilem after working as Nancy Curry's staff

attorney. Brian said “that at that time the local bankruptcy rule makers were Chapter 11 oriented. When it came time to adopt local rules, the committees were dominated by Chapter 11 attorneys. However, the consumer attorneys then, as now, filed most of the cases. We consumer debtor attorneys had no voice in the process. We had NACBA, but it was on a national level.”

Paul Winkler said “My role began at a 341(a) hearing when David Tilem approached me with his idea to establish an organization which truly represented the consumer bankruptcy bar, which we all know, always has been and always will be, the overwhelming majority of filings in bankruptcy. The Bankruptcy Forum had evolved into an organization that primarily focused on Chapter 11 and creditor issues. The Forum provided an important service but inadequate for the needs of the consumer bar”.

With the assistance of David’s ex-wife Marlene Kole-Tilem, David Tilem set up the initial meeting at the Airtel Hotel and Conference Center in Van Nuys on November 22, 2003. David noted that “I’m not sure I could have done it without her – she’s an unsung hero in all of this”. An announcement of the meeting was circulated through the NACBA website and by word of mouth.

Wirsching recalled that “David and his wife at the time, Marlene Kole-Tilem, decided to hold a meeting to see if there was interest to form a local organization. (By the way, Marlene did a great deal of work in organizing the beginnings of the organization.) We did not know who would show up and we were very encouraged that the turn out was much higher than we expected”.

Brian remembered that first meetings had much discussion on whether to let creditor’s attorneys and Trustees and trustee’s counsel into the organization.“ I thought it was good to have Trustee participation, but others pointed out to the inherent adversarial position between debtor’s attorneys, Trustees and creditors. Ultimately we opened the membership to all, but not without much discussion.”

Minutes of that first meeting in November 2003 were taken and prepared. David Tilem acted as Chair and the meeting was attended, at his invitation, by James “Ike” Shulman and Norma Hammes, two founders of NACBA. Those attending formed a Steering Committee.

The second meeting was held on December 6, 2003. The Minutes reflect the following were in attendance: David A. Tilem Steve R. Fox, Gail Higgins, Randolph Neel, Brett Curlee, Evelyn Kramer, Paul Winkler, Dennis McGoldrick, C. Casey White and Neil Schwartz. Many

issues were discussed and resolved including a mission statement, corporate formation, by-laws, membership criteria, the size of the Board of Directors, the number and title of officers, election rules, meeting dates/times, a meeting location with the initial general meeting to occur on January 31, 2004 at 2:00 p.m. at a meeting room in the Manatt Phelps offices at Olympic & Sawtelle (where Brett Curlee was a tenant), Committees were formed and Chairs for each Committee were selected.

The third meeting of the Steering Committee was held January 10, 2004. The minutes reflect the following were in attendance: David A. Tilem, Steven R. Fox, Gail Higgins, Randolph Neel, Brian Wirsching, Paul Winkler, and Dennis McGoldrick. Again, many issues were discussed including a report by Paul Winkler that he had received an amazing 45 membership applications. Dennis McGoldrick reported on the CLE topic of the proposed January 31, 2004 meeting. Dennis also offered to set up an on-line bulletin board. Randy Neel reported on the Judicial/Trustee Review Committee. David Tilem reported on formation efforts and a proposed set of by-laws. Proposed Officers were selected and some Directors were also identified. The proposed agenda for the January 31, 2004 meeting was discussed and adopted.

On June 20, 2005, and as authorized by the Board, David Tilem engaged attorney Arthur Reiman to officially form CDCBAA. The full name of the organization is “Central District Consumer Bankruptcy Attorneys Association, Inc.” and the date of formation was July 5, 2005. David acted as the incorporator. Arthur Reiman and David Tilem prepared Articles and By-laws with assistance from Dennis McGoldrick, Steve Fox and others.

The name, though unwieldy, was modeled after NACBA. David, Dennis and many others struggled to find something a little more “user friendly”, but nothing seemed to capture all the elements of this group so the name stuck. It was a fortunate coincidence that www.cdcbaa.com was available. David could not remember whether it was Dennis McGoldrick, Lou Esbin or someone else who originally purchased the URL for use by the group.

Mr. Reiman formally requested tax exempt status under §501(c)(6) in December, 2005 and it was approved by the IRS on January 4, 2006.

David Tilem reported that there was a subsequent Application for Recognition of Exemption under Section 501(a) which identifies the following:

President/Director:	David A. Tilem
Vice President/Director:	Brian Wirsching
Secretary/Director:	Tyson Takeuchi
Treasurer/Director:	Brett Curlee
Director:	Dennis McGoldrick
Director:	Nathan Berneman
Director:	Louis Esbin
Director:	Carolyn Fergoda
Director:	James King
Director:	Stuart Price
Director:	Paul Winkler

Dennis McGoldrick said “The Articles had David Tilem as president, but I was elected the first president. I was the only one with experience, as I was previously president of the South Bay, and Irish American Bar Associations”.

Winkler said “I knew that my regular attendance at 341(a) meetings, together with my numerous contacts with attorneys whose offices I routinely represented would give me the opportunity to tout the advantages of such a new group. In addition, I could approach fellow “appearance” attorneys like Les Fleming who had a coterie of offices he likewise represented to enlist members. I was selected membership chairman after the group was formally established and began recruitment with a vengeance. It was my goal to have an organization that had as large a membership as possible so that our voices would be clearly heard by the bench, OUST and the

Trustee panel members. We obtained permission from OUST to put our applications in the 341(a) rooms while I simultaneous approached new attorneys at those meetings. I made direct contact with offices who did not regularly attend those meetings. We were able to enlist panel members as well as the U.S. Trustee, Peter Anderson”.

McGoldrick also recalled that Paul Winkler was made the membership chairman. Winkler said” All of the services and events provided made my job of recruitment much easier. All I had to be was relentless!”

I asked how Brian Wirsching benefited from the CDCBAA? He said “That most attorneys who file bankruptcies are sole practitioners and the organization provides a “social aspect”. The solo would sit on the benches at Court waiting for his matter to be called and there was little interaction with others in the debtor bar. With the CDCBAA, we provided meetings where the attorneys could meet one another and also learn through the educational programs and the listerv. There became a


community and cohesion of the debtor bar.”

Brian said “this sense of community was demonstrated in 2005 when the new legislation went into practice. We had marathon weekend meetings where we would get together to read the code together. I remember going line by line on the “means test” with several others as Dennis McGoldrick provided MCLE. The law was new and we all were trying work through the pages of the code.”

McGoldrick recalled, after BACPA passed, we read each chapter of the code for the MCLE in 2005, sometimes we had 80 lawyers discussing all of the additions to the code.

Winkler said “Thanks to contributions by the likes of Dennis McGoldrick, we were able to expand the services the group offered like a listserv, MCLE credit for speakers at our meetings etc. Those services greatly contributed to recruitment goals. The annual AWARDS DINNER likewise enabled us to honor a prominent member of the bankruptcy community while at the same time bring that community together for a social event”.

“The CDCBAA provided a sense of community“ said Wirsching “a place to learn through the meetings, the listerv and the social aspect for the Los Angeles debtor bar which is not found any other place.”

Thank you David Tilem, Dennis McGoldrick, Paul Winkler, Brian Wirsching and all the other CDCBAA founders for having the foresight to organize the consumer bankruptcy attorneys of Los Angeles. Also, thank you for growing the organization to what it is today: the preeminent voice for consumer bankruptcy practice in Southern California. Job well done! 

Incoming President’s Greeting

By: Peter M. Lively
peter@petermively.com

The year was 2005 and BAPCPA was just being implemented. A group whose name was seemingly pulled from someone’s bowl of alphabet soup, cdcbaa, was just coming into existence. All of our members were able to sit around one large conference room table in West Los Angeles for our meetings. It was my first year as a cdcbaa member and I’ve been a member ever since.

A lot has changed since 2005 and it’s hard to believe that on July 5, 2017 cdcbaa will have its 12th birthday. While preparing to become President of cdcbaa in 2017,

I read the original July 5, 2005 articles of incorporation which provide:


“the specific purposes of this corporation are to address issues and concerns which affect consumer bankruptcy attorneys and their clients in the Central District of California, provide education and networking opportunities for attorneys who primarily represent consumer bankruptcy debtors, and to carry on such other activities associated with these purposes as allowed by law”

For nearly a dozen years members of this organization have been gathering at general membership meetings and other cdcbaa events to socialize and to discuss their clients' cases. Sometimes I don't see friends for months, but then I'll see them at a cdcbaa class and be able to catch up over coffee and a bagel (thanks to Bert Kawahara for feeding us for the past many years!). At meetings members address their concerns about consumer bankruptcy issues (I'm usually able to pick someone's brain about the most troubling issue I'm trying to resolve), and share their recent client or courtroom experiences with fellow members - everyone has a good story to tell. Our organization has presented nearly one-hundred MCLE programs, hosted Annual Awards Dinners, presented several Symposiums, financially assisted other consumer bankruptcy organizations, and co-sponsored many consumer bankruptcy related events. No one can dispute that cdcbaa has adhered to its bylaws and positively impacted the consumer bankruptcy practice in the Central District of California.

Having been closely involved with cdcbaa for all these years, I can confidently say that there isn't much to improve on at this point. Our group's leaders have done an amazing job. I hope that the 2017 board will be able to keep up the standard of high quality educational programs and entertaining networking events for the same amazing economic value of only \$250 per year.

The 2017 cdcbaa officers will be Roksana Moradi as vice president, Jeff Hagen returning as Treasurer, and David Jacob returning as Secretary. The remaining members of the board will be elected at the October 15, 2017 meeting and announced at the November 3rd Calvin Ashland Awards Dinner.

I have a few goals for the 2017 board: 1) board meetings via videoconferencing, 2) broadcasting cdcbaa's

educational programs via webinars and recording them for future use, and 3) moving MCLE classes to an early start time so members who attend in person (rather than participating by webinar feeds or listening to recorded classes) may have their Saturday afternoon's free to enjoy life! 

Earle Hagen Memorial Golf Tennis & Poker Tournament 2016

By: Jeff & Dave Hagen

jeff@hagenhagenlaw.com

JEFF: A hearty thank you to all who attend...who contribute...sponsor..., etc...

JEFF: David and I have been asked to say a few words about our dad—Earle Hagen—for whom this tournament was named. After all, as time goes on, the number of people in this room that knew Earle decreases. Let's start with some fun facts.

DAVID: Date of birth: Well, you'd think that would be an easy one, wouldn't you?, But in fact there's some dispute. We're still not certain to this date whether he was born on September 26 or September 27 of 1925. His mother, our grandmother, was either so certain that her labor was so prolonged that although she went into the hospital on the 26th, it had to have been the 27th by the time she delivered...or the other way around. One thing is for certain: the birthday he thought he had, whichever of the two it was, was in fact wrong and it was the other date.

JEFF: So when did Earle LEARN that he had in fact been celebrating the wrong birthday? Well, you'd think that would be an easy one, wouldn't you?, But in fact there's some dispute. David thinks he learned of it when he had to produce his birth certificate in order to get his passport for a vacation to Mexico. I always thought he learned about when he had to produce his birth certificate upon induction into the Navy.

JEFF: Earle spent the rest of his life celebrating BOTH days, September 26 and 27, as his birthday. Many of you have heard me use this line before, but that's never stopped me before...I teased Earle at his 80th birthday and maybe a few times thereafter, saying that it was therefore his 160th birthday, but that you have to admit, he didn't look a day over 110! For some reason, he never found it quite as funny as we did.

DAVID: Where was Earle born? Well, you'd think that would be an easy one, wouldn't you? Okay, it is... Cleveland, Ohio. No 'birther' controversy here.

DAVID: So why did Earle pick the Navy in which to enlist in World War II? That's an easy one: because he couldn't swim! As the story goes, he apparently got someone else to take his swimming test for him.

JEFF: Earle served as a medic in the Navy attached to a Marine unit. He was trained at Great Lakes in Chicago and later served at Camp Pendleton, which introduced him for the first time to California, and eventually he was assigned to the USS Missouri, which was in Tokyo Bay at the time of the surrender. Although often described as the original classic oxymoron, the true definition of 'Military Intelligence' is to not have put a gun in Earle's hands, especially on a boat that's rocking up and down and swaying from side to side.

DAVID: When Earle returned from the war, he decided that he liked the California sunshine a bit more than the harsh winters of Cleveland—difficult to imagine—and he convinced his parents, Jack and Lena, and his sister Dorothy to move out as well.

DAVID: Where did Earle go to school? He went to high school in Cleveland. He started college at Western Reserve, which was subsequently renamed Case Western Reserve, in Cleveland, and then finished college after World War II at UCLA.

JEFF: Did Earle go straight from college to law school? No. He took his time figuring out what he wanted to do. He majored in accounting at UCLA, but never really wanted to be an accountant. He did pharmaceutical sales, he did some insurance sales, and he even helped run our uncle Bob's liquor store in Pacoima during his law school years at Southwestern Law School. He didn't get his bar ticket until age 37.

JEFF: What most of you don't know is that Earle dabbled in criminal law at the beginning of his legal career. It turns out that his medical training came in quite handy. I recall him telling me about one of his first clients:

"I have good news and bad news," Earle told his client, who was being accused of murder.

"What's the bad news?" asked the client.

"Your blood matches the DNA found at the murder scene," Earle responded.

"Damn it!" cried the client. "What's the good news?"

"Well," responded Earle, "your cholesterol is down to

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We thank you for helping us make a difference. Your ongoing support and commitment are invaluable.

140."

Okay, I made that part up about the criminal law background.

DAVID: Well, while we're kidding around on the subject of Earle's criminal law background, I'll bet no one knows how or why Earle got interested in practicing law in the first place. It actually all started when his next door neighbor was charged with murder in the first degree. Earle thought it might be interesting to attend the trial, not to mention lend moral support to his accused neighbor. He was fascinated when the Judge pounded his gavel, looked at the Defendant neighbor, and announced "You have been charged with murder of your wife by smashing her skull with a hammer until she was dead."

Earle just couldn't help himself. From the gallery, he shouted "You bastard."

The judge continued: "You have also been charged with the murder of your mother-in-law by smashing her skull with a hammer until she was dead."

Again, Earle couldn't help himself. He shouted "You bastard!"

The judge looked toward the back of the courtroom and said "If the man in the back can't control himself, I'll have no choice but to clear the courtroom!"

Earle replied: "I'm very sorry Your Honor, but I've lived next to that bastard for 20 years and every time I asked him if I could borrow a hammer, he'd tell me he didn't have one!"

Just kidding of course...no, Earle had his own hammer.

DAVID: How did Earle meet our mother, Sally, the former Sally Sokol? They first met when Earle was friends with our mom's older brother, Ben, when Earle

2016 Committee Chairs

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Marcus Tiggs

Calvin Ashlakd Committee:

Keith Higginbotham

Chapter 13 Committee:

Nancy Clark & Aki Koyama

Earle Hagen Committee:

Jeffrey Hagen & Maggie Bordeaux

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Pat Green with Desmond Hayes

You do not have to be a Board Member to join a committee. If you are interested in joining a committee, please contact the Chairman. Your participation will be welcome.

and Ben were around 16 and Sally would have been around 11. But then, after World War II, my mother was visiting California and a bunch of Ohioan ex-pats got together, including my Dad, and it was love.

JEFF: Did you know that Earle had a romantic side? When my mother returned home to Akron, Ohio after that first visit, he would quote Elizabeth Barrett Browning in his letters home! ‘Oh how I love thee, let me count the ways...’ That Earle was one smooth operator.

JEFF: When and where did Earle and Sally get married? They married on May 3, 1953 in Ohio. And I’m forgetting, David, were you born before that or after that?

DAVID: After...after...

JEFF: So that ‘bastard’ thing...?

DAVID: I’m called that for different reasons...

JEFF: Got it...

DAVID: When did Earle graduate Southwestern law school? He attended at night and graduated in 1963, with bar number 033431.

DAVID: Where did Earle work after law school? He first went to work for Abe Goldman, who some of you may recall was Leonard Goldman’s father, although it might be a bit of a challenge to find anyone here who even remembers Leonard.

JEFF: Abe Goldman did collection work, and Earle used to tell the story that in his first day in the office, Abe sent him to a post-judgment debtor examination at the courthouse. Earle didn’t even know where the courthouse

was, let alone what he needed to do or say. Not really knowing what to ask, Earle asked the debtor how much cash he had in his pocket, and it turns out the guy had a big fat wad in his pocket, which was then ordered turned over. Valuable lesson learned: if you represent a debtor at an ORAP, instruct him or her to only bring enough cash to get out of the parking lot!

DAVID: After working at what had become Goldman Goldman & Hagen for what we believe was 1963 to 1967, he then went to work for Gil Robinson and Herb Wolas at what was then Robinson & Wolas, whose office at the time was in the old 408 South Spring building Downtown, but which later morphed into Robinson, Wolas & Hagen and eventually into Robinson Diamant Brill & Klausner and Robinson Diamant & Wolkowitz. Earle worked there from 1967 until 1970.

JEFF: And then, at the urging of two factoring clients, Earle hung his own shingle. From 1970 to 1980 he practiced in Beverly Hills at the 8383 Wilshire Boulevard building at San Vicente, and then in 1980 he moved to Encino. He was nervous at first, venturing out on his own, never knowing whether the phone would ring. But ring it did. And unlike these days where three quarters of the calls are pre-recorded messages from solar companies or home improvement companies, his calls were from real clients!

DAVID: And Earle’s office manager from approximately 1980 until 2008? His sister Dorothy...who is

still hanging in there...she just turned 94 a few weeks back.

DAVID: The bankruptcy industry was a whole lot different in the '60s and '70s. I remember how our dad would get calls on the weekends and it was Judge Moriarty on the phone wondering why Earle wasn't in the office, and barking out instructions for how he wanted his trustees, then called 'referees' under the old Act, to liquidate assets in a certain case. I sure hope I didn't give Judge Zurzolo my cell number!

JEFF: One thing about Earle, although he was certainly not alone among his peers, but he never advertised in any way shape or form. No Yellow Pages, nothing.

DAVID: Where did Earle live? When I was born and until about 1958, we rented an apartment in the City, near my grandfather's Washington Boulevard pharmacy. In about 1958, Earle and Sally paid \$19,000 for a home at 8236 Garden Grove Avenue, Reseda, about a block away from what is now Northridge Hospital but at the time...uh... wasn't.

JEFF: It was basically the Wonder Years...the stern

father, the housewife mother, two boys, the older one mercilessly teasing and picking on the younger one...

DAVID: And then we moved to 5925 Moorcroft Street, Woodland Hills on July 5, 1969 only a couple of weeks prior to Apollo 11 mission to the Moon and only a few weeks before Woodstock and the Manson murders. Our folks lived in that house until their passing in 2007 and 2008.

JEFF: Woodland Hills was not exactly a coincidence. Their across the street neighbors were June and Sandy Kovacs. Earle's father Jack and Sandy's father Carl were friends back in the old country--Ohio. And Jack worked for Sandy in his pharmacies in the '60s. So when a home opened up across the street, the Kovacs encouraged the Hagens to move in. The Hagens and the Kovacs promised each other on day 1 back in 1969 that they would never let their proximity get in the way of their strong friendship. And despite one of my ill-fated marriages--to the Kovacs' daughter, June and Sandy and Earle and Sally remained the best of friends the rest of their lives.

JEFF: Everyone who knew Earle knew that he had a

QUOTES FROM DEBTORS

The source material for these quotes comes from the book, *They Went Broke?! Bankruptcies and Money Disasters of the Rich and Famous*, by Roland Gary Jones, Esq.

"I have worked two years for nothing. Damn. Damn. Damn. Damn." R.H. Macy, Founder of Macy's Department Store

"No Christmas gifts to exchange. Sally seemed grieved, and cried.... I wish no one such trial." H. J. Heinz, Founder of Heinz Co.

"Nobody helped me with money. I had no guidance." George Huntington Hartford II, Heir to A&P Supermarket

"I made a lot of mistakes. If I had someone to show me the right thing to do and work with me, then maybe this wouldn't have happened to me. But I'd sooner live my life than someone else's." Leon Spinks, Boxing Champion

"If it isn't the sheriff, it's the finance company: I've got more attachment on me than a vacuum cleaner." John Barrymore, Actor

"The fact that he was able not merely to put me in prison for two years but to take me out for an afternoon and make me a public bankrupt was an extra refinement of pleasure that he had not expected." Oscar Wilde, Playwright (regarding a creditor)

"There are two times in a man's life when he should not speculate: when he can't afford it, and when he can." Mark Twain, Author and Entertainer

"I was not anywhere near ready to live the consequences of the commercial success....[I] did what many did, found a friend and said, 'You handle this.'" Richard Bach, Author of *Jonathan Livingston Seagull*

"We'd be working in the studio and then they'd say, 'You gotta look out for the marshals, the marshals are gonna come in tonight and grab the tapes.'" Tom Petty, Musician

"Somebody was putting the cash away, and it wasn't us." Dr. Hook of Dr. Hook and the Medicine Show, Musician

"It's time to stop bleeding and get on with my life." MC Hammer, Musician

"The last few years of my life have been a little like a long ridge in Poop de Ville with the bottom down." Pat Paulson, Comedian

"Things didn't work out exactly as we planned." John Connally, Former Texas Governor

"We are enjoying life. [The bankruptcy] is just another difficult step that we will take during our lifetime. You try to do the right thing, but sometimes it's just your destiny." Ky Nguyen Cao, Former Prime Minister of South Vietnam

"I must sell my house and all here and carry my family to Bedford where I have not even a log hut to put my head into." Thomas Jefferson, Former US President

"It just sort of winked out." Abraham Lincoln, Former US President (regarding his failed grocery store)

wonderful sense of humor...dry but a wonderful sense of humor nonetheless. What many don't realize is that my mother Sally had a pretty good one too. I recall one lazy Sunday morning sitting with my folks around the breakfast table.

Somewhat out of the blue, my Dad announced to my mom: "When I die, I want you to sell all my belongings immediately."

"Now why would you want me to do something like that," my mother asked.

"I figure a woman as fine as yourself would eventually remarry and I don't want some other jerk using my stuff."

Sally looked at him intently and said, "What makes you think I'd marry another jerk?"

I've always assumed she was joking....

DAVID: What were Earle's passions? Other than

practicing law--wine, tennis and golf would have be the main ones. In fact, for several years there, there was a custom of cracking open a bottle of wine in his office at the end of the work week and swapping war stories. What about travel? Yes and no. We wouldn't call it a passion, but my parents visited England a couple of times, Israel, and Mexico when they were younger. And they visited relatives in Ohio on many occasions.

DAVID: And, speaking of passions, I'll bet many of you didn't know that Earle was an avid baseball fan. It was October, 1988 and his beloved Dodgers were in the World Series against the Oakland Athletics. And although Earle wasn't necessarily the most religious guy around, our mother pressured him into attending Yom Kippur services. So he approached his rabbi.

"Rabbi, I'm on the horns of a dilemma," which, if you

Third Annual James T. King Bankruptcy Symposium Judicial Philosphot: Interpreting the Bankruptcy Code

A small collection of photos from the 2016 James T. King Bankruptcy Symposium. There was a great turn out to hear our speakers 9th Circuit Appeals Court Judge the Honorable Paul Watford and U.C. Irvine Dean Erwin Chemerinsky. This year's event was moderated by Central District of California Judge the Honorable Martin Barash and former cdcbaa President Jon Hayes. We're looking forward to next year!



knew Earle, you knew that was one of his most commonly used expressions. “I know it’s Yom Kippur, Rabbi, but Orel Hershtiser is pitching tomorrow for my beloved Dodgers in game 5 of the World Series.” How can I both watch the game and attend Yom Kippur services?”

The Rabbi stroked his long beard for a thoughtful minute, and then replied: “It’s not such a problem after all. It’s for days like tomorrow that God invented VCRs.”

Earle responded: “So, it’s okay for me to tape Yom Kippur services?”

JEFF: When you joined Earle in 1983, David, what was Earle’s style of mentoring?

DAVID: Earle believed in throwing his people into the fire as soon as possible, and he implemented that approach by promptly having a heart attack a couple of weeks after I arrived and was out of the office for two solid months.

JEFF: Wow...that takes ‘practicing what you preach’ to a whole new level.

DAVID: Earle was a founding member of the Bankruptcy Study Group, which evolved into today what is known as the Los Angeles Bankruptcy Forum, one of this event’s co-sponsors. He was also very active in Financial Lawyers Conference. He served on numerous committees as well.

DAVID: Most of you know that Earle’s legal skills were outstanding. He could argue incredibly persuasively. I recall one time him contemplating an age-old question: What’s more painful? A woman giving birth, or a man getting kicked in the...you know, groin?

He argued: “Women always maintain that giving birth is way more painful than a guy getting kicked in the groin. Well, after applying some deductive reasoning, I have arrived at the conclusion that getting kicked in the groin is more painful than giving birth. A year or two after giving birth, a woman will often proclaim that’s it’s about time to have another child. On the other hand, you’ll never hear a dude say, “You know, I think it’s about time I get kicked in the groin again.”

I hope to never have to test Earle’s theory.


JEFF: Was Earle always compassionate and kind with his clients? Well, let’s put it this way: No! The walls of our old Encino office were not exactly soundproof, and I would often hear him unload on his clients. ‘You transferred what?’ I’d hear him yell. How many times did I hear Steinbeck’s ‘Of Mice And Men’ reference ‘Tell me about the rabbits George.’ The amazing part was that most of the time, not all the time, but most of the time, the more he yelled and screamed at the client, the more they

worshipped the ground on which he walked. If I were to scream at a client, they’d probably burn my house down and complain to the State Bar, but with Earle, they couldn’t seem to get enough of it!

DAVID: Strengths and weaknesses: His weakness was law office management. He never recorded his time entries. He was happy just practicing; he found billing clients for his services distasteful.

JEFF: His strength was his love of the law and the process that goes along with it. His verbal skills were outstanding. He had tremendous ability to spot the issue, to distinguish between the practical and the theoretical, to read the tendencies and idiosyncrasies of the judges and the trustees. And he had sincere compassion for the plight of his clients.

DAVID: He was among the first of those to volunteer for the Central District’s mediation program, and virtually every year led the district in cases settled. Earle probably would have loved to have been a judge, but he always felt that it would conflict the two of us out of too many cases. So the mediation program probably quenched his judicial thirst. Whether he was chosen so often as a mediator because of his success rate, or because word got out that if a second or third day of mediation was needed, he still wouldn’t charge, is anyone’s guess, but there’s no denying that he was one of the most, if not the most, successful mediator in this district year after year. I remember one of his mediations finally ending at around 0300 in the morning.

JEFF: Another strength—and this really goes to the heart of why Jim King--our beloved Rabbi Jimmy--felt that this Fundraising Tournament ought to be named in Earle’s honor and memory--was his generosity with his wisdom. He, like Rabbi Jimmy, was the quintessential mentor. Earle loved nothing better than arriving at the courthouse early, heading to the lunchroom, buying a cup of coffee, and having attorney friends come by and join him and seek his input on cases they’re handling. He loved the analysis of the problems and often came up with out-of-the-box creative solutions. David and I often joke that if we had a nickel for every time people in the industry came to us in Earle’s later years or after his passing and made a point of telling us how helpful he had been to them at one or more points in their career, and how generous he had been with his time and advice, we’d be very rich men. But the lesson was not lost on us: we realize that even without those nickels, we’re very rich men indeed for having been his sons and having learned from among the very best. 

A Profile of Chapter 7 Trustee David A. Gill

By: David P. Jacob
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David A. Gill is this year's Calvin Ashland Award winner. The Central District of California Bankruptcy Attorneys Association gives this award to insolvency professionals who have not only demonstrated excellence in their field but also exhibited the highest standard of professionalism, ethics, character, integrity and fairness. David is the second Chapter 7 trustee to have been given this award. Just like Jeffrey Golden before him, he is a trustee whose professional and respectful demeanor towards debtors and debtors' counsel is to be celebrated and encouraged. The first prerequisite listed in the Code of Federal Regulations in selecting a trustee to the Chapter 7 panel is for the candidate to "possess integrity and good moral character."¹ David is the aspirational example of this qualification.

David has been a member of the California bar since 1962 and bankruptcy trustee since 1965. He grew up in the San Fernando Valley. His father was a studio musician, although David was musically gifted, he decided to "opt for security." David graduated from UCLA where he was a fraternity president. He served on active and reserve duty as an army officer. He received his law degree from Stanford in 1961. Looking for a job to support his new family, he joined his friend Arnold Kupetz, who was working for a sole practitioner, Irving Sulmeyer, handling mostly consumer cases, particularly cases under Chapter XIII, the precursor to the present chapter 13. Sulmeyer was a leading trustee, and Kupetz became one later. Then he worked for and with Curtis B. Danning, one of the leading trustees, who was a war veteran and graduate of UCLA's first law school class." (Curtis' older sister, Sarah Danning Gross, was the first female bankruptcy trustee in the United States².) David met Danning when they were representing opposing litigants.

Danning and Gill at the beginning, handled "anything that walked in the door, but with an emphasis on bankruptcy. David was first appointed as a trustee by Bankruptcy Referee, later Bankruptcy Judge, James E. Moriarty, a very colorful character whom he admired very much.

The world that David was entering was governed

by the 1898 Bankruptcy Act as amended by the 1938 Chandler Act. Judicial officers were "referees", as they were referred cases by the District Court, as is still the case. The term "Bankruptcy Judge" was a new title, which initially was not welcomed by all of the District Judges, reflecting a continuing tension in the law as to roles of Article III judges and other judicial officers that has persisted to this day. E.g., Marathon³ up through Stern⁴ and its progeny. The bankruptcy bar was small. Occasionally the judges and counsel might share a libation in chambers before the hearing.⁵ Conflicts could often be resolved in chambers. Smaller matters could often be resolved on the declarations. The bankruptcy judges knew the practitioners and knew whose representations could and could not be relied on.⁶ This is not to say that everyone trusted each other⁷, but because of the small community of repeat players, everyone knew who was trustworthy. Handshake deals were not uncommon, and participants in such a deal would bend over backwards not to appear to alter such deals.

Big firms were rarely involved in this practice in those days. One firm probably had 60% of the consumer bankruptcy debtor work in the early 1960s. There were a few, high quality business bankruptcy firms. Many practitioners, like David, were comfortable in consumer or business cases.

This is not to say that the experience for a bankrupt was any less intimidating than it is today. It might have in some ways been more intimidating. The Bankruptcy Judge presided over each creditors' meeting. There were only several debtors examined in each hour. The court often took an active role in the examination. Judge Moriarty, like many of his colleagues, was a former Assistant United States Attorney who was an experienced prosecutor. He was known on occasion from the bench to demand the



debtor's credit cards and to cut them up on the spot. David described the importance of counsel in preparing the debtor for the experience in his book: "Some debtors may fear the court appearance required under the Bankruptcy Act. Counsel should explain exactly what will transpire to dispel fears that an angry inquisition will occur at the first meeting of creditors."⁸ "The attorney should bear in mind that a bankruptcy proceeding in addition to probably being the client's only courtroom experience, is major litigation affecting many parties, and must be evaluated by the client as dispassionately as possible. The post-bankruptcy implications must therefore be explained by the attorney and understood by the client before the decision to file is made."⁹ Although most debtors do not see the judicial robes or the judicial scissors, the advice above still applies to practice today.


David explains before every meeting of creditors what he believes to be important for debtors to know, including their rights relative to reaffirmation of debts. Perhaps this is a holdover from the pre-section 524(c)¹⁰ days of occasional coercion by creditors seeking to pressure debtors into signing usurious or otherwise imprudent reaffirmation agreements.

David exemplifies two of CDCBAA's most important missions which are: to support Public Counsel's Debtor's Assistance Project and to educate the Central District of California's consumer bar. In the mid to late 1960s, Gill served as a board member of the San Fernando Valley Neighborhood Legal Services program and was asked to prepare materials for them. In 1971, he was asked to author a CEB book entitled "Personal Bankruptcy and Wage Earner Plans." One of our members has told me that this book was his first exposure to bankruptcy law. Wage Earner Plans were under Chapter XIII of the Bankruptcy Act. There was no automatic stay affecting secured creditors. One had to apply to court for a temporary restraining order and injunction to enjoin repossession or foreclosure. Some judges declined to grant them. All plans were more or less tailor-made.

The CEB book, however was once a double-edged sword for David. Debtor's counsel was arguing a point of law against David in front of Judge Moriarty. David claimed that Debtor's counsel was completely wrong and demanded that counsel explain where he found that point. Debtors' counsel said "YOUR BOOK!" Laughter from all in the courtroom ensued.

All laughter aside, David's legal career has included not only representing trustees but also representing

individual and corporate Chapter 11 debtors and creditors. He has frequently served as a state court and federal court receiver, provisional director and mediator. For example, he represented the bond holders on the Orange County Chapter 9 Creditors' Committee, and the creditors committee in the Maxi Care reorganization case among others, the debtor in Fegen Suites Chapter 11 and was the trustee for the corporate parent of American Savings & Loan. He co-founded a well-known bankruptcy boutique firm in Century City now known as Danning, Gill, Diamond & Kollitz, LLP. He has witnessed systemic change from the time where the Referee countersigned each check to the current system. I asked him if there were any difficulties or worries when the whole system changed. David did not remember any worries or concerns about the changes other than the normal insecurities when the law changes radically. He felt that the change under BAPCPA was more dramatic and difficult than the change from the Act to the Code. His firm held seminars to help attorneys learn the new changes. He feels that, on balance, the addition of the Office of the United States Trustee to the bankruptcy cast of characters plays a salutary part in the administration of bankruptcies.

I asked David if there was one piece of advice he would like to give to the consumer debtor bar. He said "Beware of the downside of volume practice. You are still a lawyer and it is very clear to the trustee which attorneys understand this, and which of them do not. Do not acquire a bad reputation with the trustees, or the U.S. Trustee, much less the court. The last thing any client needs is for his case to be scrutinized more carefully than others., because of his Counsel. It is very hard for a professional to recover from a blow to his or her reputation." Although the bankruptcy world that Gill entered in 1962 was smaller than it is today, our community, compared to other fields of law, is still small. Times may have changed but reputation still matters. 

Footnotes:

1. 28 C.F.R § 58.3(b)(1).
2. California Bar Journal 2003 Bar salutes long time members. <http://archive.calbar.ca.gov/Archive.aspx?articleId=51855&categoryId=51826&month=9&year=2003>
3. Northern Pipeline Construction Company v. Marathon Pipe Line Company, 458 U.S. 50 (1982)
4. Stern v. Marshall, 564 U.S. 462 (2011)
5. Spring 2012 • Issue 43, page 13 Receivership News David: Pioneer Insolvency Problem Solver By Phelps, Kathy Bazoian*
6. Spring 2012 • Issue 43, page 13 Receivership News David: Pioneer Insolvency Problem Solver By Phelps, Kathy Bazoian*
7. Spring 2012 • Issue 43, page 13 Receivership News

- David: Pioneer Insolvency Problem Solver By Phelps, Kathy Bazoian*
8. Page 42 Personal Bankruptcy and Wage Earner Plans CEB 1971 David A. Gill.
 9. Page 43 Personal Bankruptcy and Wage Earner Plans CEB 1971 David A. Gill.
 10. 11 U.S.C. §524(c)

Obtaining a Hardship Discharge in Chapter 13

(Usually better than converting to Chapter 7)

By: Peter M. Lively

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Post-confirmation Chapter 13 Debtors who experience a decrease in disposable income may become eligible for either Chapter 7 discharge or Chapter 13 hardship discharge. In circumstances where debtors have not incurred post-petition debt that may be discharged in a case converted to Chapter 7, it is likely most advantageous for debtors to proceed with a request for hardship discharge. Obtaining a hardship discharge under 11 U.S.C. §1328(b) allows debtors to become eligible for a subsequent Chapter 7, 11, or 13 discharge two years sooner than they would otherwise be allowed, if they had converted their cases to Chapter 7 and received a discharge. Refer to accompanying Discharge Analysis (below).

A motion brought under 11 U.S.C. §1328(b) is made on the grounds that the Debtors are not able to complete the payments under the Plan due to circumstances for which they should not be held accountable, creditors have received more than would have been paid under a hypothetical liquidation of Debtors' estate, and modification of the Plan is not practicable. The motion should set forth facts, then set forth the statute and finally explain why Debtors facts and circumstances meet each of the elements of the statute. For example, where one spouse of joint debtors ("Spouse 1") has lost a job, has been unable to secure replacement income and where unemployment benefits do not provide sufficient disposable income to pay the existing or a modified plan payment, the motion may be brought as follows:

MEMORANDUM OF POINTS AND

AUTHORITIES

I. INTRODUCTION

Debtors WAGE EARNING SPOUSE ("SPOUSE 1") and SALARIED SPOUSE ("SPOUSE 2") (collectively "Debtors") filed their joint petition as SPOUSE 1 and

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SPOUSE 2 under Chapter 13. Debtors' Chapter 13 Plan was confirmed on January 1, 2015. Debtors remained current with their plan payments of \$1,500.00 through March 1, 2016. See Declaration of SPOUSE 1, attached hereto and incorporated herein by reference ("SPOUSE 1 Decl.").

Debtors have suffered some unexpected consequences since the filing of their case. Specifically, SPOUSE 1, a widget installer, was laid off in late 2008, received only two weeks' severance pay and now receives only \$1,250 per month of unemployment benefits. While SPOUSE 1 has been seeking, and continues to seek, gainful employment, as of even date, SPOUSE 1 has been unable, despite diligent efforts, to secure new employment. SPOUSE 1



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Decl.

SPOUSE 1 was the primary wage earner for the household, earning base net monthly income of \$3,000. SPOUSE 2 earns a net monthly income of \$2,500 per month which has not changed since their petition date in this case. Debtors' household expenses exceed the sum of SPOUSE 2's net monthly income and SPOUSE 1's unemployment benefits resulting in their inability to make plan payments of \$1,500.00. Without income from SPOUSE 1's gainful employment, Debtors cannot possibly meet their obligations under their confirmed Chapter 13 Plan. SPOUSE 1 Decl.

A petition date liquidation analysis of the estate shows that Debtors have already paid more to their unsecured creditors under their Chapter 13 Plan than such creditors would have received if their case proceeded as a Chapter 7. See, Declaration of ATTORNEY FOR DEBTORS. Under these circumstances, a hardship discharge is warranted.

**II. A HARDSHIP DISCHARGE IS WARRANTED
HERE BECAUSE DEBTORS ARE NOT ABLE
TO COMPLETE PAYMENTS UNDER THEIR
PLAN, CREDITORS HAVE RECEIVED MORE
THAN WOULD HAVE RECEIVED UNDER A
HYPOTHETICAL LIQUIDATION OF DEBTORS'
ESTATE, AND MODIFICATION OF THEIR
PLAN IS NOT PRACTICABLE**

The Bankruptcy Code provides for entry of a discharge order despite failure to pay all of the plan payments, under special circumstances. 11 U.S.C. §1328(b) provides:

Subject to subsection (d),¹ at any time after the confirmation of the plan and after notice and a

hearing, the court may grant a discharge to a Debtor that has not completed payments under the plan only if-

- (1) the Debtor's failure to complete such payments is due to circumstances for which the Debtor should not justly be held accountable;
- (2) the value, as of the effective date of the plan, or property actually distributed under the plan on account of each allowed unsecured claim is not less than the amount that would have been paid on such claim if the estate of the Debtor had been liquidated under chapter 7 of this title on such date; and
- (3) modification of the plan under section 1329 of this title is not practicable.

Debtors' circumstances here fall squarely within the statute. First, SPOUSE 1 was laid off from petition date gainful employment. This has eliminated SPOUSE 1's ability to contribute significantly to household expenses, including the plan payments. SPOUSE 1 has attempted to secure replacement employment, but those efforts have been unsuccessful. These are certainly circumstances beyond SPOUSE 1's control, and accordingly, Debtors' resulting inability to make their plan payments is a circumstance for which Debtors should not justly be held accountable. Thus, one condition for a hardship discharge, as set forth in 11 U.S.C. § 1328(b)(1), is met.

Second, a hypothetical Chapter 7 liquidation would not yield more for general unsecured creditors than Debtors' have already paid under their confirmed plan. Thus, another condition for a hardship discharge, as provided in 11 U.S.C. § 1328(b)(2), is met here.

Third, a modification of Debtors' plan is pointless here as their current household income falls so far below household expenses that there is clearly no means by which to modify the Chapter 13 Plan feasibly. Thus, all conditions for hardship discharge, including impracticability of modification of the Plan, as provided in 11 U.S.C. §1328(b)(3), are met here.

Finally, Debtors assert that they qualify for discharge under 11 U.S.C. §1328(h). Debtors do not seek to exempt an interest in property which exceeds the limit set forth under 11 U.S.C. §522(q)(1)(A) and Debtors do not owe debts of the type provided for under 11 U.S.C. §522(q)(1)(B), nor is there a proceeding pending in which either of the Debtors may be found guilty of a felony of the kinds described in §522(q)(1)(A) or liable for a debt of the kinds described in §522(q)(1)(B). SPOUSE 1 & 2 Decl.

Under these circumstances, 11 U.S.C. §§1328(b) and 1328(h) provide this Court with discretion to enter a discharge order.

CONCLUSION

Where, as here, the value paid into the plan is not less than a hypothetical Chapter 7 liquidation value payable to general unsecured creditors and where Debtors' reduced income resulting from unexpected and uncontrollable loss of gainful employment make further plan payments and plan modification infeasible, the Bankruptcy Code provides this Court with the discretion to a discharge order. Further, Debtors qualify for a discharge under 11 U.S.C. §1328(h). Debtors respectfully request that the Court grant them a discharge.

DISCHARGE ANALYSIS

11 U.S.C. § 727. Discharge

(a) The court shall grant the debtor a discharge [order], unless-

(8) the debtor has been granted a discharge under this section, under 1141 of this title, or under section 13, 371, or 476 of the Bankruptcy Act, in a case commenced within 8 years before the date of the filing of the petition;

(9) the debtor has been granted a discharge under section 1228 or 1328 of this title, or under 660 or 661 of the Bankruptcy Act, in a case commenced within six years before the date of the filing of the petition, unless payments under the plan in such case totaled at least-

(A) 100 percent of the allowed unsecured claims in such case;

or

(B)(I) 70 percent of such claims; and

(ii) the plan was proposed in good faith, and was debtor's best efforts;

11 U.S.C. § 1141. Effect of confirmation.

(d)(1) Except as otherwise provided in this subsection, in the plan, or in the order confirming the plan, the confirmation of a plan-

(A) discharges the debtor from any debt that arose before the date of such confirmation...

(3) The confirmation of a plan does not discharge a debtor if-

(C) the debtor would be denied a discharge under section 727(a) of this title if the case were a case under chapter 7 of this title.

11 U.S.C. § 1328(f). Discharge

Notwithstanding subsections (a) and (b), the court shall not grant a **discharge** of all debts provided for in the plan or disallowed under second 502, if the debtor has received a **discharge** -

(1) in a case filed under chapter 7, 11, 12 of this title during the 4-year period preceding the order for relief under this chapter, or

(2) in a case filed under chapter 13 of this title during the 2-year period preceding the date of such order.

First Case: Chapter 7 or 11 Discharge

Second Case: Chapter 7 or 11 Discharge; Shall not be granted if a prior discharge order was entered in a Chapter 13 case filed within the prior 8 years before the filing date of the Chapter 7 or 11.

First Case: Chapter 7 or 11 Discharge

Second Case: Chapter 13 Discharge; Shall not be granted if a prior discharge order was entered in a Chapter 7 or 11 filed within the prior 4 years before the filing date of the Chapter 13 petition.

First Case: Chapter 13 Discharge (Plan paid 100% to Class 5 or 70% or more with good faith and best efforts)

Second Case: Chapter 7 or 11 Discharge; No time limits


First Case: Chapter 13 Discharge (Plan paid 100% to Class 5 or 70% or more with good faith and best efforts)

Second Case: Chapter 13 same as if paid less than 70%.

First Case: Chapter 13 Discharge (Plan paid less than 70%)

Second Case: Chapter 7 or 11 Discharge; Shall not be granted if a prior discharge order was entered in a Chapter 13 case filed within the prior 6 years from the filing date of the Chapter 7 or 11.

First Case: Chapter 13 Discharge (Plan paid less than 70%)

Second Case: Chapter 13 Discharge; Shall not be granted if a prior discharge order was entered in a Chapter 13 case filed within the 2 years before the filing date of the second case. 

Footnotes:

1. "Notwithstanding any other provision of this section, a discharge granted under this section does not discharge the Debtor from any debt based on an allowed claim filed under section 1305(a)(2) of this title if the prior approval by the trustee of the Debtor's incurring such debt was practicable and was not obtained." 11 U.S.C. §1328(d).



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I hereby apply for membership in the *cdcbaa*, Central District Consumer Bankruptcy Attorneys Association, a nonprofit association, for calendar year 2017. I understand the basic goals of the organization are to: address issues and concerns which affect consumer bankruptcy attorneys and their clients in the Central District of California; and to provide educational and networking opportunities for attorneys who primarily represent consumer bankruptcy debtors. As a condition of membership, I declare as follows:

1. I am a duly-licensed attorney presently authorized to practice law in the Central District of California; and
2. I am interested in consumer debtor practice; and
3. I support the basic goals of the *cdcbaa* as outlined above.

I understand the *cdcbaa* is incorporated as a 501(c)(6) nonprofit organization and that a portion of my dues will not be deductible as a business expense because *cdcbaa* advocates within California for legislation on behalf of consumer debtors.

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