

CLE Program Information Request Form

Speaker

Attorney Frank Hoffman, J.D.

Biography

Upon graduating with a bachelors degree at Easter Illinois University, Frank served as a legislative intern advising members of the Illinois House of Representatives on all substantive and appropriations bills dealing with elementary, secondary and higher education.

While attending law school at Southern Illinois University, Frank wrote and argued cases under a 7-11 license before the 5th District Illinois Appellate Court with the Illinois Appellate Defenders office.

Upon graduating law school, Frank was selected as general counsel for the Illinois developmental advocacy authority.

Upon entering private practice almost 40 years ago, Frank has been operating law offices in both Bloomington and Pekin. His federal law practice is concentrated in areas of personal and business bankruptcy, as well as social security disability law. He has successfully handled thousands of bankruptcies.

Topic Name

Consumer Bankruptcy: The good, the bad and the pretty ugly

Outline/brief overview and objectives of your program

See attached outline

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Consumer Bankruptcy Law Outline

- I. Historical Perspective
 - a. Article 1, Section 8 of the United States Constitution: "The congress shall have power to establish uniform laws on the subject of bankruptcies throughout the United States." 9-17-1787.
 - b. Congress tried 4 times to set up a workable bankruptcy law. Not until 1898 did it pass the first nation-wide comprehensive permanent bankruptcy law.
 - c. Bankruptcy Reform Act of 1978 started the bankruptcy code and increased the scope of power of bankruptcy judges.
 - d. The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) is the current federal bankruptcy law.
- II. Common Causes of Bankruptcy
- III. What is the Automatic Stay?
- IV. Exemptions in bankruptcy
 - a. Can only use Illinois state exemptions in Illinois.
 - b. Personal property 735 ILCS 5/12-1001
 - c. Real property 735 ILCS 5/12-901
- V. Chapter 7 vs 13- which route to take?
 - a. The three hurdles to do a chapter 7
 - i. Waiting period eligibility
 - ii. Means test eligibility
 - iii. Is it a non asset case?
- VI. The Process from Beginning to Discharge
 - a. Initial meeting with client
 - i. Required notice to client (11 U.S.C Section 527
 - ii. Credit counseling and debtor education classes
 - iii. Credit report
 - iv. Questionnaire
 - b. Preparing Bankruptcy Petition and Reviewing with Client
 - i. Components of a bankruptcy petition: Form 101 (Voluntary Petition), Form 107 (State of Financial Affairs), Form 106Sum (Summary of Assets and Liabilities), Schedule A/B (Property), Schedule C (Property You Claim as Exempt), Schedule

D (Creditors Who Have Unsecured Claims), Schedule E/F (Creditors Who Have Unsecured Claims), Schedule G (Executory Contracts and Unexpired Leases), Schedule H (Your Codebtors), Schedule I (Your Income), Schedule J (Your Expenses), Form 106Dec (Declaration about an Individual Debtor's Schedule, Form 121 (Statement About Your Social Security Number), Form 122A (Statement of Current Monthly Income/Mean Test), Form 108 (Statement of Intention for Individuals Filing Under Chapter 7), Form 2010 (Notice to Debtor) Form 2030 (Compensation Statement of Attorney for the Debtor), Verification of Creditor Matrix, Creditor Address Matrix

- c. Filing Petition and Skeletal Filing
- d. Meeting of Creditors
- e. Waiting period for discharge and what can occur