



AMERICAN
BANKRUPTCY
INSTITUTE

2022 Consumer Practice Extravaganza

The New Normal: Virtual/Hybrid Practice

John R. Bollinger

Boleman Law Firm, P.C.; Hampton, Va.

Rebecca R. Garcia

Chapter 12 and 13 Trustee; Oshkosh, Wis.

Hon. Hannah L. Blumenstiel

U.S. Bankruptcy Court (N.D. Cal.); San Francisco

Rachael A. Stokas

Codilis & Associates, P.C.; Burr Ridge, Ill.



Rebecca Garcia, Standing Chapter 12 and 13 Trustee in Wisconsin

Rebecca Rogers Garcia is the Standing Chapter 12 and 13 Trustee in Oshkosh Wisconsin. She was appointed Chapter 13 Trustee in 2014 and Chapter 12 Trustee in 2016. Ms. Garcia has been practicing in the area of consumer bankruptcy since 1996. She currently serves as President of the Association of Chapter 12 Trustees—ACT12 and is a coordinating Editor for the “Trustee Talk” column of the ABI Journal. Ms. Garcia is also an active member of the NACCTT. She received her B.A. from the University of Wisconsin Platteville in 1992 and her J.D. from Marquette University in 1996.

Today Rebecca will help us discuss Virtual/Hybrid 341 meetings





Michelle H. Bass is a Partner at Wolfson Bolton PLLC

Michelle manages the consumer bankruptcy practice group. She represents both debtors and creditors in consumer bankruptcy proceedings. She primarily represents debtors in Chapter 7 liquidation and Chapter 13 reorganization, which span from small business owners, high net-worth and high income-earning individuals, to individuals seeking to prevent foreclosure or repossession of secured collateral. She also represents both debtors and creditors in divorce-related bankruptcy proceedings and is a frequent speaker on the intersection of bankruptcy and family law disputes. She has represented individuals reorganizing under Chapter 11, including Sub Chapter V.

Michelle will help us discuss preparing Consumer Debtor's for Virtual Platforms.



Honorable Hannah Blumenstiel

The Ninth Circuit Court of Appeals appointed Judge Blumenstiel to the United States Bankruptcy Court for the Northern District of California (San Francisco) on February 11, 2013.

Prior to her appointment, Judge Blumenstiel was an associate (2003 - 2008) and then a partner (2008 - 2012) with Winston & Strawn LLP, where she focused her practice on creditors' rights litigation in state and federal court, including bankruptcy court. From 2001 to 2003, Judge Blumenstiel was an associate with Murphy Sheneman Julian & Rogers LLP, where she represented debtors, creditors and trustees in bankruptcy cases and adversary proceedings.

Judge Blumenstiel will discuss the courts perspective on the Virtual/Hybrid.





Rachael Stokas, Managing Bankruptcy Attorney

Rachael A Stokas is the All State Managing Attorney at Codilis & Associates, P.C. and the Codilis Family of firms. She has over twenty years of bankruptcy and creditor's rights experience and has been with the Codilis firms for over nineteen years. Currently, she oversees bankruptcy operations in multiple bankruptcy districts throughout the United States. She is active member in the ABI, the Illinois Bar Association, and Phi Alpha Delta Law Fraternity. Additionally, she has been on Bench Bar Committees in both Illinois and Wisconsin. Rachael is currently admitted in the states of Illinois and Missouri and is admitted into the District Courts in Illinois, Wisconsin, Missouri, Texas, Michigan, and Indiana.

Rachael is the moderator for this panel.



THE NEW NORMAL: VIRTUAL/HYBRID PRACTICE



“I am not a Cat,” : The Quick Switch from In-Person to Virtual



An Unexpected Jump to a Virtual Platform



* March 2020 the world shuts down due to the Global Covid-19 Pandemic.



*Everyone except those categorized as essential workers, were ordered to remain in homes.



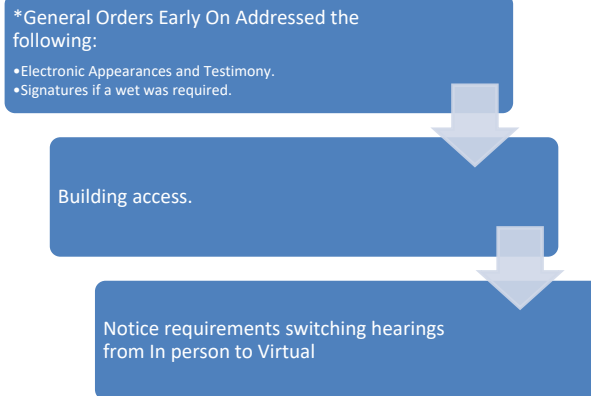
* Court buildings close, but quick action was needed to continue with court calls and offer services to the public by the judiciary



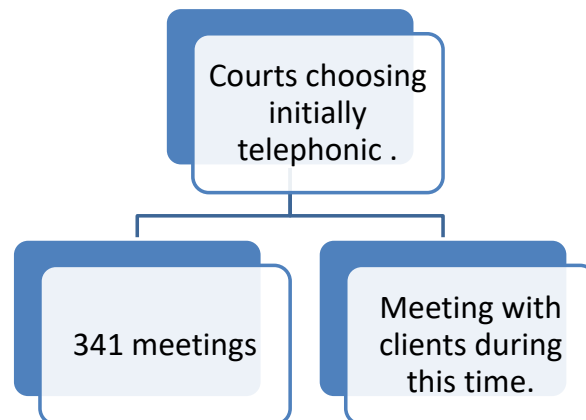
*General order soon were issued changing the courts' platform to in-person to virtual or at least telephonic so court proceedings could continued. See attached some examples of different jurisdictions early orders on court proceedings.



General Orders Early



Early Experiences with Virtual Platforms





Virtual or Hybrid Platform: Changing the Bankruptcy Court Platform



Factors Choosing a Virtual Court Platform

- * ATT & T
- * Court Call
- * Zoom
- * Webex
- * Go Meetings
- * Microsoft Teams



Changes Internally

Additional Equipment

Software upgrades

Additional training for staff



Navigating Through a Virtual Platform: Knowing Your Audience



Educating yourself
with the Virtual
Platform



Educating your staff
with Virtual Platform



Educating your client
with Virtual
Platform

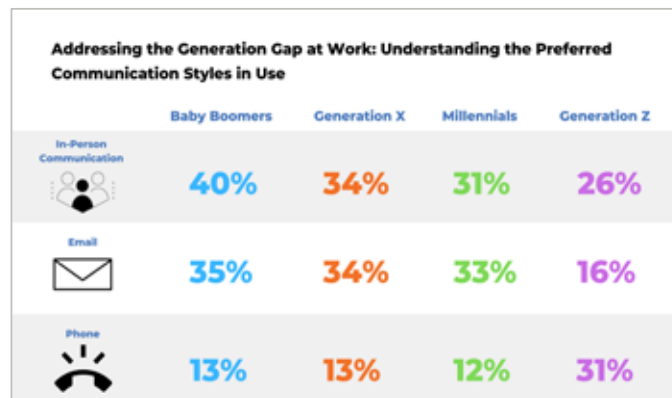


If You Don't Know?

- Familiarize yourself with local practices and procedures
- Judges' procedures and websites often relay information on how to attend hearings
- Calendar events
- Take time to reach out to debtors and go over the process with them to participate
- Update office practices, pleadings, and software to comply with local practice
- If you are prepared you can prepare someone else



Generation Gap: Knowing and Understanding Your Staff and Clients





Preparing Debtors for Virtual



Virtual 341 Meeting of Creditors

- **Current Practice**
- **Debtor Preparation**
- **341 in the Future**



CURRENT PRACTICE OF VIRTUAL 341 MEETINGS



What has worked?



What needs improvement?



What is to come for 341 meetings

UST will be testing Zoom 341s in one of the regions

It is expected to be rolled out nationally after the pilot

It will apply to 7, 12, and 13 consumer cases

There will be training for trustees, and debtor's counsels, and there will be national standards/expectations

In person alternative may be available on a needed basis



THE FUTURE'S SO BRIGHT, I GOTTA WEAR BLUE LIGHT GLASSES?

The Pros and Cons of Continuing
on a Virtual Platform as
Practitioners



“Give me liberty or give me death.”
Patrick Henry

Would Patrick Henry’s speech at the Second Virginia Convention still have had the same gravitas if he had to make it on Zoom? What would happen if his sound cut off or his video dropped?

Does the Virtual Platform take away some of a lawyer’s ability to make the case or advocate effectively for clients?



Areas of practice that will be impacted could be, but not limited to

1. Local Consumer Bars could be impacted as attorneys outside of the area could practice more freely and, in more district, potentially impacting the business for local practitioners.
2. Flat fee agreements in Chapter 13 in some districts. (Does more work go into preparing a debtor for virtual appearances?)
3. Would a Consumer Partitioner save money utilizing virtual platforms by lower overhead and travel? Or would that savings simply be eaten up but on upgrading software and cyber insurance?
4. Does the Virtual platform give Consumer Debtors more or less control over their own cases and finances? Or do Virtual 341's and Court make it harder on the Practitioners to advocate effectively for their clients?



Best Practices in this New Normal

1. Be prepared is by far the best practice. Know your local rules and practices that address virtual court hearings and in person hearings.
2. Know your client. Are they tech savvy? Or do they need extra help in utilizing the court resources.
3. Make sure all of your equipment and software is updated.
4. Stay active and educate yourself in upcoming changes with the court and with technology

Complacency Breeds Stagnation



Thank You for attending our
presentation

Faculty

Hon. Hannah L. Blumenstiel is a U.S. Bankruptcy Judge for the Northern District of California in San Francisco. Prior to her appointment on Feb. 11, 2013, Judge Blumenstiel was an associate (2003-08) and then a partner (2008-12) with Winston & Strawn LLP, where she focused her practice on creditors' rights litigation in state and federal court, including bankruptcy court. From 2001 to 2003, Judge Blumenstiel was an associate with Murphy Sheneman Julian & Rogers LLP, where she represented debtors, creditors and trustees in bankruptcy cases and adversary proceedings. She served as a law clerk to Hon. Charles M. Caldwell of the U.S. Bankruptcy Court for the Southern District of Ohio (Eastern Division) from 1998 to 2001, and from 1997-98, she represented the State of Ohio's interests in bankruptcy cases as an assistant attorney general with the Revenue Recovery Section of the Ohio Attorney General's Office. Judge Blumenstiel sits on ABI's Board of Directors. She received her J.D. from Capital University Law School in 1997 while working full-time for the Columbus Bar Association as director of its *pro bono* initiative, "Lawyers for Justice," and her B.A. from Ohio State University in 1992.

John R. Bollinger is a shareholder with the Boleman Law Firm, P.C. and the partner in charge of the firm's Newport News, Va., office. The firm focuses exclusively in the area of consumer bankruptcy law and is the largest consumer bankruptcy practice in Virginia. Mr. Bollinger is a frequent speaker at local, regional and national organizations and is past president of the board of the Tidewater Bankruptcy Bar Association. He has spoken before ABI, J. Sargeant Reynolds Community College, T. C. Williams School of Law at the University of Richmond, Virginia Bar Association (VBA), Tidewater Bankruptcy Bar Association (TBBA), Virginia Governors Conference on Housing, the National Association of Chapter Thirteen Trustees and the Virginia Trial Lawyer's Association, as well as a number of civic and business organizations. Additionally, he has served as the past president of the board for the Tidewater Bankruptcy Bar Association. Mr. Bollinger most recently served on the 2019 ABI Strategic Planning Committee and the 2019 and 2020 ABI "40 Under 40" Steering Committees. He currently serves as the Education Director of ABI's Consumer Bankruptcy Committee and is an editor for ABI's VOLO project. Mr. Bollinger has been recognized by *Super Lawyers* as a "Virginia Rising Star" in the area of Consumer Bankruptcy Law. He received his J.D. from the University of Richmond T.C. Williams School of Law.

Rebecca R. Garcia is the standing chapter 12 and 13 trustee in Oshkosh, Wis. She was appointed on Dec. 1, 2014, as the standing chapter 13 trustee and April 1, 2016, as the standing chapter 12 trustee. Prior to her appointment, Ms. Garcia was a staff attorney for Mary B. Grossman, the chapter 13 trustee in Milwaukee from 2002-14. She has been practicing in the area of consumer bankruptcy since 1996. Prior to 2002, she represented debtors in consumer cases. Ms. Garcia is a past member of the board of the Bankruptcy, Insolvency and Creditors Rights Section of the State Bar of Wisconsin and a member of the National Association of Chapter 13 Trustees and of the Association of Chapter 12 Trustees, for which she currently serves as president. Ms. Garcia is a coordinating editor for the Trustee Talk column of the *ABI Journal*. She received her B.A. from the University of Wisconsin Platteville in 1992 and her J.D. from Marquette University in 1996.

Rachael A. Stokas is the All State managing attorney at Codilis & Associates P.C. in Burr Ridge, Ill. She has more than 20 years of bankruptcy and creditors' rights experience, and has been with the Codilis firms for more than 19 years. Currently, M. Stokas oversees bankruptcy operations in multiple bankruptcy districts throughout the U.S. She is active member in ABI, the Illinois Bar Association and Phi Alpha Delta Law Fraternity. Additionally, she has been on Bench Bar Committees in both Illinois and Wisconsin. Ms. Stokas is currently admitted to practice in Illinois and Missouri and is admitted into the U.S. District Courts in Illinois, Wisconsin, Missouri, Texas, Michigan and Indiana. She received her B.A. from Emory & Henry College and her J.D. from the University of Dayton School of Law.