

TABLE OF CONTENTS

| | |
|---|-----|
| Introduction | 1 |
| Chapter 1: Student Loans | 3 |
| A. The Easy Fix: Is Repealing § 523(a)(8) Really the Answer? | 4 |
| B. What’s New with Undue Hardship? | 10 |
| C. Special Issues in Chapter 13 Cases | 17 |
| Chapter 2: Family Law and Bankruptcy | 39 |
| A. Same-Sex Marriage in Bankruptcy: A Path Out of the Public Policy Quagmire | 41 |
| B. Marital Debt Disputes in Chapter 13: Is the Debt a DSO? | 70 |
| C. Discretionary Purchases for Minors Are Not Fraudulent Conveyances | 78 |
| D. The Questions that <i>United States v. Windsor</i> Didn’t Answer | 85 |
| E. Surprising Consequences of State Domestic Relations Laws | 92 |
| Chapter 3: Individual Chapter 11 Cases | 99 |
| A. Chapter 11 for Individuals vs. Chapter 13: A Comparative Analysis | 101 |
| B. Post-BAPCPA Perils of Representing Individual Chapter 11 Debtors | 124 |
| C. A Fish Out of Water: Streamlining Plan Confirmation for Individual Chapter 11 | 130 |
| D. Who Gets the Money? The DIP Account, Liquidation Test and Conversion in Individual Chapter 11 Cases | 136 |

| | |
|--|---------|
| Chapter 4: Chapter 13 and Plan Issues | 143 |
| A. Creditor Must Return Repossessed Vehicle Post-Chapter 13 Filing | 145 |
| B. Which Plan to Pay: Funding Employee Benefit Plans in Chapter 13 | 153 |
| C. Is the Applicable Commitment Period Relevant When a Debtor Shows No Disposable Income? | 159 |
| D. Two Schools of Thought: The Applicable Commitment Period in a Chapter 13 Plan | 166 |
| Chapter 5: Housing and Mortgages | 173 |
| A. Reaffirm to Refinance? Mortgage and Bankruptcy Policies Collide | 175 |
| B. Reverse Mortgages in Bankruptcy | 183 |
| C. Are Post-Petition Loan-Modification Solicitations the Next <i>Sears</i> Cases? | 191 |
| Chapter 6: Damn Lies and Statistics | 199 |
| A. Chapter 13 Case Outcomes by State | 200 |
| B. BAPCPA: The Mystery of the 5 Million Missing Cases..... | 210 |
| C. Getting Granular: Filings Examined at the County Level..... | 218 |
| Chapter 7: Ethical Issues in Consumer Cases | 225 |
| A. Ethical Ambiguities on the Front Lines of Consumer Representation | 226 |
| B. Attorney Compensation for Defending the Appeal of a Stay Violation Order | 232 |

Chapter 8: Supreme Court 239

 A. *Law v. Siegel*: U.S. Supreme Court Limits Reach of § 105(a)240

 B. The Effects of *Bullock* on Nondischargeability Proceedings246