

Circle of Love Minutes
Meeting of 3/15/2019
Laura L. Donaldson, Kuni Donaldson, LLP

Jonas Anderson of the United States Trustee's Office discussed two matters. 1) The US Trustee will no longer be taking Debtor ID's at their office when the Debtors forget them at their initial 341a hearing. Debtors will be required to return to the Case Trustee at the new designated hearing date and time to provide proof. The UST doesn't have the resources to continue that prior practice. 2) Stephen Arnot will be the new Assistant US Trustee for the District of Oregon, Portland beginning 4/1/2019.

Richard Parker discussed a Chapter 12 student loan case in which Debtor's Counsel modified a student loan through the plan so that all payments went to principal first. ECMC objected. The Court found in favor of the debtor noting that interest would adjust when the case ends. This case has the possibility of saving student loan debtors large sums of money in interest so is a good case to watch. The case is *In re Kirk Duensing*, 18-10201. Alternatives to including the payment in the plan were discussed including continuing IBR repayment plans in Chapter 13 so that the Debtor's student loan stays out of default.

Judge David Hercher suggested to the group that Christopher Coyle, Chair of the Local Rules Committee is looking for a sub committee to discuss Chapter 13 Attorney Compensation and revisions. Practitioners can join this sub committee without joining the local rules committee if they choose. Practitioners should reach out to Chris at Chris@vbcattorneys.com for further information.

Michael Fuller discussed and Judge Hercher commented on the 11th Circuit opinion of *In re: Steven G. Legum*, 18-13132. This opinion noted that in a 727 adversary objecting to discharge, parties must file a motion to extend entry of the discharge to preserve rulings on appeal. Once the discharge is entered, the appeal may be rendered moot, which happened in this case. Judge Hercher commented that all is not stayed pending appeal, so parties must be diligent in reviewing all deadlines and aspects of the bankruptcy filing.

Russ Garrett discussed Senate Bill 679 (bi-partisan) which eliminates veterans benefits from 727 consideration. This bill would change veterans benefits to treatment similar to social security benefits in the context of bankruptcy. The bill is to help disabled veterans who seek bankruptcy with the premise they shouldn't be required to use those benefits to pay their debts.

The next Circle of Love meeting is May 16, 2019 at 4:30 p.m. at the US Bankruptcy Court, 8th floor conference room, Portland.