

NACM Credit Learning Center

Session 1: Bankruptcy – Setting the Stage

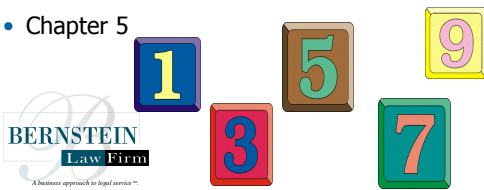
Presented by
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FEDERAL STATUTE v. STATE LAWS



Chapters

- Chapter 1
- Chapter 3
- Chapter 5
- Chapter 7
- Chapter 9



Chapters

- Chapters 12 & 13
- Chapter 15



Chapters

- Chapter 11



The "Players" and What They Want



Debtor

- Debtor
 - Stay
 - Discharge



Secured and Unsecured Creditors

- Secured Creditors
 - Property
 - Adequate Protection
- Unsecured Creditors
 - Fairness
 - Possible Recovery



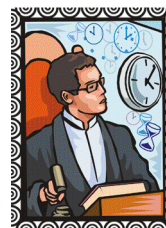
Special Unsecured Creditor Issues

- Post Petition Credit
- Critical Vendor Protection
- Proof of Claim (when to file)



The Judge

- Speed
- Fairness



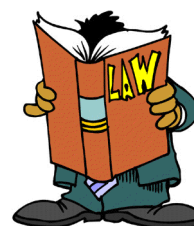
Trustee

- Trustee (case)
 - No Trouble
 - Assets
- US Trustee



Starting a Case

- Voluntary
- Involuntary
- Automatic Stay



EXEMPTIONS



Exemptions

- Federal v. State
- How they work
- Objecting to Exemptions



AVOIDANCE ACTIONS



Avoidance Actions

- Preferences
- Trustee 'Strong-arm' Powers



Avoidance Actions

- §549 Transfers
- Fraudulent Transfers



EXECUTORY CONTRACTS



Contracts



- Basic §365



Contracts

- Real Estate Leases
- Equipment Leases



Robert S. Bernstein, Esq.

- Certified by the American Board of Certification in creditors' rights and business bankruptcy.
- Active member of the NACM and PACM.
- Member of the Association for Conflict Resolution as a trained mediator.
- Past president and treasurer of the Commercial Law League of America.
- Past chairman of the Allegheny County Bar Association Bankruptcy and Commercial Law Section, the Technology Utilization Committee, the Professional Ethics Committee and a member of the Finance Committee.
- Bob was named a Pennsylvania Super Lawyer in 2004, 2005, 2006, 2007 and 2008 in the area of Bankruptcy by the *Philadelphia* magazine.
- Writes and lectures for local and national groups on matters of collection, bankruptcy, business law, and professional ethics.
- Author of *Get P.A.I.D. A Guide to Getting Paid Faster* (Business Credit Publications, LLC 2007)



Get P.A.I.D.™ A Guide to Getting Paid Faster (And What to do if You Don't!)

- In this seminal book, he provides a solution, *The Get P.A.I.D.™ System*, that can transform a business by increasing profit, enhancing the relationship with the customer and reducing overall marketing costs. Get P.A.I.D.™ : A Guide to Getting Paid Faster advances a radical new philosophy, suggesting that credit policy is not just about collections. It is a business strategy to enhance customer relationships and add value to a company.
- The strategy discourages businesses from providing easy credit to their customers based upon the commonly held belief that easy credit will lead to stronger customer relationships. It usually leads to added cost and friction. The book outlines Bernstein's 4-Step Program to prompt payment and provides a "Collections Toolbox" to help businesses better manage their credit policies.

www.getpaysystem.com



Bernstein Law Firm, P.C. is a law firm located in Pittsburgh, Pennsylvania with many satellite offices located throughout the state. The firm concentrates in Creditors' Rights, Bankruptcy and Restructuring, and Business Law. In addition to its more than forty years of experience in these areas, the firm's capabilities include Banking, Administrative, Real Estate, Civil and Appellate Law.

Bernstein Law Firm has more board-certified Creditors' Rights specialists in Pennsylvania than any other law firm.

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Thank you.
Look for Session 2:
Navigating the Chapters

