

Client Relationships: Ethical Considerations for Conflicts, Divorces of Clients, Divorces from Clients, and Other Convivial Client Issues

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Jeopardy Answers and Questions

Before & After

1. This mandatory financial training for debtors was added under BAPCPA.

What is credit counseling?

Credit Counseling –Section 521(b)

Personal Financial Management Class – Section 722(a)(11)

2. This “not so nice” test was implemented as a threshold to filing a chapter 7.

What is the Means test?

Section 707(b)(2)(A)

Section 1325(b)(3)

3. This family obligation had its priority level raised in 2005.

What are domestic support obligations (alimony, maintenance, and support)?

Section 101 (14A)

Section 523(a)(5) dischargeability of DSOs

4. Since 2005, attorneys have been hunting down these government documents of their clients to file with the case.

What are tax returns?

Section 521(e)(2)

5. This provision was revised in 2005 in order to limit the protections given to a serial filer.

What is the automatic stay (section 362)?

Extension of the automatic stay Section 362(c)(3)(B)

and

Imposition of the automatic stay Section 362(c)(4)(B)

Divorce

6. An attorney must get this from his clients before representing them if they are in the midst of a divorce.

What is informed consent or waiver of conflicts?

7. This remedy could be invoked if a divorcing couple partitions property in fraud of creditors.

What is fraudulent conveyance?

8. An attorney should do this if he discovers his clients filed for divorce for the purpose of hiding assets from creditors.

What is tell the court, dissuade the clients, or terminate representation?

9. This recent Fifth Circuit case holds that homestead cannot be partitioned on the eve of bankruptcy if it hinders or delays creditors.

What is Wiggains?

Wiggains v. Reed, (In re: Wiggains)

10. The debtors may fail this “tough” test when married but pass as individual filers.

What is the Means Test?

Section 707(b)(2)(A)

Creditor Issues

11. This recent Supreme Court case decided that it is not a violation of the Fair Debt Collection Practices Act to file a proof of claim for a time-barred debt.

What is Midland Funding v. Johnson?

581 U.S. _____ (2017)

12. You should file this when your client disputes the creditor’s proof of claim.

What is an objection to claim?

Section 502(a)

13. If a creditor fails to timely file its proof of claim this person can still attempt to include the claim to be paid.

What is the debtor (or trustee)?

Section 501(c)

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