

# **BEAST OF BURDEN**

**HON. HARLIN D. HALE**  
**EMMA PERSSON**



## **BEAST OF BURDEN**

- This presentation will take a closer look at burdens of proof, production, and presumptions in the Bankruptcy Code. We will also discuss the role of evidence in bankruptcy, including direct and cross examination and the effective use of proffers.

# BURDENS OF PROOF

## MOTION TO LIFT THE AUTOMATIC STAY

- 11 U.S.C. § 362(g)
- *“In any hearing under subsection (d) or (e) of this section concerning relief from the stay of any act under subsection (a) of this section—*
  - *(1) the party requesting such relief has the burden of proof on the issue of the debtor’s equity in property; and*
  - *(2) the party opposing such relief has the burden of proof on all other issues.”*

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Beast of Burden

Also available as part of the eCourse  
[2019 Consumer Bankruptcy eConference](#)

First appeared as part of the conference materials for the  
15<sup>th</sup> Annual Consumer Bankruptcy Practice session  
"Beast of Burden"