

TBBA

Calendar of Events

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On behalf of the TBBA, I extend our congratulations to the Honorable David H. Adams upon the successful completion of his presidency of the National Conference of Bankruptcy Judges. We are particularly grateful that he has been sharing the wealth of his experience from that position with us as we transition into BAPCPA.

In that regard, I want to thank Judge Adams who, along with Judge St. John, Debera Conlon and Frank Santoro, made a most informative presentation on BAPCPA at our October luncheon. The written materials and insight provided by this distinguished panel already are proving invaluable in the practical application of BAPCPA.

As some of you already may know, Ishmael Calderon has taken a position at Calvary Revival Church., is no longer engaged in active law practice, and resigned as TBBA treasurer. He will be missed, and we thank him for his service to TBBA. John McIntyre graciously has agreed to replace Ishmael, and, under our by laws, the Board of Directors duly has appointed John as our new treasurer.

Finally, let me urge all of you to attend, with staff, the annual staff appreciation social scheduled for December 6, 2005. See the details elsewhere in the newsletter - it ' s always a fun time, and I look forward to seeing all of you there!

What Have We Learned...

besides the fact that the new bankruptcy law is challenging all of us and, at least initially, substantially depressing the rate of case filings?! One tripwire catching many of us in transition is the new notice period for Chapter 13 objections to confirmation. Under BAPCPA, and the accompanying rules, the new notice period applies, even for cases filed BEFORE October 17, 2005, where the plan is filed AFTER October 17, 2005.

The new notice period allows objections to confirmation to be filed on or before ten (10) days prior to the confirmation hearing set in the case. If you file a Chapter 13 plan notice, in a case filed BEFORE October 17, 2005, for a plan filed after October 17, 2005, using the old 45-day notice period (for original plans) , that notice may be defective and may generate some negative consequences for the case down the road.

In addition, each secured creditor affected by the plan must receive a separate notice setting forth the objection deadline and confirmation hearing date. If the old notice rules are reflected in this notice as well, the potentially adverse consequences for an effective discharge cannot be ignored.

Current thinking is that the best way to address these concerns probably will be to prepare new notices containing the corrected information and docket it with the Court using the new event " Notice of Scheduled Confirmation Hearing."

Word on the Street

Barry Spear and his wife welcomed their second son, Jonathan James Spear, on October 1, 2005. Congratulations!

Jim Pedigo, Neil Winchester, Robert Roussos, Richard Langhorne and Ellen Carlson have joined forces as Harbour Law, PLC located in Suite 1600 of the BB&T Building at 500 East Main Street, Norfolk, VA 23510. They will continue to practice in all areas of bankruptcy law and can be reached at 622-1621 or 622-9005.

If you have any news that we may have overlooked, please let Ellen Carlson know at the email address shown on page 1 of this newsletter.

Got Opinions?

Judges Adams and St. John have generously authorized the TBBA to circulate copies of selected local opinions to its membership. This service is free of charge to TBBA members and is currently facilitated by Pete Zemanian. If you have not already signed up with the service, please complete the form below and fax it to Pete Zemanian at (757) 622-0096. Please note that if you are a former subscriber to the prior mail subscription service and have previously registered for this new electronic service, you need not re-apply.