

INSTRUCTIONS FOR APPENDIX A
(Business Bankruptcy Matters Handled by Applicant)

Please Review These Instructions and the Attached Sample Pages Carefully Before Completing Appendix A.

Per the American Board of Certification's Rules and Regulations: <https://www.abcworld.org/rules>

Section 3.1.3 (a):

(a) **Bankruptcy Law.** The applicant must make a satisfactory showing of experience through substantial involvement in the practice, arbitration or mediation of bankruptcy law. Substantial involvement shall mean both (1) that the applicant has devoted a minimum of thirty percent of practice time to bankruptcy law during each of the three years immediately preceding the date of the Long Form Application, and

(2) that the applicant has devoted a minimum of 400 hours to the practice of bankruptcy law during each of the three years immediately preceding the date of the Long Form Application.

In addition, the applicant must satisfy one of the following requirements:

(1) Applicants seeking certification in Consumer Bankruptcy Law must have substantially participated in at least thirty adversary proceedings or contested matters (as defined in Federal Rules of Bankruptcy Procedure 7001 and 9014) in cases involving individual debtors, with no more than five of any such matters being of a single type.

(2) Applicants seeking certification in Business Bankruptcy Law must have substantially participated in **at least thirty adversary proceedings or contested matters (as defined in Federal Rules of Bankruptcy Procedure 7001 and 9014) in cases where the debtor had been engaged in business prior to filing a petition in bankruptcy, with no more than three of any such matters being of a single type.**

Substantial involvement is not necessarily limited to court appearances, but may include briefing, argument, interrogation of witnesses, negotiation of settlements or workouts, or drafting. The activity must relate to an adversary proceeding or contested matter and must have been substantial in relation to the total efforts devoted to the adversary proceeding or contested matter. The substantial involvement requirements shall be applied to all applicants, including but not limited to private practitioners, government lawyers, professors of law, United States Trustees, Bankruptcy Administrators, Assistant United States Trustees, or Trial Attorneys for United States Trustees; but shall be waived for an applicant who has served as a full-time judge (but not as a magistrate judge, administrative law judge, commissioner or special master) of a federal court during at least three of the five years immediately preceding the application. Service as a professor of law does not constitute the practice of law for the purposes of this sub-section.

A. “Matter Type”.

1. Meaning of “Matter Type”. A “Matter Type” is a type of adversary proceeding under Rule 7001 (e.g., a turnover action) or a contested matter under Rule 9014 (e.g., objection to confirmation of plan.)
2. Multiple Matters of Same Type. If your Appendix A includes more than one matter of the same type (e.g., three turnover actions or two objections to plan confirmation), all such matters of the same type should be entered in sequence on one page. Remember that a total of 30 business bankruptcy matters are required, and no more than three of the same type may be used to satisfy this requirement.
3. Single Matters of a Particular Type. If your Appendix A includes only one matter of any particular type (e.g., only one preference action or only one motion for relief from stay), each such matter must be submitted on a separate page of Appendix A.

B. “Nature of Matter”.

1. Specific Nature of Adversary Proceeding or Contested Matter. Please describe with particularity the specific business matter type (e.g., action for avoidance of lien or motion for relief from stay).

C. “Your Involvement”.

1. Substantial Involvement in the Matter. Please indicate in reasonable detail why your involvement was substantial relative to this particular matter.
2. Different Kinds of Activity. Remember that substantial involvement is not limited to court appearances, but may include briefing, argument, interrogation of witnesses, negotiations of settlements or workouts, or drafting.

D. “Why This is a ‘Business’ Matter”.

1. Debtor’s Business. The debtor must be engaged in business pre-petition for the matter to qualify as a ‘business matter’. Please describe the nature of the debtor’s business.
2. Business Issues. If the matter is of a type usually associated with consumer bankruptcies (e.g., a nondischargeability complaint or a contested homestead exemption), please state why you believe the matter is essentially related to business rather than consumer issues.

PLEASE NUMBER EACH MATTER

Per the Rules and Regulations, Section 3.1.3. A. Substantial Involvement, here are some examples of Adversary Proceeding or Contested Matter

Business Bankruptcy Topics

BB1	Choice of Chapter
BB2	Eligibility for Chapter 11
BB3	Classification and Impairment
BB4	Reclamation And §503(b)(9)
BB5	Commencement of Chapter 11 Case
BB6	Role Of DIP, Creditors, Interest Holders
BB7	Exclusivity and Plan Timing Issues
BB8	Small Business Cases
BB9	Disclosure
BB10	Voting on Plan
BB11	Plan Confirmation
BB12	Modification of Plan
BB13	Content of Plan – Mandatory & Permissive Provisions
BB14	Effect of Confirmation
BB15	Plan Implementation
BB16	Revocation of Confirmation
BB17	Retention of Counsel and Fee Applications
BB18	Third Party Releases
BB19	Prepackaged or Prenegotiated Plans
BB20	Intercreditor Agreements

**APPENDIX A (SAMPLE)
BUSINESS BANKRUPTCY MATTERS HANDLED BY APPLICANT**

NAME OF APPLICANT John Doe, Esq.

1. Matter Type Adversary Proceedings -- Lien Avoidance

(a) Case Caption In re Edwards TV, Inc. 91-1234A (Ch. 7) Approx. Date 1991

Court and Judge U.S. Bankruptcy Court, N.D. of (Judge)

Nature of Matter Action to avoid unperfected liens of bank

Describe Your Involvement in the Matter Drafted most pleadings and attended most hearings as lead counsel for trustee

Explain Why This is a "Business Matter" Debtor's business was retail sales of electronic appliances.

(b) Case Caption In re Joe Roberts d/b/a Roberts Ranch 89-1234A (Ch. 12) Approx. Date 1989

Court and Judge U.S. Bankruptcy Court, N.D. of (Judge)

Nature of Matter Action to avoid mortgage as fraudulent conveyance

Describe Your Involvement in the Matter Prepared complaint to avoid bank's mortgage; negotiated settlement with bank and obtained court approval of settlement.

Explain Why This is a "Business Matter" Debtor's business was ranching; the matter related to mortgage on the ranch property.

(c) Case Caption In re Ed's Autos, Inc., 91-1234A (Ch. 11) Approx. Date 1992

Court and Judge U.S. Bankruptcy Court, N.D. of (Judge)

Nature of Matter Adversary proceeding to avoid statutory lien of IRS

Describe Your Involvement in the Matter Prepared all pleadings and briefs

Explain Why This is a "Business Matter" Debtor was an auto dealer.

**APPENDIX A (SAMPLE)
BUSINESS BANKRUPTCY MATTERS HANDLED BY APPLICANT**

NAME OF APPLICANT John Doe, Esq.

1. Matter Type Motion to Abandon Property

(a) Case Caption George Smith d/b/a Development Services 90-1234A (Ch. 11) Approx. Date 1990

Court and Judge U.S. Bankruptcy Court, N.D. of (Judge)

Nature of Matter Motion to abandon real estate

Describe Your Involvement in the Matter Drafted Motion and brief; appeared at hearing

Explain Why This is a "Business Matter" Debtor was in real estate development. The land in question had been purchased for subdivision.

(b) Case Caption _____ Approx. Date _____

Court and Judge _____

Nature of Matter _____

Describe Your Involvement in the Matter _____

Explain Why This is a "Business Matter" _____

(c) Case Caption _____ Approx. Date _____

Court and Judge _____

Nature of Matter _____

Describe Your Involvement in the Matter _____

Explain Why This is a "Business Matter" _____

**APPENDIX A
BUSINESS BANKRUPTCY MATTERS HANDLED BY APPLICANT**

NAME OF APPLICANT _____

I. Matter Type _____

(a) Case Caption _____ Approx. Date _____

Court and Judge _____

Nature of Matter _____

Describe Your Involvement in the Matter _____

Explain Why This is a "Business Matter" _____

(b) Case Caption _____ Approx. Date _____

Court and Judge _____

Nature of Matter _____

Describe Your Involvement in the Matter _____

Explain Why This is a "Business Matter" _____

(c) Case Caption _____ Approx. Date _____

Court and Judge _____

Nature of Matter _____

Describe Your Involvement in the Matter _____

Explain Why This is a "Business Matter" _____

ATTACH AS MANY ADDITIONAL COPIES OF THIS PAGE AS NEEDED

**APPENDIX A
BUSINESS BANKRUPTCY MATTERS HANDLED BY APPLICANT**

NAME OF APPLICANT _____

2. Matter Type _____

(a) Case Caption _____ Approx. Date _____

Court and Judge _____

Nature of Matter _____

Describe Your Involvement in the Matter _____

Explain Why This is a "Business Matter" _____

(b) Case Caption _____ Approx. Date _____

Court and Judge _____

Nature of Matter _____

Describe Your Involvement in the Matter _____

Explain Why This is a "Business Matter" _____

(c) Case Caption _____ Approx. Date _____

Court and Judge _____

Nature of Matter _____

Describe Your Involvement in the Matter _____

Explain Why This is a "Business Matter" _____

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