

INSTRUCTIONS FOR APPENDIX B
(Consumer Bankruptcy Matters Handled by Applicant)

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

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 B includes more than one matter of the same type (e.g., five nondischargeability actions or two objections to claims), all such matters of the same type should be entered in sequence. Remember that a total of 30 consumer bankruptcy matters is required, and that no more than five matters of the same type may be counted to satisfy this requirement.
3. Single Matters of a Particular Type. If your Appendix B 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 B.

B. “Nature of Matter”.

1. Specific Nature of Adversary Proceeding or Contested Matter. Please describe with particularity the specific consumer 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 ‘Consumer’ Matter”.

1. Individual Consumer Debtors. The debtor must be an individual consumer debtor (under Chapters 7, 12 and 13 only) for the matter to qualify as a “consumer matter”.
2. Consumer Debt. Please describe why the specific matter relates primarily to “consumer debt”, that is, debt incurred primarily for personal, family or household purposes, not business purposes.

PLEASE NUMBER EACH MATTER

APPENDIX B (SAMPLE)
CONSUMER BANKRUPTCY MATTERS HANDLED BY APPLICANT

NAME OF APPLICANT Janine Doe, Esq.

1. Matter Type Adversary Proceedings -- Nondischargeability Actions

(a) Case Caption In re John Smith 91-1234B (Ch. 7) Approx. Date 1991

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

Nature of Matter Action for nondischargeability of credit card debts

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

Explain Why This is a "Consumer Matter" This debt was a consumer debt under 101(8)

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

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

Nature of Matter Nondischargeability action for alleged defalcation of trust funds

Describe Your Involvement in the Matter Answered complaint and prepared brief opposing summary judgment; negotiated settlement with bank and obtained court approval of settlement.

Explain Why This is a "Consumer Matter" The debt related to personal obligations to maintain trust for nephew.

(c) Case Caption In re Ann Jones 91-1234B (Ch. 13) Approx. Date 1992

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

Nature of Matter Nondischargeability action regarding damages for highway accident

Describe Your Involvement in the Matter Prepared all pleadings and briefs

Explain Why This is a "Consumer Matter" Non-business because a Chapter 13 case; debt in question related to personal injuries inflicted in auto accident.

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

Consumer Bankruptcy Topics

| | |
|------|---|
| CB1 | Chapter 7 vs. Chapter 13 Generally |
| CB2 | Exemptions Generally |
| CB3 | Exemptions—Procedure |
| CB4 | Exemptions—Lien Avoidance |
| CB5 | Chapter 13 Procedure |
| CB6 | Conversion and Dismissal |
| CB7 | Chapter 13 Plan |
| CB8 | Eligibility, Abuse, Good Faith, And Means-Testing |
| CB9 | Credit Counseling |
| CB10 | Debt Relief Agencies |
| CB11 | Classification of Claims |
| CB12 | Treatment of Secured Claims |
| CB13 | Treatment of Priority Claims |
| CB14 | Treatment of Unsecured Claims |
| CB15 | Redemption |
| CB16 | Modification of Claimants' Rights & Cure of Default |
| CB17 | Reaffirmation |
| CB18 | §521 (A)(2) And Ride Through |
| CB19 | Plan Confirmation |
| CB20 | Disposable Income Test |
| CB21 | Availability of Chapter 7 Discharge |
| CB22 | §523 Exceptions |
| CB23 | Discharge—Procedure |
| CB24 | Chapter 13 Discharge |
| CB25 | Repeat Filer – Stay and Eligibility |
| CB26 | Consumer Stay Violations Issues |
| CB27 | Effect of Confirmation Of Chapter 13 Plan |
| CB28 | Modifications of Confirmed Chapter 13 Plan |

**APPENDIX B (SAMPLE)
CONSUMER BANKRUPTCY MATTERS HANDLED BY APPLICANT**

NAME OF APPLICANT Janine Doe, Esq.

2. Matter Type Motion to Abandon Property

(a) Case Caption Georgia Smith 90-1234B (Ch. 7) 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; reached settlement with Department of Natural Resources re: environmental clean-up.

Explain Why This is a "Consumer Matter" Debtor not in business, but owned land adjacent to homestead; land had environmental problems.

(b) Case Caption _____ Approx. Date _____

Court and Judge _____

Nature of Matter _____

Describe Your Involvement in the Matter _____

Explain Why This is a "Consumer Matter" _____

(c) Case Caption _____ Approx. Date _____

Court and Judge _____

Nature of Matter _____

Describe Your Involvement in the Matter _____

Explain Why This is a "Consumer Matter" _____

**APPENDIX B
CONSUMER BANKRUPTCY MATTERS HANDLED BY APPLICANT**

NAME OF APPLICANT _____

1. Matter Type _____

(a) Case Caption _____ Approx. Date _____

Court and Judge _____

Nature of Matter _____

Describe Your Involvement in the Matter _____

Explain Why This is a "Consumer Matter" _____

(b) Case Caption _____ Approx. Date _____

Court and Judge _____

Nature of Matter _____

Describe Your Involvement in the Matter _____

Explain Why This is a "Consumer Matter" _____

(c) Case Caption _____ Approx. Date _____

Court and Judge _____

Nature of Matter _____

Describe Your Involvement in the Matter _____

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Explain Why This is a "Consumer Matter" _____

**APPENDIX B
CONSUMER BANKRUPTCY MATTERS HANDLED BY APPLICANT**

(d) Case Caption _____ Approx. Date _____

Court and Judge _____

Nature of Matter _____

Describe Your Involvement in the Matter _____

Explain Why This is a "Consumer Matter" _____

(e) Case Caption _____ Approx. Date _____

Court and Judge _____

Nature of Matter _____

Describe Your Involvement in the Matter _____

Explain Why This is a "Consumer Matter" _____

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