



In-Person Passholders – You may use your Pass
to register for the online Bankruptcy Institute.

The 2021 Bankruptcy Institute

23 All-New Presentations on Business and Consumer Bankruptcy Topics, the Annual Case Law and Statutory Update and Many More!

16 Special Guest Speakers Join a Terrific Local Faculty:

- | | | |
|---|---|---|
| 1 Peter J. Barrett
Kutak Rock LLP
Richmond, Virginia | 6 Robert J. Keach
Bernstein Shur
Portland, Maine | 11 Stephen M. Packman
Archer & Greiner P.C.
Philadelphia, Pennsylvania |
| 2 Alane A. Becket
Becket & Lee LLP
Malvern, Pennsylvania | 7 Professor Robert M. Lawless
University of Illinois College of Law;
Champaign, Illinois | 12 Natasha Songonuga
Gibbons P.C.
Wilmington, Delaware |
| 3 Judge Roberta A. Colton
U.S. Bankruptcy Court
Tampa, Florida | 8 Samuel R. Maizel
Dentons
Los Angeles, California | 13 Caren W. Stanley
Vogel Law
Fargo, North Dakota |
| 4 Shelly A. DeRousse
Freeborn & Peters LLP
Chicago, Illinois | 9 Chief Judge Charles L. Nail, Jr.
U.S. Bankruptcy Court
Sioux Falls, South Dakota | 14 Professor Deborah Thorne
University of Idaho
Moscow, Idaho |
| 5 Professor Pamela Foohy
Benjamin N. Cardozo School of Law,
Yeshiva University
New York, New York | 10 Brittany S. Ogden
Quarles & Brady LLP
Madison, Wisconsin | 15 Jolene Wee
JW Infinity Consulting, LLC
New York, New York |
| | | 16 Elizabeth Corrine Wiggins
Federal Judicial Center
Washington, D.C. |

Plus

Chief Judge John R. Tunheim
U.S. District Court, District of Minnesota

And Minnesota Bankruptcy Judges

Chief Judge Michael E. Ridgway
Judge Katherine A. Constantine

2 NEW TRACKS IN 2021: Subchapter V – A New Option for Small Businesses
Bankruptcy 101 – For Those New to the Practice

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Institute Chairperson
Bassford Remele
Minneapolis

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Forest Lake

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Fredrikson & Byron, P.A.
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Kutak Rock LLP
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Alane A. Becket
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Malvern, Pennsylvania

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Office of the Chapter 13
Trustee
Minneapolis

Matthew R. Burton
Morrison Sund PLLC
Minnetonka

Edwin H. Caldie
Stinson LLP
Minneapolis

Sam Calvert
Attorney at Law
Saint Cloud

Judge Roberta A. Colton
U.S. Bankruptcy Court
Tampa, Florida

Judge Katherine A. Constantine
U.S. Bankruptcy Court
Saint Paul

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Bulie Diaz Law Office
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Freeborn & Peters LLP
Chicago, Illinois

Kenneth Edstrom
Sapientia Law Group, PLLC
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U.S. Bankruptcy Court
Saint Paul

Pamela Foohey
Benjamin N. Cardozo School
of Law, Yeshiva University
New York, New York

◆ **Heather M. Forrest**
Office of the Chapter 13
Trustee
Minneapolis

Alyssa F. George
Attorney at Law
Minneapolis

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Hedtke Law Office
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Professional Responsibility
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U.S. Bankruptcy Court
Sioux Falls, South Dakota

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Philadelphia, Pennsylvania

Tricia Pepin
U.S. Bankruptcy Court
Saint Paul

◆ **Robert B. Raschke**
Office of the U.S. Trustee
Minneapolis

**Chief Judge
Michael E. Ridgway**
U.S. Bankruptcy Court
Minneapolis

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Caren W. Stanley
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Fargo, North Dakota

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Tanabe Law Firm
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Prescott Pearson & Tande, PA
New Brighton

Troy Tatting
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Deborah Thorne
University of Idaho
Moscow, Idaho

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John R. Tunheim**
U.S. District Court, District of
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Walker & Walker Law
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Sarah J. Wencil
Office of the U.S. Trustee
Minneapolis

Elizabeth Corrine Wiggins
Federal Judicial Center
Washington, D.C.

Ethan Yaro
Law Student, University of
Minnesota Law School
Minneapolis

◆ **Planning Committee
Member**

Guest Speaker

Watch Again Access

Ability for Attendees to Watch Recordings of All of the Institute Presentations for 1 Year Following the Institute (NOTE: This "Watch Again" feature is reserved for attendees. Any viewing of sessions outside the listed Institute dates and times is not eligible for credit; it is for educational purposes only. The maximum number of credits that may be reported for the Institute itself is 11.0.)

Special Discounts!

- Tuition is Half-Price for Lawyers in Their First 3 Years of Practice.
- Scholarships are Available for Lawyers Who Can't Afford to Pay the Full Tuition.

Attendees Save 30% on 3 Popular Deskbooks!

1. Bankruptcy Practice in Minnesota Deskbook

Minnesota CLE's Bankruptcy Practice in Minnesota Deskbook is the best and most authoritative bankruptcy practice resource available to Minnesota attorneys.

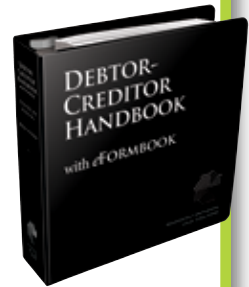
~~\$199~~ **Sale: \$139.30**



2. The Debtor-Creditor Handbook with eFormbook

The Debtor-Creditor Handbook with eFormbook is written to be a user-friendly guide to judgments and execution, precollection practice, debtor's assets, liens, collection and defense, secured and unsecured creditors, and much more!

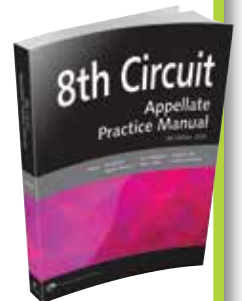
~~\$209~~ **Sale: \$146.30**



3. Eighth Circuit Appellate Practice Manual

The 9th edition the Eighth Circuit Appellate Practice Manual is designed to be a primary resource for attorneys representing clients in its namesake jurisdiction.

~~\$189~~ **Sale: \$132.20**



Call 651-227-8266 or email Publications@minncle.org to order. Offer valid only for Bankruptcy Institute attendees during the Institute on October 11 and 12, 2021.



Once again, the Bankruptcy Institute has brought together national authorities and Minnesota experts to share their insights into the latest developments and hot topics in bankruptcy law. Choose from 18 timely breakout sessions to design the curriculum that best fits your practice needs and goals.

Day 1 | Monday, October 11

8:15 – 8:45 a.m.
JOIN ONLINE

8:45 – 9:00 a.m.
WELCOME

9:00 – 10:00 a.m.

Elimination of Bias: Profiles of Consumer Bankruptcy Filers

1.0 elimination of bias credit applied for

In this presentation, three prominent bankruptcy law professors share the findings of a recent study based on data collected by the Consumer Bankruptcy Project. They use data from 2013-2019 to describe who is using the bankruptcy system and how they are using it. They critique the consumer bankruptcy system to identify avenues for reforming bankruptcy and to underscore the broader economic, racial, and social issues that consumer bankruptcy filings highlight.

- Pamela Foohey
Robert M. Lawless
Deborah Thorne

10:00 – 10:15 a.m.
BREAK

10:15 – 11:45 a.m.

2021 Case Law and Statutory Update

An in-depth review of notable bankruptcy court, district court, Bankruptcy Appellate Panel, court of appeals and U.S. Supreme Court cases from the past year, plus important legislative developments.

- Alexander J. Beeby
Karl J. Johnson
Nauni J. Manty
Lara L. Overton

11:45 a.m. – 1:00 p.m.
LUNCH BREAK

12:15 – 12:45 p.m.

LUNCH PRESENTATION

The State of the Court

- Chief Judge Michael E. Ridgway

1:00 – 2:00 p.m. **Breakout A**

Business

101

Don't Change the Channel: How Channeling Injunctions Can Help Debtors Avoid Cancellation and Be Renewed for Another Season

The panel will discuss how a channeling injunction works and what type of debtors (and yes, even claimants and insurance companies) can benefit from its use. The panel members will explain how a channeling injunction has been used in the Church Diocese, Boy Scouts of America, and Pharma opioid cases.

- Richard D. Anderson
Edwin H. Caldie
Caren W. Stanley
Troy Tatting

Consumer

102

Hot Topics in Chapter 7

This year's hot topics include:

- Working with multi-generational households
- Exemption planning
- HSAs
- QDROs
- Covid relief issues
- Child tax credits
- Disclosing online financial accounts and cryptocurrency on schedules
- And more!
- Matthew R. Burton
Marie F. Martin

Bankruptcy 101

103

Bankruptcy 101: Pre-Filing Considerations

The panel will discuss the most basic principles of bankruptcy and the players involved. The discussion will then lead into pre-filing considerations that lead up to the selection of a Chapter 7 or Chapter 13 bankruptcy. The panelists will discuss the initial consultation with the debtors, eligibility issues in qualifying for a Chapter 7 and Chapter 13, preferences, fraudulent transfers, and the advantages/disadvantages of both Chapter 7 and Chapter 13 bankruptcies.

- John F. Hedtke
Andrew C. Walker
Sarah J. Wencil
Yvonne Michaud Novak, moderator

2:00 – 2:15 p.m.
BREAK

2:15 – 3:15 p.m. **Breakout B**

201
**Keep Your License and Your Legal Fees:
Avoiding Conflicts in Client Representations
and Identifying Duties in Closely-Held
Business Cases**

1.0 ethics credit applied for

Seasoned attorneys will provide a refresher and lively discussion on relevant bankruptcy and conflict rules applicable to company bankruptcy counsel. They will provide practical suggestions on navigating this minefield when principals control the debtor and also wear hats as owner, board member, guarantor, lender, avoidable transfer target and person controlling affiliated entities.

- *George H. Singer*
James Lodoen
Clinton E. Cutler

202
**Domestic Disturbance: Divorce and Abuse
Issues in Bankruptcy**

Family law is a challenging field under the best of circumstances. This panel will focus on the sensitive issue of abusive relationships and divorce issues in bankruptcy and will offer comment and strategies to help you navigate these complex combinations.

- *Alane A. Becket*
Amy L. Helsene
Barbara J. May

203
Bankruptcy 101: Chapter 7 Bankruptcy

This panel will discuss all matters relating to the filing of Chapter 7 bankruptcy, including how to properly draft the bankruptcy petition and schedules. The panel will also concentrate on preparing a client for the 341 meeting, dealing with any UST requests for information, dealing with relief stay motions, handling discharge issues, and representing a client in an adversary action.

- *Sam Calvert*
Alyssa F. George
Mary Jo Jensen-Carter
Logan M. Moore
Yvonne Michaud Novak, moderator

3:15 – 3:30 p.m.
BREAK

3:30 – 4:30 p.m. **Breakout C**

301
How to Navigate Bankruptcy Appeals

In half of the country, including the Eighth Circuit, parties to a bankruptcy appeal can choose whether the appeal will go first to a district court judge in their district, or to a bankruptcy appellate panel consisting of three bankruptcy judges from outside their district. How is this process structured and how did it come about? What forum choices are parties making? Do outcomes, number of second appeals, and costs differ for district court and BAP appeals? Panelists will discuss these questions and good practices for bankruptcy appeals to the district court or BAP and for potential second appeals to the courts of appeal.

- *Samuel R. Maizel*
Chief Judge Charles L. Nail, Jr.
Chief Judge John R. Tunheim
Elizabeth Corrine Wiggins
Ethan Yaro

302
Hot Topics in Chapter 13

This panel will discuss various issues that attorneys should be mindful of when representing parties in Chapter 13 cases. They will cover issues that impact both debtors and creditors, along with some thoughts from a Chapter 13 Trustee's perspective. Topics that will be covered include representation agreements, changes to the local bankruptcy rules, the proposed (or recently enacted) new Chapter 13 Plan form, post-petition windfalls, automatic stay issues in light of *Chicago v. Fulton*, and an update on Covid related legislation and issues, including the CARES Act, and what every Chapter 13 attorney needs to know about the Bankruptcy Relief Extension Act of 2021.

- *Nicole L. Anderson*
Orin J. Kipp
Lynn J.D. Wartchow
Heather M. Forrest, moderator

303
**Bankruptcy 101: Chapter 13 Pre- and
Post-Confirmation Issues and Concerns**

The panel will discuss drafting a Chapter 13 plan, getting your attorney fees paid, length of plan, adequate protection, mortgages in default, other secured claims in default, 910 car claims, wholly unsecured second mortgages, IRS/MDR claims, child support arrearages, student loans, negotiating with secured creditors, bad faith conversions, divorce, death, increases/decreases in income, inheritance, and tax refunds.

- *Jeffrey M. Bruzek*
Sara E. Diaz
Bradley J. Halberstadt
Yvonne Michaud Novak, moderator

4:30 – 5:00 p.m.

Bankruptcy Section Virtual Reception

Join your friends and colleagues online for conversation and networking.



8:30 – 9:00 a.m.
JOIN ONLINE

9:00 – 10:00 a.m.
Insights on New and Proposed Bankruptcy Legislation

The panel will discuss the recent SBRA legislation, the continuation of the higher debt limit and the prospects for making the higher debt limit permanent (or raising it). The panel will also discuss pending legislation that would change the venue statute as it would affect Chapter 11 cases. Also discussed will be the recent Heroes Act, the so-called "Sackler Amendment" (on third-party releases), a proposed Chapter 16 (relating to restructuring funded debt), Senator Warren's proposal for major consumer law change, the ABI studies on reforming Chapter 11 and consumer law and other topics.

- James L. Baillie
- Robert J. Keach
- Michael A. Rosow

10:00 – 10:15 a.m.
BREAK

10:15 – 11:15 a.m. **Breakout D**

Business

401

Insights to Chapter 12 Cases: Creative Thoughts and Discussions of Practical Realities When Navigating Chapter 12 Cases in an Uncertain Economy

A panel of attorneys experienced with Chapter 12 will discuss unique issues in Chapter 12 and practical strategies for getting through a Chapter 12 case.

- Benjamin J. Court
- Karl J. Johnson
- Brittany S. Ogden

Consumer

402

Nondischargeability: Fraud, Intentional Misrepresentation, and Willful and Malicious Injury Debts

The speakers will discuss situations in which certain debts might be excepted from discharge, under 11 U.S.C. 523(a) (2), (4), or (6), through an adversary proceeding. They will also discuss creditor and debtor considerations as well as recent cases and developments, including the Eighth Circuit's Luebbert decision. The speakers will also discuss pro bono opportunities in these proceedings.

- Kenneth Edstrom
- Brian F. Kidwell

Subchapter V

403

Getting Started: Subchapter V Purpose, Eligibility and First Day Motions

A panel of experienced practitioners will discuss:

- Subchapter V's purpose and impact to date
 - Who is eligible to file and should consider filing a SubV case, and
 - The typical "first day" motions filed in connection with SubV cases and related practice pointers.
- Ryan T. Murphy
 - Natasha Songonuga
 - Kesha L. Tanabe

11:15 – 11:30 a.m.
BREAK

11:30 a.m. – 12:30 p.m.

Breakout E

501

Representing Small (or Not So Small) Creditors in Large Cases

Your client just emailed that its mega-company customer/tenant/lessor/vendor filed bankruptcy in Delaware or New York or Texas. How do you effectively navigate the unique procedural and practical obstacles facing a smaller player in a large Chapter 11?

- *Connie A. Lahn*
John R. McDonald
Steven W. Meyer

502

Digital Assets in Bankruptcy: Cryptocurrencies, NFTs, Smart Contracts and Virtual Assets

Matthew Tande and Daniel Tysver will discuss what digital assets are, how they are owned, how they can be discovered, how they are valued, and how bankruptcy courts have applied bankruptcy law to these new and different assets.

- *Matthew M. Tande*
Daniel A. Tysver

503

What Is (and Isn't) Projected Disposable Income in a Subchapter V

Disposable income and the liquidation analysis are two of the most important exhibits in negotiating a Subchapter V plan. What is and isn't disposable income? What are the best ways for vetting a Debtor's projected disposable income? Does the liquidation analysis reflect a Chapter 7 scenario? How to detect potential avoidance actions missing from the liquidation analysis? You will learn how to:

- Identify whether the projected disposable income is accurate and appropriate.
- Determine whether a Subchapter V plan meets the best interest of creditors test.
- Identify the telltale signs that the liquidation analysis does or does not reflect a true Chapter 7 scenario.

- *Peter J. Barrett*
Shelly A. DeRousse
Stephen M. Packman
Jolene Wee

12:30 – 1:00 p.m.
LUNCH BREAK

1:00 – 2:00 p.m.

Breakout F

601

Effective and Ethical Mediation Strategies – Is It OK to Lie?

1.0 ethics credit applied for

Judge Colton will discuss practical strategies and negotiation techniques to prepare and present your case to the mediator and mediation parties. She will also cover sometimes overlooked ethical considerations and what it means to participate in a mediation in good faith.

- *Judge Roberta A. Colton*

602

Ethics: How Consumer Bankruptcy Attorneys Can Avoid Ethics Complaints

1.0 ethics credit applied for

Bankruptcy practice presents many challenges to those who represent consumer debtors. From tips on client communication to advice regarding pre-bankruptcy planning, the Director of the Office of Lawyers Professional Responsibility and an experienced consumer bankruptcy attorney will share practical advice to help you protect your clients' rights, your fees and your reputation.

- *Susan Humiston*
John D. Lamey III

603

Continuing the Voyage through Subchapter V

The speakers will examine a wide array of topics arising in Subchapter V cases including debtor's counsel's participation in the initial debtor interview and the role and influence of the Subchapter V trustee. A portion of the presentation will also focus on plan confirmation issues such as changes to the absolute priority rule, applicable deadlines and cramdown procedures.

- *Dennis D. O'Brien*
Steven R. Kinsella

2:00 – 2:15 p.m.
BREAK

2:15 – 3:15 p.m.

Meet the New Clerks!

This is a chance to meet and ask questions of new Clerk of Court Tricia Pepin and Chief Deputy Clerk Ann Marie O'Neill. Moderated by Judge Katherine Constantine, the new leadership team will answer your questions and discuss the future of the bankruptcy court clerk's office.

- *Judge Katherine A. Constantine*
Chief Deputy Clerk, Anne Marie O'Neill
Clerk of Court, Tricia Pepin

INSTITUTE INFORMATION

ONLINE INSTITUTE

Monday & Tuesday, October 11 & 12, 2021

View online at www.minncle.org

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CREDITS

Minnesota CLE has applied to the State Board of CLE for **11.0 CLE credits, including 1.0 elimination of bias credit for the Day 1 9:00 a.m. plenary session and 1.0 ethics credit each for sessions #201, 601 & 602.** The maximum number of total credits you may report for attending the 2021 Bankruptcy Institute is 11.0.

COURSE MATERIALS

Course materials will be available online for attendees prior to the Institute, during the Institute and for three years afterwards. Even if you cannot attend, you can still receive the materials by using the order form in this brochure.

SCHOLARSHIPS AVAILABLE

Minnesota CLE maintains a scholarship program for those individuals with a financial need. To obtain a scholarship application, contact Grant at gdavies@minncle.org.

CANCELLATION / NO-SHOW POLICY

Paid registrants who cancel before the seminar will receive a full credit on their account, or refund upon request. Paid registrants who do not cancel and are unable to attend will retain access to the seminar written materials and PowerPoint presentations through their website account. Passholders may purchase the materials at 50% of the full retail price.

ACCOMMODATION

If you have a disability and need an accommodation in order to attend, contact Minnesota CLE as soon as possible at 2550 University Avenue West, Suite 160-S, Saint Paul, MN 55114 or call us at 651-227-8266 or 800-759-8840.

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The 2021 Bankruptcy Institute

Monday & Tuesday, October 11 & 12, 2021
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ONLINE INSTITUTE – OCTOBER 11 & 12, 2021

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The electronic version of the materials is also available for \$125 (plus tax) and may be purchased at www.minncle.org after the Institute.

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