

THE THIRD ANNUAL EMORY BANKRUPTCY DEVELOPMENTS JOURNAL SYMPOSIUM

March 9, 2006

INTRODUCTION

On March 9, 2006, the *Emory Bankruptcy Developments Journal* hosted its Third Annual Symposium. As Executive Symposium Editor I had the honor and pleasure of planning and hosting this CLE-accredited event along with the assistance of our dedicated Advisory Board. The goal of this year's Symposium was to address notable changes to bankruptcy law imposed by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("BAPCPA"). Through two moderated debates, the Symposium addressed new and pressing questions in business and consumer bankruptcy that have arisen under the new Act.

Wendy L. Hagenau, a partner at Powell Goldstein, LLP, moderated the first debate entitled "The Balance of Power between Debtors, Creditors, and Judges—The Elimination of Judicial Discretion Under the New Act." Neal Batson, Senior Counsel to Alston & Bird, LLP, argued on behalf of debtors while Ezra Cohen, a partner with Troutman Sanders, LLP, argued on behalf of creditors.

The second debate, entitled "The Ethical Quandary and Financial Disincentives Imposed on Attorneys by the New Act," was moderated by Felicia Turner, U.S. Trustee for Region 21. David Butler, of counsel to Shapiro Fussell and a former U.S. Trustee, argued in favor of the changes set forth in the new Act. Frank Perch, of counsel to of Hunter, Maclean, Exley & Dunn, PC, argued against the changes.

Mark Duedall, a member of *EBDJ's* Advisory Board and a partner at Alston & Bird, LLP, compiled a chart outlining the amendments to the Bankruptcy Code since 1978 to accompany the first debate. To accompany the second debate, *EBDJ Symposium Editor* Julia Cumbie summarized the order issued by Judge Davis of the U.S. Bankruptcy Court for the Southern District of Georgia as well as the briefs in support of and opposition to that order. The

order held the BAPCPA provisions regulating debt relief agencies do not apply to attorneys. This issue is currently being litigated in the U.S. Bankruptcy Court for the Southern District of Georgia by Symposium participants Felicia Turner, as appellant, and Frank Perch, as intervener.

The following is an edited transcript of both debates and the related supplemental materials. The *Emory Bankruptcy Developments Journal* is proud to publish our Symposium for the first time and expects the tradition to continue as our symposia grow in years to come.

SAGE MCKINLEY SIGLER
EXECUTIVE SYMPOSIUM EDITOR