



BASIC TRAINING PROGRAM **FOR NEW COMMERCIAL JUDGES**

**Introduction to a New Modern
Bankruptcy System**

PRELIMINARY PROCEEDING

AUTHORIZED PERSON - WRITTEN PROPOSAL
- ADVANCE OF EXPENSES

ASCERTAINMENT OF CAUSE

APPOINTMENT OF INTERIM TRUSTEE

SECURITY MEASURES

- TEMPORARY SUSPENSION OF EXECUTION**
- CONDITIONS TO/OF MANAGEMENT**
- CONTINUATION OF BUSINESS ?**
- CREDITORS' REQUESTS FOR SECURITY MEASURES/ INFORMING OF IBT**

DECISION TO OPEN

- REPORT ON INTERIM TRUSTEE/ EXPERT**
- SCHEDULING OF HEARING**
- SUMMONING**
- DECISION**
- PROCLAMATION**
- LIABILITY FOR / SHARING OF COSTS**

DIRECT OPENING

TRUSTEE SELECTION

- QUALIFICATION/ "CERTIFICATION"**
- BACKGROUND/ EXPERIENCE?**
- TIME AVAILABLE?**
- JUDGE'S CHOICE (CREDITORS' CHOICE?)**

TRUSTEE'S INITIAL AND SUBSEQUENT ACTIONS; RIGHTS AND RESPONSIBILITIES

- **TAKING OF POSSESSION**
- **CONTINUATION OF BUSINESS?**
- **“REALIZATION”**
- **LISTING OF ASSETS/ ESTIMATION OF VALUES**
- **LISTING OF CREDITORS/ CLAIMS**
- **LEDGERS, ETC.**
- **INSURANCE?**
- **FEES**
- **SUPERVISION BY JUDGE (BOARD OF CREDITORS)**

CREDITORS' ASSEMBLY

- **INITIAL ASSEMBLY**
- **CONVENING OF ADDITIONAL ASSEMBLIES**
- **VOTING**
- **ELECTION OF TRUSTEE?**
- **SUSTENANCE OF INDIVIDUAL DEBTOR**

BOARD OF CREDITORS

- **INTERIM BOARD**
- **ELECTION OF BOARD**
- **NUMBER/ VOTING**
- **INTERRELATIONSHIP WITH TRUSTEE**

SUBMISSION AND REGISTRATION OF CLAIMS

- CLAIMS WITH RIGHT TO SEPARATE SETTLEMENT
- RANKING OF CLAIMS
- CONDITIONAL, UNMATURED AND UNLIQUIDATED CLAIMS
- ADMINISTRATIVE COSTS AND CLAIMS

INVESTIGATION HEARING

- CREDITORS' ASSEMBLY
- REGISTERED CLAIMS INVESTIGATED

REPORTING HEARING

- CREDITORS' ASSEMBLY MEETS AT SAME TIME OR WITHIN 15 DAYS AFTER
- HEARS REPORT OF TRUSTEE
- DECIDES ON SUBSEQUENT DEVELOPMENT OF BKCY PROCEEDING

LEGAL CONSEQUENCES OF OPENING

- TRANSFER OF RIGHTS
- CANCELLATION OF DISPOSITIONS
- PROHIBITION OF EXECUTION
 - STAY/ LIFTING OF STAY
 - ADEQUATE PROTECTION
- SUSPENSION/ TRANSFER OF MAIL
- PERFORMANCE OF CONTRACTS?
- LEASES AND TENANCIES
- LABOR RELATIONS
- OFF SETS
- AVOIDABILITY OF CERTAIN TRANSFERS

SETTLEMENT OF THE CREDITORS

- NOTICES OF CLAIMS
- INVESTIGATION HEARING(S)
- SUBSEQUENT CLAIMS
- CONTESTING OF CLAIMS
- CREDITORS WITH RIGHT TO SEPARATE SETTLEMENT
- DISTRIBUTION SCHEDULES/ CHANGES/ OBJECTIONS/ RETENTIONS

CONCLUSION OF THE PROCEEDINGS

- TRIGGERED BY
 - MAIN DISTRIBUTION
 - EARLY TERMINATION
- SUBSEQUENT DISTRIBUTION(S)
- POST-CLOSING RIGHTS AND REMEDIES

REORGANIZATION

- FLEXIBLE ALTERNATIVE
 - MAY STRAY FROM REALIZATION/ DISTRIBUTION PROVISIONS
 - 13 ENUMERATED ALTERNATIVES
- PLAN
 - PRE-PACKAGING
 - RIGHT OF SUBMITTAL/ TIMING
 - CONTENTS
 - PREPARATORY (DECLARATIVE) PART
 - IMPLEMENTATION PART
 - GROUPING OF CREDITORS/ EQUAL TREATMENT
- ACCEPTANCE OR REJECTION OF PLAN
- VOTING BY “CLASSES”
- “CRAM DOWN”