

February 20, 2024

Overview of Chapter 11 Reorganizations To Guam Bar members

Moderator

**Honorable Daniel Collins, U.S. Bankruptcy Court,
District of Arizona**

Speakers

Caroline Djang, Shareholder, Buchalter, Los Angeles, CA

Chuck Choi, Partner, Choi & Ito, Honolulu, HI

Curtis Ching, Assistant U.S. Trustee, Honolulu HI

Special Thanks

Benjamin Feinberg

Arizona State Law School

Chapter 11 General Overview

- **Overview of Bankruptcy Reorganization**
- **Hypothetical: Company Calls You With An Urgent Problem**
- **Conflicts**

The Players

- Debtor
- Subchapter V Trustee
- U.S. Trustee
- Creditors
- Judge

Subchapter V (Chapter 11) Overview

- **Number of Cases**
- **Eligibility (debt limit uncertainty)**
- **Important Sections**
 - **11 USC § 1129 (certain sections do not apply)**
 - **11 USC § 1191 (new)**
- **No Disclosure Statement**
- **Best Interests**
- **Absolute Priority Rule**

Subchapter V (Chapter 11)

Overview

Advantages of Subchapter V

- **Small, simple cases**
- **Cheaper and Faster**
- **No Creditors' Committee**
- **No U.S. Trustee quarterly fees.**
- **Exclusivity**

Disadvantages of Subchapter V

- **Conversion to Chapter 7 (liquidation)**
- **Removal of Debtor-in-Possession**

Role of the U.S. Trustee

- **Watchdog**
- **Standing**
- **Initial Debtor Interview**
- **341(a) Meeting**
- **Monthly Operating Reports**
- **Committee Formation (n/a for Subch V)**
- **US Trustee quarterly fees (n/a for Subch V)**

Practice Tips

- **How Does One Get Cases?**
- **How Much Do You Charge?**
 - **Regional Differences**
- **Cash Collateral and Other First Day Motions**

Exempt Property

For Individual Debtors Only

Federal Bankruptcy Exemptions OR
Non-Bankruptcy (Territorial) Exemptions

➤ 11 USC § 522(d)

➤ 7 GCA § 23111 and 7 GCA § 43101

Local Rules

- **Guam Local Bankruptcy Rules**
- **Guam Local Bankruptcy Forms**

Helpful Materials

A Guide to the Small Business Reorganization Act of 2019

https://www.ganb.uscourts.gov/sites/default/files/sbra_guide_pwb.pdf

Questions

Caroline Djang

cdjang@buchalter.com

(949) 224-6252

Chuck Choi

cchoi@hibklaw.com

(808) 533-1877

Curtis Ching, Assistant U.S. Trustee

curtis.b.ching@usdoj.gov

(202) 590-7987