

Fall 2023

# Bankruptcy Court Liaison Committee Newsletter

*Foreword from the Co-Chairs  
Desirae Bedford and Julia Jensen Smolka*

Dear Bankruptcy Colleagues:

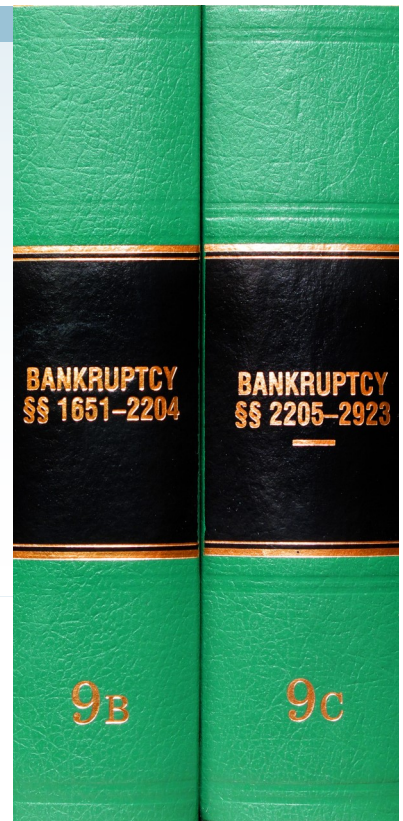
Julia and I are honored to serve as your Bankruptcy Court Liaison Committee Co-chairs for the 2023-2024 year. We remain committed to continuing the efforts to make the committee useful to the Bankruptcy Bar. This past September the committee put together our second CLE-- Department of Justice Student Loan Bankruptcy Litigation Guidance. Julia and I have made it our business to empower the Northern District of Illinois Bankruptcy Community with resources on topics that are important. to us.

As the year comes to an end, we look forward to the changing of seats as Judge Jacqueline P. Cox becomes the first African American female Chief Judge for the United States Bankruptcy Court for the Northern District of Illinois. As we welcome Judge Cox to this new position we would also like to thank our current chief judge, Chief Judge A. Benjamin Goldgar for serving us these past four years, and getting us through the pandemic. Chief Judge A. Benjamin Goldgar-- Thank you.

We are excited for this year and what it has in store.

## End of Summer Social at Miller's Pub

The bankruptcy liaison committee sponsored an end of summer social on August 10, 2023 at Miller's Pub Chicago. The well attended event gave attorneys and court staff the time to enjoy a beverage and get to know each other or reacquainted in person after so many years on zoom. "I had a court staff person tell me he was surprised how short I was in person. I am taking that as a compliment, I guess. " Said attorney Julia Smolka, when asked how it went. A fun time was had by all.



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### Co-Editors

Deirae Bedford  
Recovery Law Group

Julia Jensen Smolka  
Robbins Dimonte, Ltd.

*Miller's Pub End of Summer Social*



*Liaison Committee CLE  
Student Loans*

On Thursday, September 28, 2023, the Bankruptcy Court Liaison Committee (BCLC) and P.M. Mahoney Chapter of the Federal Bar Association conducted a CLE entitled “Department of Justice Student Loan Bankruptcy Litigation Guidance.” Hosted by Dentons US LLP, the CLE featured speakers Augustus Curtis, Trial Attorney of the U.S. Department of Justice Civil Division, and David DeCelles, Assistant US Attorney for the Northern District of Illinois.

Brigid Ngede, an associate at Bryan Cave, moderated a discussion on the background and objectives of the Guidance, fundamental components of the Guidance and how to assess a debtor’s circumstances, the current status of the Guidance, including nationwide data and local experiences, and a hypothetical case using the Guidance and the Attestation. Both presenters are knowledgeable in the subject matter and were directly engaged with the audience, who had many insightful questions on this important and developing area of bankruptcy law.

The hybrid event was well attended with over 200 participants via Zoom and at the in person option hosted at Dentons’ Chicago office. Bankruptcy Judge Thomas Lynch and members of the BCLC, including Co-Chairs Desirae Bedford and Julia Smolka, former Co-Chair Peter Bastianen, Samantha Ruben, and Brigid Ndege planned the CLE. This is the BCLC’s second free CLE provided for the local and Midwestern bankruptcy community.

**SAVE THE DATE!**

**WINTER AFTERHOURS  
THURSDAY FEBRUARY  
21, 2024**

**DOWNTOWN 5:30—7:30  
MORE INFO TO FOLLOW**

*Credit Abuse Resistance Education  
(C.A.R.E.)*

Credit Abuse Resistance Education (C.A.R.E.) is a nationwide, all-volunteer organization that teaches basic financial literacy to high school students and adults. The Chicago chapter of CARE is particularly robust.

CARE’s volunteers present primarily to high school students throughout the Chicagoland area, both remotely and in-person. CARE also presents to community and professional groups. CARE provides a brief training seminar to volunteers, who may sign up to give presentations at their convenience. At the onset of the pandemic in 2020, CARE made an abrupt pivot into “virtual” presentations to carry on the vital work of spreading financial literacy. The organization’s website, [www.carechicago.org](http://www.carechicago.org), houses presentations and quick access to schools and groups wanting to invite CARE to present. Presentations, which run 40 minutes to an hour, cover student loans, credit basics, credit scores and reports, identity theft, budgets and savings, and bankruptcy.

CARE also publish a weekly newsletter through which it solicits volunteers for upcoming presentations.

Volunteer opportunities are currently available for presentations on various topics. If you are interested in volunteering with CARE, please submit a volunteer application from [www.carechicago.org](http://www.carechicago.org).



## Attorney Spotlight

Claudia F. Badillo

Owner

Badillo Law Group, P.C.  
[www.badillolawyer.com](http://www.badillolawyer.com)



Q. How did you become interested and involved in bankruptcy?

I actually fell into bankruptcy just as I was applying to law school. When I graduated from Northwestern University in 2003 I worked for a Personal Injury firm for a few months and though I enjoyed the work I didn't want to make it a career. They shared office space with a fun and upbeat bankruptcy firm and they were hiring a Spanish speaking legal assistant, so I left the PI firm to work there, in a small bankruptcy firm.

I attended law school while working part time at the bankruptcy firm. At the firm I was immediately thrown into helping with client intakes, reviewing credit reports, pay stubs and tax returns and found that I enjoyed reviewing documents and petition preparation. I was working at this firm when BAPCPA went into effect and remember the firm furiously filed cases the week the law changed. Since I was in law school, I had to read the entire statute and was responsible for knowing all of the new requirements including credit counseling and means test requirements. I found that I enjoyed learning the new rules and keeping up with the quickly evolving case law.

After I finished law school and passed the bar I just never left the bankruptcy world. Initially, I wanted to practice immigration law which seemed like a perfect fit since I am a native Spanish speaker and both of my parents are immigrants. I also thought I would enjoy criminal defense and actually clerked with the Public Defender's office with my 711 license in law school. But what I enjoy most about practicing consumer bankruptcy in particular, is how much you learn about tax law, budgeting skills, learning how to read credit reports and learning about different types of claims filed in cases. I think that bankruptcy law is unique because it teaches you how to be financially savvy and

literate which can affect every aspect of our lives including accessing financial aid at school, learning about student loans, buying a house or car, and estate planning. After being a bankruptcy attorney for over 15 years I can't imagine practicing any other kind of law.

Q. What are your typical types of engagements?

My typical clients are individual consumers and some small businesses that need to dissolve. I regularly sit down with families who are overwhelmed with high amounts of credit card debt that they will never be able to overcome. My clients desperately need help navigating the home foreclosure process, car repossession and wage garnishment issues. I file mostly Chapter 7s and Chapter 13s cases for consumers and enjoy coming up with unique solutions for people's financial problems.

Q. What are you most looking forward to this year, personally and professionally?

I am looking forward to helping more business clients navigate the dissolution of their businesses and deal with their SBA loans, Merchant Credit Advances and other predatory type loans. Post-pandemic we know that many businesses went under and many clients were left with personal guarantees on their business debt. I suspect that 2024 will bring more business dissolutions and Chapter 13 bankruptcies due to the weak exemptions that Illinois currently has. I also hope to hire an assistant again and possibly an associate attorney. Personally, I look forward to traveling to new places with my family and supporting my children as they enter new stages of middle school and high school.

Q. Share any other information about yourself that you think our readers would enjoy.

If you know me, you know that I am an adventurous person and love to take on new challenges. My latest hobby has been scuba diving. I got certified in January 2022 in Jamaica and I try to dive in any body of water whenever I can. Lately, I have been diving some very interesting shipwrecks in our cold Lake Michigan. I love learning the history of the shipwrecks and recently learned that it is estimated that there are over 1,500 shipwrecks in Lake Michigan alone. In the next few weeks I will be diving in my first cenote in Mexico and hope to continue scuba diving with the goal of being a rescue diver in the future.

## *Attorney Spotlight Continued*

Michael D. Leifman

Associate

VedderPrice



Q. How did you become interested and involved in bankruptcy?

I became interested in the bankruptcy world during my college internship in the marketing department of a well-known Chicago law firm. Through that internship and my subsequent work as a law clerk at the firm, I gained exposure to several different types of legal practices. I quickly learned the creditors' rights, bankruptcy and litigation practice areas were a natural fit for my skillset and interests.

Q. What are your typical types of engagements?

My typical engagements involve representing lenders, asset buyers and other business creditors in distressed commercial workouts (including bankruptcies, federal/state collection litigation, mortgage foreclosures and out-of-court negotiations). I also represent Chapter 7 Trustees and court-appointed Receivers in various matters, and companies of all shapes and sizes in contract disputes.

Q. What are you most looking forward to this year, personally and professionally?

Professionally, I'm looking forward to continuing to develop relationships with my clients, colleagues and other peers. Personally, I'm looking forward to watching my newborn daughter Lily grow up and experiencing the joy of being a new parent for the first time

Q. Share any other information about yourself that you think our readers would enjoy.

I'm a basketball enthusiast and I'm excited to cheer on my Indiana Hoosiers and Chicago Bulls all year long.



## *Attorney Spotlight Continued*

Paulina Garga-Chmiel

Senior Counsel

Dykema Gossett PLLC



Q. How did you become interested and involved in bankruptcy?

My first full-time position after graduating from DePaul University was with the Marilyn O. Marshall Chapter 13 Trustee office as a paralegal and a 341 meeting hearing officer. At that time, for better or for worse, I had no idea how the bankruptcy process worked or even what the bankruptcy code was. After about two years at the Trustee's office, I transitioned to working at the Bankruptcy Court for the Northern District of Illinois as a rotating courtroom deputy. At the same time, I was attending Chicago Kent College of Law as an evening student. Seeing firsthand how bankruptcy practice touches upon all different areas of law, how complex the law is, and how challenging the practice can be, has been fascinating ever since and continues to engage me after over 10 years of practice. Also, I truly have enjoyed the collegiality of the bankruptcy bar and other restructuring professionals, which is unlike any other bar, at least here in Illinois.

Q. What are your typical types of engagements?

I am a creditor's rights attorney representing commercial lenders, loan servicers, and banks in a variety of litigation and loan enforcement matters from the time their borrower defaults on the loan until the final resolution of the dispute. My practice mainly involves loan

commercial foreclosures, UCC liquidations, breach of contract actions, landlord / tenant disputes, bankruptcy and loan restructuring, and complex post-judgment collection proceedings.

Q. What are you most looking forward to this year, personally and professionally?

I joined Dykema as a senior counsel about two years ago so I am looking forward to integrating more with the firm and working with my colleagues, building my practice and a book of business, and working on complex matters, which keeps me focused and challenged every day. I am fortunate to work with very experienced partners and learn from them every day and be at a firm that values true collaboration and teamwork. Personally, I hope to keep that work-life balance intact and find time for self-care, which I think is essential in our demanding legal careers, especially for women who wear multiple hats at the same time.

Q. Share any other information about yourself that you think our readers would enjoy.

In addition to my law practice, I am a busy mom of a six-year old boy and have just recently become a hockey mom. I love traveling and visited over 40 countries, teaching Pilates, and I am pretty much always training for some sort of race, whether a 5k, triathlon, marathon, or something in between.

## Attorney Spotlight Continued

Derek Lofland

Owner

The Law Office of Derek V. Lofland, LLC



Q. How did you become interested and involved in bankruptcy?

I have a financial background, graduating from UW-Whitewater in 2000 with a BBA and my JD has a commercial emphasis. I never thought about being a bankruptcy attorney when I was in college or law school, but my first attorney position was with a bankruptcy firm in the NDIL and I was always good with numbers. A financial background allowed me to quickly learn the ins and outs of the consumer bankruptcy practice.

Q. What are your typical types of engagements?

My coverage practice allows me to dabble in many different areas of bankruptcy. Normally I am involved in the Chapter 13 call and handle 341 meetings for Debtors, but also appear on Chapter 7, Subchapter V, and adversary proceedings, and 2004 exams.

Q. What are you most looking forward to this year, personally and professionally?

Bankruptcy has been rough in recent years for the people that earn income representing parties in bankruptcy proceedings. The economy has been very challenging for people, because of higher interest rates, inflation, and the cost of living increases that impact our day to day lives. That has not really shown up in the bankruptcy filings, as we have had record low bankruptcy filings for the last three years.

Nobody wants to see bankruptcy filings go up, because each case number represents someone's financial struggle. However, I think with some of the changes to student loan relief in bankruptcy and with people facing financial pressure; we have an opportunity for case numbers to increase this year and give people meaningful relief under the bankruptcy code.

Increased filing numbers should not only help practitioners that have been hurt by low case filing numbers, but also give life-changing relief to a lot of people that was not possible just a couple years ago.

Q. Share any other information about yourself that you think our readers would enjoy.

I love spending time with my wife Amanda, and our three dogs. Amanda has been doing a lot of dog shows for our two papillons and we travel quite a bit for those. She is also finishing up animal massage classes this fall and she is going to be starting her own dog business in 2024.

In addition to my legal work, I am a fantasy sports expert and contributing writer with Fantasy Pros.com and have been writing about fantasy football since 2007. When bankruptcy, football, and dog shows are not on my schedule, I try to spend as much time as I can fishing and enjoying the outdoors.



## ISSUES, CONCERNS, OR COMPLAINTS

Practitioners wishing to share any with the Committee may do so anonymously on the Bankruptcy Court's website at:

[http://www.ilnb.uscourts.gov/  
bankruptcy-court-liaison-  
committee](http://www.ilnb.uscourts.gov/bankruptcy-court-liaison-committee)

## LINKEDIN

Stay in touch!

Follow the Liaison Committee on LinkedIn to receive all the latest news and announcements:

[http://www.linkedin.com/  
company/ilnb-bclc](http://www.linkedin.com/company/ilnb-bclc)

## *Bankruptcy Court Mortgage Modification Mediation Program*

In February 2022, the United States Bankruptcy Court for the Northern District of Illinois implemented a Chapter 13 Mortgage Modification Mediation Program.

The Chapter 13 Mortgage Modification Mediation Program is designed to help qualified Chapter 13 debtors renegotiate their mortgages and keep their homes. The Program supplies an electronic portal that assists communication between debtors and lenders.

The Program is entirely voluntary: both debtor and lender must consent to participate. Debtors and lenders are also free to modify mortgage obligations without using the Program and the portal. The Program simply provides parties with a new vehicle for doing so.

Debtors' counsel who enter into the Court-Approved Retention Agreement and the new Addendum (Local Form 13-8.5) and who pursue a mortgage modification through the program will be presumptively entitled to additional flat fees as compensation.

The details of the Program are available on the Court's website: <https://www.ilnb.uscourts.gov/chapter-13-mortgage-modification-mediation-program>

## *Bankruptcy Court Volunteer Attorney Panel*

The U.S. Bankruptcy Court for the Northern District of Illinois has formed a panel of volunteer attorneys to represent indigent parties on a pro bono basis in discrete adversary proceedings and contested matters.

The program is completely voluntary and limited strictly to representation in adversary proceedings and contested matters. No panel member is expected to file a bankruptcy case, complete schedules and similar forms, or attend a meeting of creditors.

The Bankruptcy Court encourages members of the bar to participate in this worthwhile program. Through the volunteer panel, attorneys have a real opportunity to improve the quality of justice in our district.

The details of the Program are available on the Court's website: <https://www.ilnb.uscourts.gov/us-bankruptcy-court-volunteer-attorney-panel>



## Mission Statement

The Bankruptcy Court Liaison Committee for the Northern District of Illinois was formed to assist the Bankruptcy Court and its practitioners to create a more efficient and collegial environment throughout the entire Northern District of Illinois. To further that purpose, the Liaison Committee publishes a periodic newsletter, develops local practice questionnaires, and sponsors educational programs and social events to encourage interaction among judges and practitioners. Additionally, section 2.01 of the Committee's bylaws provides that practitioners may relay issues, concerns, or complaints about bankruptcy judges or the bankruptcy court to the Committee – anonymously – through the co-chairs or any other committee member. The information will then be anonymously presented to the appropriate bankruptcy judges for review and consideration under 28 U.S.C. § 154(b), which provides that the chief judge of the bankruptcy court “shall ensure that the business of the bankruptcy court is handled effectively and expeditiously.”

Practitioners wishing to share any issues, concerns, or complaints with the Committee may contact any of its Members anonymously via mail, email, phone, or on the Bankruptcy Court's website at: <http://www.ilnb.uscourts.gov/bankruptcy-court-liaison-committee>.

## United States Bankruptcy Court For The Northern District of Illinois

Chief Judge A. Benjamin Goldgar

Judge Janet S. Baer

Judge Timothy A. Barnes

Judge Donald R. Cassling

Judge David D. Cleary

Judge Jacqueline P. Cox

Judge Thomas M. Lynch

Judge Deborah L. Thorne

## Bankruptcy Court Liaison Committee

Honorable A. Benjamin Goldgar (Chief Judge)

Honorable Janet S. Baer

Jeffrey P. Allsteadt  
*Clerk of Court*

Desirae Bedford (Co-Chair) Term 2021-2024  
*Recovery Law Group*

Julia Jensen Smolka (Co-Chair) Term 2022-2024  
*Robbins DiMonte, Ltd.*

Gretchen Silver (Permanent Member)  
*Office of the U.S. Trustee (Chicago)*

Claudia Badillo Term 2023-2024  
*Badiillo Law Group*

Thomas H. Hooper Term 2023-2023  
*Chapter 13 Trustee*

*Derek V. Lofland Term 2023-2025*

Brigid Ndege Term 2021-2024  
*Brian, Cave, Leighton & Paisner, LLP*

Dana O'Brien Term 2023-2025  
*McCalla Raymer Leibert Pierce, LLC*

Lars A. Peterson Term 2023-2025  
*Factor Law, The Law Office of William J. Factor, Ltd.*

Yanick Polycarpe Term 2023-2025  
*Marilyn O'Marshall, Chapter 13 Trustee*

Honorable David D. Cleary

Honorable Thomas M. Lynch

Sharon Zurowski  
*Chief Deputy Clerk*

Jean M. Dalicandro  
*Operations Manager*

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*Legal Aid Chicago*

Jaime Dowell Term 2022-2024  
*City of Chicago*

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*Vedder Price, P.C.*

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Kenneth M. Thomas Term 2022-2024  
*Fox, Swibel, Levin & Carroll, LLP*

Neema T. Varghese Term 2022-2024  
*NV Consulting Services*

Mary E. R. Walters Term 2022-2024  
*Glenn B. Stearns, Chapter 13 Trustee*

Jennifer Niemeier  
*Office of the United States Trustee*