

## So You Think You Understand Rule 11 . . .

Honorable Peter W. Bowie, Retired

### Suggested Resource Materials

#### I. Duty to Investigate

##### A. Rule 11, Fed. R. Civ. P.

- a. Advisory Committee Note on 1983 Amendment to Rule 11 (para. 6 and 7)
- b. ABA Model Rule 1.1 and Commentary
- c. In re Seare, 515 B.R. 599 (9th Cir. BAP 2014)
- d. In re Goodman, 2013 WL 4767741 (9th Cir. BAP 2013)
- e. In re Two Star Surgical Supply, Inc., 70 B.R. 241 (Bankr. ED NY 1987)
- f. Christian v. Mattel, Inc., 286 F.3d 1118 (9<sup>th</sup> Cir. 2002)

##### B. FDCPA

- a. In re Sekema, 523 B.R. 651 (Bankr. ND IN 2015)
- b. In re Brimmage, 523 B.R. 134 (Bankr. ND IL 2015)
- c. Kaymark v. Bank of America, 783 F.3d 168 (3<sup>rd</sup> Cir. 2015)
- d. In re Royal Manor Management, Inc., 525 B.R. 338 (6<sup>th</sup> Cir. BAP 2015)
- e. Crawford v. LVNV Funding, LLC, 758 F.3d 1254 (11<sup>th</sup> Cir. 2014)

##### C. Bankruptcy

- a. In re Young, 789 F. 3d 872 (8<sup>th</sup> Cir. 2015)
- b. In re Parikh, 508 B.R. 572 (Bankr. ED NY 2014)
- c. Curran, "How Much Diligence is Due?" Vol. XXXII ABI Journal (Nov. 2013)
- d. In re Weaver, 307 B.R. 834 (Bankr. SD MS 2002)
- e. In re Armwood, 175 B.R. 779 (Bankr. ND GA 1994)
- f. In re Bono, 70 B.R. 339 (Bankr. ED NY 1987)
- g. In re Bailey, 321 B.R. 169 (Bankr. ED PA 2005)
- h. 11 U.S.C. § 707(b)(4)

- i. In re Varan, 2014 WL 2881162 (Bankr. ND IL)
  - j. In re Miller Automotive Group Inc., 536 B.R. 828 (8<sup>th</sup> Cir. BAP 2015)
  - k. In re Pigg, 2015 WL 7424886 (Bankr. SD MO 2015)
- D. G-8 Gatekeeper
- a. ABA Formal Opinion 463
  - b. Shepherd, "The Gatekeeper Initiative and the Risk-Based Approach to Client Due Diligence", 37 ACTEC L.J.1 (2011)
  - c. ABA Recommendation adopting "Voluntary Good Practices Guidance for Lawyers to Detect and Combat Money Laundering and Terrorist Financing" 37 ACTEC L.J. 28 (2011)

## II. Confidentiality

- A. ABA Model Rule 1.6
- a. Rothstein, "Anything You Say May Be Used Against You: A Proposed Seminar on the Lawyer's Duty to Warn of Confidentiality's Limits in Today's Post-Enron World", 76 Fordham L. Rev. 1745 (2008)
  - b. New Jersey Rule of Professional Conduct 1.6
  - c. Wisconsin Rule of Professional Conduct 20:1.6
  - d. ABA Model Rule 1.4
  - e. Missouri Rule of Professional Conduct 4-1.6