

THURSDAY, OCTOBER 6, 2016 • 8:00 AM — 11:35 AM



# STUDENT LOAN PROJECT

## *Advising and Representing Pro Bono Clients*

A FREE CLE PRESENTED BY THE  
KING COUNTY BAR ASSOCIATION'S  
PRO BONO SERVICES AND CENTS



**CO-CHAIRS:** **The Honorable Marc L. Barreca**  
United States Bankruptcy Judge  
**William F. Malaier, Jr.**  
Ogden Murphy Wallace PLLC



**PRESENTERS:** **Julia Kellison**  
Northwest Justice Project  
**Latife Neu**  
Latife Neu, Attorney at Law PLLC  
**Antoinette "Tonie" Davis**  
Antoinette M. Davis Law, PLLC  
**Christina Henry**  
Henry, DeGraaff & McCormick, P.S.

**ATTENDANCE:** **This CLE is free to all new and current volunteer attorneys**  
**In-Person Location:**  
King County Bar Association  
1200 5th Avenue Suite 700  
Seattle, WA 98101  
**Streaming:**  
Register for Details

**TO REGISTER:** **Contact Paige Hardy, Volunteer Legal Services Coordinator**  
PaigeH@kcba.org  
*Registration is required*

This program has been approved in accordance with WSBA MCLE guidelines for a maximum of 3.5 credits toward the area of Law and Legal Procedure. Approval #1018106

## AGENDA



# STUDENT LOAN PROJECT

## *Advising and Representing Pro Bono Clients*

7:50 - 8:00 AM

**REGISTRATION & INTRODUCTIONS** *with The Honorable Marc L. Barreca*

8:00 - 8:40 AM

**FEDERAL STUDENT LOANS** *with Julia Kellison*

- Helpful (and Essential!) Online Resources for Attorneys and Borrowers
- Federal Student Loan Administrative Discharge Options
- Federal Student Loan Income-Driven Repayment Options

8:40 - 9:25 AM

**DEFAULT, GARNISHMENT, AND SPECIAL CASES** *with Latife Neu*

- Remedies for Defaulted Federal Loans
- Dealing with Administrative Wage Garnishment and Benefit Offsets
- Settling Federal and Private Loans, including Co-Signer Options
- Joint Consolidation Loans, HEAL Loans, and Special Cases

9:25 - 9:30 AM

**BREAK**

9:30 - 10:25 AM

**THE DETAILS MATTER: DEFENDING STUDENT LOAN DEBT IN STATE COURT**  
*with Antoinette Davis*

- Dig into the Details: Discovery of Evidence, and Lack Thereof
- Motions Practice: From Answer to Summary Judgment
- Business Records – Not: Challenging Hearsay Evidence

10:25 - 11:25 AM

**DISCHARGING STUDENT LOANS IN BANKRUPTCY** *with Christina Henry*

- The Four Categories of Education Loans Potentially Dischargeable under 11 U.S.C. §523(a)(8)
  - New Case Law Development for Subpart (A)(ii) to the Meaning of “Educational Benefit”
  - Does your Private Student Loan Meet the Definition of a “Qualified Education Loan”
- Undue Hardship – the *Brunner* Test
  - The Pre-Filing Case Set Up
  - Evaluating the Strength of the Case for an Adversary Proceeding
  - The Impact of Federal Income Based Repayment Plans on Dischargeability Cases
  - Proving Undue Hardship at Trial
- The New Student Loan Battles and Case Law Challenges to the *Brunner* Test

11:25 - 11:35 AM

**QUESTIONS AND ANSWERS**

11:35 AM

**EVALUATIONS AND ADJOURN**

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## BIOGRAPHIES OF THE SPEAKERS



# STUDENT LOAN PROJECT

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**JULIA KELLISON,**  
*Northwest  
Justice Project*

Julia Kellison is a consumer attorney in the Seattle office of Northwest Justice Project, a state-wide organization that provides free civil legal services to low-income clients. Her consumer practice includes representing victims of debt collection abuses and predatory lending (student loans, fraud in auto sales & financing, payday loans), among other areas. Julia is on the Executive Committee of the Washington State Bar Association's Antitrust, Consumer Protection and Unfair Business Practices Section and serves on the board of Wayfind. Julia received her J.D. in 1998 from Temple University School of Law and her B.A. in 1990 from Brown University.

**LATIFE NEU,**  
*Latife Neu,  
Attorney at Law PLLC*

Latife Neu focuses her solo law practice on consumer bankruptcy and student loan matters. Her interest in student loan work began with a 523(a)(8) dischargeability action in 2010, and has grown steadily to encompass all aspects of student loan debtor representation. She earned her J.D., magna cum laude, from Seattle University School of Law in 2002. Prior to attending law school, Latife earned her Bachelor's degrees in Economics and Environmental Studies from the University of California, Santa Cruz, and a Masters of International Business from the Norwegian School of Economics (Norges Handelshøyskole) in Bergen, Norway.

**ANTOINETTE DAVIS  
"TONIE" DAVIS,**  
*Antoinette M. Davis  
Law PLLC*

Antoinette Davis practices in the fields of consumer bankruptcy and consumer rights litigation, representing individuals and families confronting challenges and legal disputes. Her practice focuses on Chapters 7 & 13 bankruptcy, debt defense, collection abuse, foreclosure prevention, and mortgage servicing abuse. Before starting Antoinette M. Davis Law, PLLC, Tonie worked at a Seattle bankruptcy boutique where she led the consumer litigation efforts. She also served as Judicial Clerk to Washington State Supreme Court Justice Tom Chambers. Antoinette is a member of the WSBA Anti-Trust and Consumer Protection and Unfair Business Practices Executive Board, and is on the Board of Directors for the Consumer Education and Training Services (CENTS). She is a repeat recipient of Washington Law & Politics Super Lawyers and the National Trial Lawyers: Top 100, and the King County Bar Association Young Lawyers Division's Outstanding Mentor of the Year Award.

**CHRISTINA HENRY**  
*Henry, DeGraaff &  
McCormick, PS*

Christina Henry is currently an attorney at Henry, DeGraaff & McCormick, PS that solely represents consumers and small businesses in financially distressed situations. A graduate of Boston College Law School, Christina has dedicated her career to advocate against predatory lenders and unfair debt collection practices. Her practice area includes state and federal litigation under state contract defense theories, the Washington State Consumer Protection Act, the Bankruptcy Code, and the Fair Debt Collection Practices Act. Her firm seeks to help financially troubled individuals deserve fair and honest legal representation in today's high-risk consumer environment.

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