Bankruptcy and Creditors' Rights

OVERVIEW

People and entities need to protect their personal and business interests and collect what they are owed. Clients at the precipice of our federal bankruptcy laws – whether creditors drawn there by the condition of their debtors, or commercial enterprises in need of protection and/or reorganization – find their situations and circumstances, by their very nature, to be unique and constantly evolving. Our lawyers recognize this fact in representing entities and individuals, creditors' committees, trustees, and creditors in all types of bankruptcy planning, case evaluation, negotiation, and litigation. Our lawyers strive to provide early and accurate evaluation of the situation, to identify the most efficient path to an early and advantageous resolution, and to vigorously protect the interests of our clients.

EXPERIENCE

Our bankruptcy and creditors' rights attorneys have represented creditors, creditor committees, and trustees in a broad range of businesses from small sole proprietorships to large national and multinational corporations. We have represented individuals and business entities of virtually every persuasion, and are sensitive and responsive to the situation of each of our clients who entrust us with their work. Our lawyers also engage in commercial litigation arising out of matters such as mortgage foreclosures, the seizure and disposition of collateral, and compliance (or non-compliance) with the Uniform Commercial Code. Because of our extensive and multi-faceted experience, our lawyers are able to offer clients advice and counsel on precautions that may be taken long before a debtor actually defaults or files bankruptcy, as well as strategies and processes to deal with them when they do.

The types of matters our bankruptcy and creditors' rights attorneys have handled include:

- Business workouts
- Bankruptcy planning and case evaluations
- Negotiation of pre-bankruptcy resolutions
- Shaping proposed plans to protect or enhance clients' interests
- Corporate reorganizations
- Bankruptcy litigation of all varieties
- Liquidations of assets
- Mortgage foreclosures and associated litigation

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- Collateral seizures and dispositions
- Uniform Commercial Code compliance
- Fair Debt Collection Act issues
- Strategies for recoupment
- Real estate restructurings
- Non-bankruptcy insolvency proceedings
- Third-party takeover plays
- Negotiating cash collateral and post-petition financing orders
- Motions for relief from bankruptcy stays
- Bond and indenture trustee representation
- Trustee and creditor committee representation
- Distressed assets litigation
- Litigation concerning the use, sale or lease of property
- Objections to bankruptcy discharge
- Claims analysis and defense
- Defending creditors against "clawback" claims by trustees
- Representing buyers of assets from bankruptcy estates
- Valuation issues/determinations
- Executory contract litigation
- Avoidance actions and equitable subordination
- Bankruptcy appeals

KEY CONTACT

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