

American Bankruptcy Institute's Northeast Bankruptcy Conference

JULY 12-15, 2012

The American Bankruptcy Institute hosted its 19th Annual Northeast Bankruptcy Conference in Bretton Woods, New Hampshire. WilmerHale Partner John Sigel was a panelist for a session titled "Do 'Out-of-the-Money' Creditors Have Standing?" Discussion topics included various issues such as basic standing and the appropriateness of forming and maintaining a creditors committee and an equity committee. Panelists discussed the various arguments put forth to justify a carveout or "gift" for unsecured creditors and the often used "pay-to-play" rule, occasionally asserted by out-of-the-money creditor groups. Additionally, panelists examined ways to identify unencumbered assets early in the case and the possible benefits of keeping them free from post-petition liens granted to DIP lenders. Lastly, panelists shared ways to maximize the Chapter 5 claims and the use of liquidating assets.

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Speakers



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