

Business Restructuring and Bankruptcy

When it comes to Business Restructuring and Bankruptcy, our differentiator comes down to one word: *experience*. Our team of lawyers has practiced in this field for a very long time. Whether our client is experiencing financial difficulties, is a creditor of a distressed debtor, is in or will be in litigation, or wants to purchase assets in a bankruptcy-related case, we have seen a lot and done a lot. We have the substantive knowledge and experience, that when coupled with informed strategic thinking, allows us to work with clients to strive for the best possible results.

What does this mean, specifically? It means that the underpinning of most clients' situations is familiar to our lawyers and that we understand the real-world implications they may be facing. This allows us to use our experience, and to work together with our client, to address the client's unique facts and collectively develop approaches and alternatives to rapidly develop and implement an optimal strategy. Although each client's situation and goals are unique, we are conversant with the risks, alternatives, and the opportunities a course of action presents and we work to clearly and concisely communicate and explain them to our client.

OUR ADVANTAGE

Looking Ahead

Restructuring and bankruptcy law is a complex field of law. It takes into account related disciplines such as litigation, corporate governance, property sales, secured transactions, lending practices, documentation issues, underlying business practices, and others. These can lead to issues such as fraud litigation, corporate governance review, analysis, and advice, purchasing assets in a bankruptcy case, financing debtors in

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Chapter 11, out-of-court workouts and restructures, and assisting criminal counsel with civil aspects of white-collar criminal cases.

Working with the Courts and Clients

No matter the issue, our team has deep experience in explaining complex bankruptcy-related arrangements to Bankruptcy Courts, as well as other courts. With respect to creditor clients with a regional or national footprint, we study their documents and meet with key personnel to understand their goals, internal practices, and philosophies. This allows us to represent them seamlessly in bankruptcy and litigation matters in courts throughout the United States. At times we may need to retain local counsel in those cases. Our repeated work saves time and ultimately money, as the client need only call us to be educated when a new case is filed. This is particularly important in bankruptcy cases which move very quickly.

AREAS OF EXPERTISE

- Adversary proceedings in bankruptcy court
- Agriculture liens and insolvency
- Asset purchases
- Business and financial restructuring
- Business termination and liquidation
- Chapter 7, 11, and 12 creditor and debtor representation
- Chapter 13 creditor representation
- Creditors' committee representation
- Debtor-in-possession financing
- Lender representation
- Federal and state court litigation
- Out-of-court workouts and loan restructures

AREAS OF FOCUS

Loan Workouts

Our lawyers have long and varied experience negotiating and restructuring the terms of varieties of loans in different industries, and are particularly skilled at devising innovative solutions to seemingly unworkable situations. In many cases we have been able to restructure loans and avoid costly and distracting legal proceedings, while obtaining results consistent with the client's objectives.

Receiverships



Sussman Shank's receivership practice involves moving courts to appoint a receiver to protect our creditor client's rights, representing the receiver in cases when appointed, representing creditors in receivership cases, and representing purchasers of receivership assets and businesses. A creditor asking a court to appoint a receiver can be a very viable tool to protect the creditors' rights, remove company control by bad-actor corporate operatives, and lead to better results than forcing a bankruptcy filing. The independent Receiver controls and manages assets, investigates and recovers wrongful transfers, investigates and litigates claims against management, sells assets, and protects the estate for creditors. With our extensive expertise in all aspects of receiverships, our team can provide effective and efficient solutions to help clients navigate a wide range of financial situations.

Bankruptcy Reorganization and Liquidation

Sussman Shank's bankruptcy reorganization and liquidation practice provides a full range of legal services to help clients navigate the complex, demanding, and sometimes overwhelming process of a filed bankruptcy or a threatened bankruptcy filing. With a deep understanding of bankruptcy law and strategy, both of which change the debtor-creditor leverage equation, along with the experience handling unique challenges faced by individuals, businesses, and creditors, we work closely with clients to develop and implement effective strategies to restructure debt, protect assets, and allow businesses to restructure and emerge in the strongest possible position.

REPRESENTATIVE WORK

- The Sussman Shank team mediated the settlement of three litigation matters that involved eight figures of potential value. Our work resulted in the release of claims with a limited reserve for future litigation. Of four lawsuits for breach of fiduciary duty and fraud, three were settled.
- We represented the individual owner of a large-scale cattle operation through a bankruptcy proceeding that allowed the client to continue operations. Our lawyers reduced and restructured debt in a way that allowed the client to meet a payment schedule while still operating the business.

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