

# Table of Contents

[About the Editors](#)

[Introduction](#)

[1. Basics of Bankruptcy Venue, Transfer of Cases](#)

[A. Applicable Provisions of the Judicial Code](#)

[B. Rule 1014 Generally](#)

[C. When Is Transfer Appropriate?](#)

[D. Conclusion](#)

[2. Outer Limits of Jurisdiction](#)

[A. Dismissed Case Cannot Be Reopened](#)

[B. Only Cases Closed under § 350 Can Be Reopened](#)

[C. Distinction Between Closed and Dismissed Cases](#)

[D. Court May Lack Jurisdiction to Enforce, or Interpret Orders Entered in Dismissed Cases](#)

[E. Conclusion](#)

[3. New Media Creates New Expectations for Bankruptcy Notice Programs](#)

[A. Publication Notice to Unknown Creditors](#)

[B. Noticing Experts: Targeted Notice](#)

[C. Publication Notice: Print vs. Internet](#)

[D. Publication Notice: Other Considerations](#)

[E. Recent Approval of New Media Notice in \*Jackson Hewitt\*](#)

[F. Conclusion](#)

[4. The Basics for Retaining a CRO](#)

[A. Section 327\(a\)](#)

[B. Section 327\(b\)](#)

[C. Section 363\(b\)\(1\)](#)

[D. Section 363\(c\)\(1\)](#)

[E. Conclusion](#)

## [5. Protecting Trade Creditors' Rights in Bankruptcy](#)

[A. Section 503\(b\)\(9\) Request for Administrative Expense](#)

[B. Section 546\(c\) Reclamation Demand](#)

[C. Post-Petition Assertion of Mechanics' Liens](#)

[D. Further Protecting Secured Claim or Administrative-Expense Priority](#)

[E. Conclusion](#)

## [6. The Mechanics of a § 363 Sale](#)

[A. The Benefits and Drawbacks of a § 363 Sale](#)

[B. Bidding Procedures](#)

[C. Auction and Final Approval](#)

[D. Recent § 363 Developments](#)

## [7. Preparing to Vote on a Chapter 11 Plan: Solicitation, Balloting and Tabulation](#)

[A. Determining Who Will Vote and How](#)

[B. Database Preparation](#)

[C. Solicitation Procedures](#)

[D. Mailing or Other Delivery Procedures](#)

[E. Tabulation Procedures](#)

[F. Gather Important Contact Information](#)

[G. Timing Considerations](#)

[H. Conclusion](#)

## 8. Chapter 11 Plan Confirmation Issues: Settlements, Releases, Gifting and Death Traps

A. Settlements

B. Third-Party Releases

C. Senior Creditor Gifting: Flexibility in Absolute Priority?

D. Deathtraps

E. Conclusion

## 9. Mediation: Can't We All Just Get Along?

A. Authority for Mediation

B. Use of Mediation in Bankruptcy

C. Present and Future State of Mediation

D. Mediation Tips

E. Conclusion

## 10. Gone Fishing: The Fundamentals of Rule 2004

A. What Is a Rule 2004 Examination?

B. What Limitations Are Imposed on 2004 Examinations?

C. Who May Be Compelled to Attend and Produce Documents?

D. What Is the Procedure for Obtaining Permission to Conduct a Rule 2004 Exam?

E. Conclusion

## 11. Compliance with Rule 9037 and Beyond

A. Protected Information

B. Practical Implications

C. Parallel Concerns

D. Conclusion

## 12. Make Sure Incredible Expert Is Also Credible

A. Rule 702 and Daubert Issues

B. Practical Issues: Selecting and Retaining an Expert

C. Experts' Reputations Often Precede Them

D. Compensation May Unintentionally Affect Credibility

E. Practical Issues: Testing Opinions

F. Conclusion

### 13. Bankruptcy Taxation Fundamentals

A. The End of § 728

B. Prompt Determination under § 505(b)(2)

C. Tax Tidbits

### 14. Determining the Proper Allocation of Joint Tax Refunds

A. The Four Rules

B. *Hundley v. Marsh*

C. *In the Matter of Duarte*

D. Conclusion

### 15. Deciphering Derivatives in Bankruptcy

A. Overview of Derivatives

B. Types of Derivatives

C. Derivatives and the Code

D. Recent Decisions

E. Conclusion

### 16. Dodd-Frank's Liquidation Scheme: Basics for Bankruptcy Practitioners

A. What Institutions Are Covered by OLA?

B. OLA Receivership Criteria

C. How Is a Receivership Commenced?

[D. FDIC Powers under the Statute](#)

[E. Special Treatment of Derivatives and Swaps](#)

[F. Funding the Liquidation](#)

[G. Conclusion](#)

## [17. Restructuring a Municipality under Chapter 9](#)

[A. Eligibility Requirements](#)

[B. The Chapter 9 Petition](#)

[C. The Plan of Adjustment](#)

[D. Notable Differences from Chapter 11](#)

[E. Conclusion](#)

## [18. Introduction to Recognition under Chapter 15](#)

[A. The Chapter 15 Petition](#)

[B. Requirements for Recognition](#)

[C. Definition of a Foreign Proceeding](#)

[D. First Requirement: The Foreign Proceeding](#)

[E. Second Requirement: The Foreign Representative](#)

[F. Third Requirement: The Petition Must Satisfy §1515 Procedural Hurdles](#)

[G. Relief Available Upon Recognition](#)

[H. Public Policy Considerations](#)

[I. Conclusion](#)

## [Conclusion](#)