

Table of Contents

<i>About the Editor</i>	5
I. Preface	6
II. Introduction	10
<i>Commission to Explore Overhauling Chapter 11</i>	11
III. Constitutional and Practical Problems	15
<i>Stern v. Marshall: A Constitutional Conundrum</i>	16
<i>Priming Setoff Rights</i>	22
<i>Canada's "Northern Lights" Could Dispel Shadow of Bear Stearns over Ch. 15 Practice</i>	26
<i>Impracticality of Bankruptcy Rule 2002(a)(2)</i>	30
<i>Absence of Reference to LLCs in the Code: An "Insider" Problem</i>	33
<i>Income Means Income—Except When It Doesn't</i>	39
<i>A Constitutional Challenge to the Automatic-Dismissal Rules</i>	44
<i>Separate Classification of Student Loan Debt in Chapter 13</i>	48
<i>Rule 3002 Fun: Does the Rule Need Negative Notice?</i>	52
<i>A New Twist on the Three Stooges Routine:</i>	56
<i>Debtor & Creditor Duck So Someone Else Gets Creamed</i>	56
IV. Executory Contract Problems	62
<i>Into the Brambles: Section 507(a)(4) and Executoriness</i>	63
<i>In re Interstate Bakeries: Self-Defining Executoriness</i>	68
<i>"Section 365(n) – a Call for Clarity"</i>	71
V. Intellectual Property Problems	77
<i>Treatment of Franchisee Leases under § 365(d)</i>	78
<i>Assuming Intellectual Property Licenses</i>	82
VI. Real Estate & Environmental Problems	87
<i>Does "Term" Equal "Time"? Calculation of Lease-Damage Claims after Early Termination</i>	88
<i>Fixing the Qualitech Problem by Revising § 365(h)</i>	92
<i>Single Asset Real Estate</i>	97
<i>Whatever Happened to Nonresidential Leases in Section 365(d)(1)?</i>	103
<i>Prepetition Receiverships may Impede Real Estate Reorganization</i>	105
<i>The Priority of Environmental Cleanup Costs: A "Collective Action Problem"</i>	110
VII. The Endgame – Confirmation & post-Confirmation Problems	114
<i>Expediting Chapter 11 Liquidating Debtor's Distribution to Creditors</i>	115
<i>Disposition of Surplus Assets in Liquidating Bankruptcy Estates</i>	120
<i>An Uneven Match: Statutes of Limitations vs. Nondischargeability Actions</i>	125
<i>A Tangible Solution for Testing Plan Feasibility: Reader's Digest Version</i>	

VIII. What's Next for Bankruptcy Reform 138

What's Next for Bankruptcy Reform 139