

NY Post Quotes Kelley Drye Special Counsel Benjamin D. Feder On Pro Bono Bankruptcy Case

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The *NY Post* news article “Bankruptcy trustee targets Catholic schools” quotes Special Counsel [Benjamin D. Feder](#) in connection with Kelley Drye’s pro bono representation of Our Lady of Mt Carmel-St. Benedicta School. The article discusses the administration of a chapter 7 case and the trustee’s efforts to claw back tuition payments that a bankrupt couple made for their children’s education. The trustee argues that the couple received “less than a reasonably equivalent value” and did not directly benefit, and if his argument prevails in these contentious proceedings, it could have significant impact on other private schools. According to the article, the president of the Catholic League labels the argument “contemptible,” and U.S. Bankruptcy Judge Carla Craig is reported as seeming dubious as to the trustee’s logic, citing the possibility of suing orthodontists for braces and asking “Are you going to sue Disney World?”

Mr. Feder is quoted as follows: “One almost gets a feeling that [the trustee is] personally offended . . . that the debtors sent their children to a parochial school. The trustee is not empowered to pass judgment on . . . the necessity of a given expenditure.” Mr. Feder’s statement is supplemented by a quote from an adjunct professor at St. John’s School of Law, who characterizes the trustee’s claim as “highly unusual” and states plainly that “education is very valuable.”