

Rust Omni Bankruptcy Today Includes Special Counsel Benjamin D. Feder's Recent Blog Post on Recent Rulings of Supreme Court's Baker Botts v. Asarco Decision

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Special counsel [Benjamin D. Feder's](#) blog post, "Fees for Defending Fees – Recent Rulings Permit Contractual Circumvention of Supreme Court's *Baker Botts v. Asarco Decision*" was included in *Rust Omni Bankruptcy Today's* newsletter, which provides access to recent significant chapter 11 case filings, relevant restructuring news and samples of current distressed company profiles.

Originally published in Kelley Drye's Bankruptcy Law Insights blog, the post discusses the Supreme Court's former decision in *Baker Botts v. Asarco*, in which the Court ruled that professionals that are paid from a debtor's bankruptcy estate cannot be compensated for time spent defending their fee applications. The post also discusses a subsequent opinion in a Delaware bankruptcy case, *In re Boomerang Tube*, where it declined to allow Baker Botts to be circumvented by contract. However, decisions in another Delaware case, *Nortel Networks*, and more recently in a New Mexico case, *Hungry Horse LLC*, have distinguished *Boomerang Tube* and permitted contractual provisions that allow payment for the defense of fees.

To read the full blog post, please click [here](#).