

RALPH BRUBAKER
Curriculum Vitae—May 2019

Office

University of Illinois College of Law
217 Law Building
504 East Pennsylvania Avenue
Champaign, Illinois 61820
(217) 265-6740
e-mail: rbrubake@illinois.edu

ACADEMIC AND LEGAL EXPERIENCE

University of Illinois College of Law (<http://www.law.illinois.edu>)

Carl L. Vacketta Professor of Law, March 2014-present
Guy Raymond Jones Faculty Scholar, April 2008-August 2010
Interim Dean, April 2008-February 2009
Associate Dean for Academic Affairs, January 2006-April 2008
Mildred Van Voorhis Jones Faculty Scholar, August 2004-August 2006
Professor of Law, August 2004-present

Teaching:

Bankruptcy, Bankruptcy Procedure, Corporate Reorganizations, Civil Procedure, Contracts, Conflict of Laws, and Restitution and Unjust Enrichment

College of Law Committees:

Appointments; Strategic Planning (Chair); Promotion and Tenure; Curriculum (Chair); Chicago Program Assessment Working Group (Chair); Graduate and International Students (Chair); Visiting Assistant Professors and Faculty Development (Chair); Chairs and Professorships (Chair); Faculty Retreat (Chair); Lectures; By-Laws; Grants; various search committees

University Committees:

Chancellor/Provost Faculty Consultation Group; National and International Awards and Honors Committee; Provost's Committee on Retention; Campus Budget Advisory Committee; Police Training Institute Project Review Team

Emory University School of Law

Professor of Law, September 2003-August 2004
Associate Professor of Law, September 1998-September 2003
Assistant Professor of Law, August 1995-August 1998

Teaching:

Bankruptcy, Bankruptcy Procedure, Contracts, Business Associations, and Corporate Finance

Voted Hooding Professor by School of Law Class of 1998

University Committees:

Law School Dean Search Committee, 2001
Halle Institute Faculty Study Trip to Germany, May 2000
Steering Committee, Faculty Council's Faculty at Emory Project, 1999-2000

School of Law Committees:

Dean's Advisory Committee, Appointments, Admissions (Chair), Academic Standing,
Judicial Clerkships, Career Services, Rankings, Admissions Director Search Committee

Georgia State University College of Law

Southeastern Bankruptcy Law Institute Distinguished Visiting Professor of Law, Spring 2014-
Fall 2014

University of Illinois College of Law

Visiting Assistant Professor of Law, August 1994-August 1995

Teaching Contracts, Business Organizations, and Market Regulation

Squire, Sanders & Dempsey, Cleveland, Ohio

Associate, September 1990-August 1994

Practice in bankruptcy and reorganization group, with extensive experience in large and medium-sized Chapter 11 bankruptcy reorganization proceedings, including "prepackaged," leveraged buy-out, and mass-tort bankruptcies.

Honorable James K. Logan, United States Court of Appeals, Tenth Circuit

Judicial Law Clerk, August 1989-August 1990

EDUCATION

University of Illinois

J.D., *summa cum laude*, August 1989

GPA 4.906/5.0

Class Rank 3/197

M.B.A., August 1989

GPA 5.0/5.0

B.S., Agricultural Economics (with Accounting minor), May 1985

GPA 5.0/5.0

Bronze Tablet University Honors

C.P.A., September 1985

Practice Admissions:

Supreme Court of Ohio
Supreme Court of the United States
United States Court of Appeals, Sixth Circuit
United States District Court, Northern District of Ohio

PUBLICATIONS

Academic Books and Journal Articles:

BANKRUPTCY LAW: PRINCIPLES, POLICIES, AND PRACTICE and comprehensive Teacher's Manual (LexisNexis 4th ed. 2015 & Supp. 2017) (with Charles J. Tabb).

A DEBTOR WORLD: INTERDISCIPLINARY PERSPECTIVES ON DEBT (Ralph Brubaker, Robert M. Lawless & Charles J. Tabb eds.) (Oxford Univ. Press 2012).

BANKRUPTCY LAW: PRINCIPLES, POLICIES, AND PRACTICE and comprehensive Teacher's Manual (LexisNexis 3d ed. 2010 & Supps. 2011, 2012, 2014) (with Charles J. Tabb).

BANKRUPTCY LAW: PRINCIPLES, POLICIES, AND PRACTICE and comprehensive Teacher's Manual (LexisNexis 2d ed. 2006 & Supps. 2007, 2008) (with Charles J. Tabb).

BANKRUPTCY LAW: PRINCIPLES, POLICIES, AND PRACTICE and comprehensive Teacher's Manual (Anderson Publishing 2003 & Supps. 2004, 2005) (with Charles J. Tabb).

Triangular Setoff Agreements (Part II): Contractual Mutuality and Contractual Priority, 39 BANKR. L. LETTER No. 3, Mar. 2019, at 1-17.

Triangular Setoff Agreements (Part I): (Mis)Understanding the Mutuality Requisite for Setoff, 39 BANKR. L. LETTER No. 2, Feb. 2019, at 1-14.

Turnover, Adequate Protection, and the Automatic Stay: A Reply to Judge Wedoff, 38 BANKR. L. LETTER No. 11, Nov. 2018, at 1-19.

Nondischargeable Fraud Debts, Statements Respecting Financial Condition, and the Mysterious Writing Requirement, 38 BANKR. L. LETTER No. 8, Aug. 2018, at 1-21.

Sale of a Debtor's Real Property Free and Clear of a Tenant's Lease: Code §§ 363(f) and 365(h), "Applicable Nonbankruptcy Law," and the Tenant's Putative Adequate Protection Rights, 38 BANKR. L. LETTER No. 5, May 2018, at 1-19.

A Case Study in Federal Bankruptcy Jurisdiction: Core Jurisdiction (or Not) to Approve Non-Debtor “Releases” and Permanent Injunctions in Chapter 11, 38 BANKR. L. LETTER No. 2, Feb. 2018, at 1-21.

Secured Creditor Cram-Down Valuations and Chapter 11’s Raison d’Etre, 37 BANKR. L. LETTER No. 10, Oct. 2017, at 1-15.

Understanding the Scope of the § 546(e) Securities Safe Harbor Through the Concept of the “Transfer” Sought to Be Avoided, 37 BANKR. L. LETTER No. 7, July 2017, at 1-26.

Taking Bankruptcy’s Distribution Rules Seriously: How the Supreme Court Saved Bankruptcy From Self-Destruction, 37 BANKR. L. LETTER No. 4, Apr. 2017, at 1-16.

Default Rates of Interest and Cure of a Defaulted Debt in a Chapter 11 Plan of Reorganization (Part II): Entz-White and the Penalty Rate Amendments, 37 BANKR. L. LETTER No. 1, Jan. 2017, at 1-12.

Default Rates of Interest and Cure of a Defaulted Debt in a Chapter 11 Plan of Reorganization (Part I): Entz-White’s Overlooked Choice of Law Dimension, 36 BANKR. L. LETTER No. 12, Dec. 2016, at 1-11.

Non-Article III Adjudication: Bankruptcy and Nonbankruptcy, With and Without Litigant Consent, 33 EMORY BANKR. DEV. J. 11-90 (2016) (invited article for special anniversary issue).

Money Judgments in Governmental Regulatory Actions: A Lesson in the Multiple Functions of Bankruptcy’s Automatic Stay, 36 BANKR. L. LETTER No. 10, Oct. 2016, at 1-15.

Is a Fraudulent Transfer Actually an “Actual Fraud”?, 36 BANKR. L. LETTER No. 7, July 2016, at 1-19.

The Constitutionality of Non-Article III Bankruptcy Adjudications, With and Without Litigant Consent (Part III), 36 BANKR. L. LETTER No. 1, Jan. 2016, at 1-16.

The Constitutionality of Non-Article III Bankruptcy Adjudications, With and Without Litigant Consent (Part II), 35 BANKR. L. LETTER No. 12, Dec. 2015, at 1-14.

The Constitutionality of Non-Article III Bankruptcy Adjudications, With and Without Litigant Consent (Part I), 35 BANKR. L. LETTER No. 9, Sept. 2015, at 1-17.

Bankruptcy Appeals: Finality and the Appellate Litigation Unit, 35 BANKR. L. LETTER No. 6, June 2015, at 1-15.

“Secret Liens,” Judicial Lien Creditors, and the Law of Mistake, 35 BANKR. L. LETTER No. 4, April 2015, at 1-18.

- Back to the Future Claim: Due Process in and Beyond the Mass Tort Reorganization (Part II)*, 35 BANKR. L. LETTER No. 1, Jan. 2015, at 1-18.
- Back to the Future Claim: Due Process in and Beyond the Mass Tort Reorganization (Part I)*, 34 BANKR. L. LETTER No. 11, Nov. 2014, at 1-10.
- The Post-RadLAX Ghosts of Pacific Lumber and Philly News (Part II): Limiting Credit Bidding*, 34 BANKR. L. LETTER No. 7, July 2014, at 1-13.
- The Post-RadLAX Ghosts of Pacific Lumber and Philly News (Part I): Is Reorganization Surplus Subject to a Secured Creditor's Pre-Petition Lien?*, 34 BANKR. L. LETTER No. 6, June 2014, at 1-15.
- Justice Story, Bankruptcy Injunctions, and the Anti-Injunction Act of 1793*, 92 TEXAS L. REV. SEE ALSO 65-106 (2014) (invited response).
- Lien Voiding or Lien Pass-Through Upon Confirmation of a Chapter 11 Plan? (Part II): The (Ir)Relevance of Secured Creditor Participation*, 34 BANKR. L. LETTER No. 1, Jan. 2014, at 1-11.
- Lien Voiding or Lien Pass-Through Upon Confirmation of a Chapter 11 Plan? (Part I): The Historical Origins of Lien Pass-Through Mythology*, 33 BANKR. L. LETTER No. 12, Dec. 2013, at 1-9.
- Turnover, Adequate Protection, and the Automatic Stay (Part II): Who Is "Exercising Control" Over What?*, 33 BANKR. L. LETTER No. 9, Sept. 2013, at 1-11.
- Turnover, Adequate Protection, and the Automatic Stay (Part I): Origins and Evolution of the Turnover Power*, 33 BANKR. L. LETTER No. 8, Aug. 2013, at 1-9.
- The Constitutionality of Litigant Consent to Non-Article III Bankruptcy Adjudications*, 32 BANKR. L. LETTER No. 12, Dec. 2012, at 1-12.
- A "Summary" Statutory and Constitutional Theory of Bankruptcy Judges' Core Jurisdiction After Stern v. Marshall*, 86 AM. BANKR. L.J. 121-89 (2012) (refereed journal) (invited symposium article).
- Credit Bidding and the Secured Creditor's Baseline Distributional Entitlement in Chapter 11*, 32 BANKR. L. LETTER No. 7, July 2012, at 1-18.
- The Erie Doctrine, Code Common Law, and Choice-of-Law Rules in Bankruptcy (Part II)*, 32 BANKR. L. LETTER No. 6, June 2012, at 1-12.
- The Erie Doctrine, Code Common Law, and Choice-of-Law Rules in Bankruptcy (Part I)*, 32 BANKR. L. LETTER No. 4, Apr. 2012, at 1-12.

Article III's Bleak House (Part II): The Constitutional Limits of Bankruptcy Judges' Core Jurisdiction, 31 BANKR. L. LETTER No. 9, Sept. 2011, at 1-24.

Article III's Bleak House (Part I): The Statutory Limits of Bankruptcy Judges' Core Jurisdiction, 31 BANKR. L. LETTER No. 8, Aug. 2011, at 1-16.

Taking Chapter 11's Distribution Rules Seriously: "Inter-Class Gifting Is Dead! Long Live Inter-Class Gifting!", 31 BANKR. L. LETTER No. 4, Apr. 2011, at 1-15.

Bankruptcy Reorganizations and the Troubling Legacy of Chrysler and GM, 2010 U. ILL. L. REV. 1375-1410 (with Charles J. Tabb).

Cramdown of an Undersecured Creditor Through Sale of the Creditor's Collateral: Herein of Indubitable Equivalence, the § 1111(b)(2) Election, Sub Rosa Sales, Credit Bidding, and Disposition of Sale Proceeds, 29 BANKR. L. LETTER No. 12, Dec. 2009, at 1-16.

The Chrysler and GM Sales: § 363 Plans of Reorganization?, 29 BANKR. L. LETTER No. 9, Sept. 2009, at 1-16.

An Administrative Expense Odyssey, 29 BANKR. L. LETTER No. 6, June 2009, at 1-14.

Supplemental Bankruptcy Jurisdiction, 27 BANKR. L. LETTER No. 3, Mar. 2007, at 1-12.

Explaining Katz's New Bankruptcy Exception to State Sovereign Immunity: The Bankruptcy Power as a Federal Forum Power, 15 AM. BANKR. INST. L. REV. 95-134 (2007) (invited symposium article).

The Oil Tycoon, the Playboy Playmate, and Bankruptcy's Encounter with the Probate Exception to Federal Jurisdiction, 26 BANKR. L. LETTER No. 7, July 2006, at 1-12.

Katz and the New Bankruptcy Exception to States' Constitutional Sovereign Immunity: Abandoning Hood's In Rem Theory (and Seminole Tribe), 26 BANKR. L. LETTER No. 3, Mar. 2006, at 1-18.

Unwrapping Prepackaged Asbestos Bankruptcies (Part II): The Antithesis of Creditor Equality, 25 BANKR. L. LETTER No. 2, Feb. 2005, at 1-8.

Unwrapping Prepackaged Asbestos Bankruptcies (Part I): Non-Debtor "Releases" and Permanent Injunctions, 25 BANKR. L. LETTER No. 1, Jan. 2005, at 1-11.

Taking Exception to the New Corporate Discharge Exceptions, 13 AM. BANKR. INST. L. REV. 757-75 (2005) (invited symposium article).

From Fictionalism to Functionalism in State Sovereign Immunity: The Bankruptcy Discharge as Statutory Ex parte Young Relief After Hood, 13 AM. BANKR. INST. L. REV. 59-127 (2005).

Hood's *In Rem* Exception to State Sovereign Immunity in Bankruptcy: A Personal Jurisdiction Time Warp, 24 BANKR. L. LETTER No. 7, July 2004, at 1-14.

Critical Vendor Orders After Kmart (Part II): The Procedural Pitfalls Surrounding Notice and Appeal, 24 BANKR. L. LETTER No. 6, June 2004, at 1-9.

Reassessing Our Commitment to Unsecured Creditor Equality: Critical Vendor Orders After Kmart (Part I), 24 BANKR. L. LETTER No. 5, May 2004, at 1-11.

Debate—“Resolved: The 1978 Bankruptcy Code Has Been a Success,” 12 AM. BANKR. INST. L. REV. 273-97 (2004) (with Kenneth N. Klee, UCLA School of Law) (invited symposium article).

Abrogation of State Sovereign Immunity Through Congress's Bankruptcy Power: Considering the Framers' Intent with Respect to the Attributes of Sovereignty, Uniformity, and Bankruptcy Exceptionalism, 23 BANKR. L. LETTER No. 3, Mar. 2003, at 1-11.

Of State Sovereign Immunity and Prospective Remedies: The Bankruptcy Discharge as Statutory Ex parte Young Relief, 76 AM. BANKR. L.J. 461-563 (2002) (refereed journal) (recipient of Editors' Prize for best article in volume 76).

On the Nature of Federal Bankruptcy Jurisdiction: A General Statutory and Constitutional Theory, 41 WM. & MARY L. REV. 743-941 (2000).

One Hundred Years of Federal Bankruptcy Law and Still Clinging to an In Rem Model of Bankruptcy Jurisdiction, 15 EMORY BANKR. DEV. J. 261-84 (1999) (invited symposium article).

Nondebtor Releases and Injunctions in Chapter 11: Revisiting Jurisdictional Precepts and the Forgotten Callaway v. Benton Case, 72 AM. BANKR. L.J. 1-61 (1998) (refereed journal).

Bankruptcy Injunctions and Complex Litigation: A Critical Reappraisal of Non-Debtor Releases in Chapter 11 Reorganizations, 1997 U. ILL. L. REV. 959-1080.

Attempted Monopolization: Reuniting a Doctrine Divorced from its Criminal Law Roots and the Policy of the Sherman Act, 73 MARQ. L. REV. 355-420 (1990) (with Mark E. Roszkowski).

Farm Products Collateral: Still a Problem?, 1987 U. ILL. L. REV. 241-74.

Analyzing Change: The Statement of Changes in Financial Position, 47 AGRIC. FIN. REV. 95-105 (1987) (with Thomas L. Frey) (refereed journal).

Essays and Shorter Articles:

Reforming Chapter 11 Bankruptcy Reorganizations, 2015 U. ILL. L. REV. 507-08 (with Robert M. Lawless and Charles J. Tabb) (symposium introduction).

Supreme Court Holds That Inherited IRAs Are Not Exempt “Retirement Funds” Under Uniform Bankruptcy Exemption, 34 BANKR. L. LETTER No. 9, Sept. 2014, at 1-10.

The Preclusive Effect of a Claims Allowance Order on a Subsequent Avoidance Action Against the Creditor, 33 BANKR. L. LETTER No. 5, May 2013, at 1-8.

Artificial Impairment and the Single-Asset Real Estate Debtor, 33 BANKR. L. LETTER No. 4, Apr. 2013, at 1-11.

Exemptions, Debtor Misconduct and Equitable Remedies: Surcharging Exempt Property for a Debtor’s Misappropriation of Non-Exempt Property, 33 BANKR. L. LETTER No. 2, Feb. 2013, at 1-8.

The Absolute Priority Rule for Individual Chapter 11 Debtors: To Be or Not To Be?, 32 BANKR. L. LETTER No. 10, Oct. 2012, at 1-12.

Subordinated Debt and Postpetition Interest: The Rule of Explicitness Refuses to Die, 32 BANKR. L. LETTER No. 2, Feb. 2012, at 1-12.

The Bankruptcy Discrimination Statute and Discriminatory Hiring Decisions: Turning Textualism’s Hierarchy Upside-Down, 31 BANKR. L. LETTER No. 6, June 2011, at 1-9.

The Nondischargeability of Criminal Restitution Debts, 31 BANKR. L. LETTER No. 1, Jan. 2011, at 1-9.

Post-Petition Modification of At-Will Retiree Benefits in Chapter 11: An Irreconcilable Clash of Legislative Policy Prerogative, 30 BANKR. L. LETTER No. 12, Dec. 2010, at 1-8.

More Judicial Estoppel (Than Anyone Has a Right to Expect) for Unscheduled Assets, 30 BANKR. L. LETTER No. 11, Nov. 2010, at 1-8.

The Supreme Court and Exemption Practice, or Why a Consumer Debtor Needs a Good Bankruptcy Lawyer, 30 BANKR. L. LETTER No. 8, Aug. 2010, at 1-7.

Supreme Court Adopts Forward-Looking Approach to Projected Disposable Income in Chapter 13, 30 BANKR. L. LETTER No. 8, Aug. 2010, at 7-10.

Supreme Court Upholds “Discharge by Declaration” of Student Loan Debts in Chapter 13 (or Does It?), 30 BANKR. L. LETTER No. 6, June 2010, at 1-11.

Individual Chapter 11 Debtors, BAPCPA, and the Absolute Priority Rule, 30 BANKR. L. LETTER No. 4, Apr. 2010, at 1-10.

Preferential Transfers, the Subsequent New Value Defense, and the Requirement That the New Value “Remain Unpaid” (or Not), 30 BANKR. L. LETTER No. 2, Feb. 2010, at 4-11.

A Postscript to the Chrysler and GM Sales: The Supreme Court (Quietly) Brackets Their Legitimacy, 30 BANKR. L. LETTER No. 2, Feb. 2010, at 1-4.

Supreme Court Validates “Clarified” Manville Insurance Injunction: Channeling... and So Much More!, 29 BANKR. L. LETTER No. 8, Aug. 2009, at 1-11.

Bankruptcy Court Jurisdiction to Enter a Money Judgment on a Nondischargeable Debt: Exposing Pacor’s Deficiencies and the True Supplemental Nature of Third-Party “Related To” Bankruptcy Jurisdiction, 29 BANKR. L. LETTER No. 4, Apr. 2009, at 1-11.

Paying a Default Rate of Interest to Cure Payment Defaults in a Chapter 11 Plan of Reorganization: Sweet!, 28 BANKR. L. LETTER No. 3, Mar. 2008, at 1-10.

Assumption and Assignment of Executory Contracts: Must a Proposed Assignee Provide Adequate Assurance of Future Performance of All Contract Terms?, 28 BANKR. L. LETTER No. 1, Jan. 2008, at 1-10.

Consumer Credit and Bankruptcy: Assessing a New Paradigm, 2007 U. ILL. L. REV. 1-8 (symposium introduction).

New Value in an Existing Contractual Relationship, 27 BANKR. L. LETTER No. 12, Dec. 2007, at 1-8.

Allowing the Claim of a Creditor with a Third-Party Guaranty While Disallowing Postpetition Interest: It’s Much Easier Than It Looks (to the Fourth Circuit), 27 BANKR. L. LETTER No. 9, Sept. 2007, at 1-8.

Allowance of Attorney’s Fees to an Unsecured Creditor (Part II): Wrestling with the Issue Undecided by the Supreme Court, 27 BANKR. L. LETTER No. 8, Aug. 2007, at 1-10.

Allowance of Attorney’s Fees to an Unsecured Creditor: The Supreme Court Has Spoken (and Said Nothing), 27 BANKR. L. LETTER No. 5, May 2007, at 1-10.

Preferential Payment of a Nondischargeable Debt and the Dischargeability of the Creditor’s § 502(h) Claim Upon Recovery Thereof: Considering the Common Law Origins and Nature of the Code’s Avoidance Remedy, 27 BANKR. L. LETTER No. 1, Jan. 2007, at 1-8.

Cross-Default Provisions in Executory Contracts and Unexpired Leases: Assumption Cum Onere and Unenforceable Ipso Facto Provisions, 26 BANKR. L. LETTER No. 11, Nov. 2006, at 1-10.

Of Give-Ups, Critical Vendors, Diminution of the Estate, and Preference Policy, 26 BANKR. L. LETTER No. 9, Sept. 2006, at 1-8.

Contingent Interests Under Laws Not Yet Enacted as Property of the Estate, 26 BANKR. L. LETTER No. 5, May 2006, at 1-5.

Claims Objections and Chapter 11 Plan Voting, 26 BANKR. L. LETTER No. 5, May 2006, at 5-8.

Lien Avoidance “for the Benefit of the Estate”: Textualism, Equitable Powers, and Code Common Law, 26 BANKR. L. LETTER No. 1, Jan. 2006, at 1-8.

Rejection of Executory Contracts and the Nondebtor Party’s Resulting Breach Claim: Exploring the Limits of the Code’s Fictional Prepetition Breach, 25 BANKR. L. LETTER No. 12, Dec. 2005, at 1-10.

Subordination of Stock Repurchase Claims: Nonbankruptcy State Law, “No Fault” Equitable Subordination, and Mandatory Subordination of Stock Purchase/Sale Damages Claims, 25 BANKR. L. LETTER No. 11, Nov. 2005, at 1-10.

Bankruptcy’s Lease Damages Cap and Lessors’ Security for Breach of Lease: Security Deposits, Personal Guaranties, and Standby Letters of Credit, 25 BANKR. L. LETTER No. 10, Oct. 2005, at 1-12.

Piercing the Corporate Veil of a Bankruptcy Debtor: Distinguishing the Bankruptcy Estate’s Distinctive Roles as Successor to the Debtor and as “Super Creditor,” 25 BANKR. L. LETTER No. 9, Sept. 2005, at 1-13.

When Property Becomes a Promise Becomes a Preference, 25 BANKR. L. LETTER No. 8, Aug. 2005, at 1-10.

Punitive Damages in Chapter 11: Of Categorical Disallowance, Equitable Subordination, and Subordination by Classification, 25 BANKR. L. LETTER No. 7, July 2005, at 1-10.

Inter-Class Give-Ups in a Chapter 11 Plan of Reorganization: Remembering the Origins of the Absolute Priority Rule, 25 BANKR. L. LETTER No. 6, June 2005, at 1-10.

Supreme Court Holds That IRAs Are Exemptible Under Code § 522(d)(10)(E), 25 BANKR. L. LETTER No. 6, May 2005, at 1-8.

The Preemptive Effect of the Bankruptcy Code for Preference Avoidance Under State-Law Assignments for the Benefit of Creditors, 25 BANKR. L. LETTER No. 4, Apr. 2005, at 1-12.

Bankruptcy and the Probate Exception to Federal Jurisdiction, 25 BANKR. L. LETTER No. 3, Mar. 2005, at 1-11.

Cure of Nonmonetary Defaults as a Prerequisite to Assumption of Executory Contracts and Unexpired Leases: A Lesson in the Nature and Function of the Cure Requirement, 24 BANKR. L. LETTER No. 12, Dec. 2004, at 1-9.

Contractual Subordination Provisions, the Rule of Explicitness, and “Applicable Nonbankruptcy Law”: *Bankruptcy-Specific State Law for a Bankruptcy-Specific Issue or Federal Bankruptcy Law for a Federal Bankruptcy Issue?*, 24 BANKR. L. LETTER No. 11, Nov. 2004, at 1-10.

Assumption of Nonassignable Executory Contracts: Herein of Ambiguous “Applicable Law,” Meaningless Statutory Amendments, and an Absurd View of the Absurd, 24 BANKR. L. LETTER No. 10, Oct. 2004, at 1-10.

Operating in the Involuntary Gap: What To Do Regarding Payments To a Secured Creditor?, 24 BANKR. L. LETTER No. 9, Sept. 2004, at 1-8.

Cramdown Interest Rates: Disarray Dominates Till...?, 24 BANKR. L. LETTER No. 8, Aug. 2004, at 1-12.

Supreme Court Decides That the Deadline for Filing an Objection to Discharge Is Forfeited If Not Timely Raised by the Debtor, 24 BANKR. L. LETTER No. 4, Apr. 2004, at 1-8.

The Great Pretenders: A Tale of the Rehnquist Court, Textualism, and Code § 330(a)(1), 24 BANKR. L. LETTER No. 3, Mar. 2004, at 1-12.

Considering the Code’s Preemptive Effect in the Plan Confirmation Context: State Utility Regulation and § 1123(a)(5) as a Case Study, 24 BANKR. L. LETTER No. 2, Feb. 2004, at 1-11.

Preferential Transfer Liability for Prepetition Payments on an Assumed Contract or Lease: Exploring the Limits of Textualism, the Legitimacy of a Code Common Law, and an Appropriate Contractual Default Rule for the Assumption Bargain, 24 BANKR. L. LETTER No. 1, Jan. 2004, at 1-8.

Determining the Timeliness of a Debtor’s Postpetition Appeal of a Prepetition Judgment: Code § 108(b) or § 108(c)?, 23 BANKR. L. LETTER No. 12, Dec. 2003, at 1-5.

When Does a Transfer Occur for Purposes of a Preference Challenge?, 23 BANKR. L. LETTER No. 12, Dec. 2003, at 5-9.

Making Sense of the In Pari Delicto Defense: “Who’s Zoomin’ Who?”, 23 BANKR. L. LETTER No. 11, Nov. 2003, at 1-9.

Pre-Consummation Lien Stripping in Chapter 13, 23 BANKR. L. LETTER No. 10, Oct. 2003, at 1-10.

The Extent of a State's Waiver of Sovereign Immunity by Filing a Proof of Claim, 23 BANKR. L. LETTER No. 9, Sept. 2003, at 1-8.

Does § 549(c) Protect a Good Faith Purchaser in a Post-Petition Foreclosure Sale Conducted in Violation of the Automatic Stay?, 23 BANKR. L. LETTER No. 8, Aug. 2003, at 1-5.

Sale of a Debtor's Real Property Free and Clear of a Tenant's Lease: Exploring the Relationship Between § 363(f) and § 365(h), 23 BANKR. L. LETTER No. 8, Aug. 2003, at 5-10.

A Federal Bankruptcy Court's Peremptory Control of Collateral Bankruptcy Litigation, 23 BANKR. L. LETTER No. 7, July 2003, at 1-7.

Impairment Under § 1124(1): The Fallacious Distinction Between Plan Impairment and Code Impairment, 23 BANKR. L. LETTER No. 7, July 2003, at 7-10.

Supreme Court Decides That a General Release of Claims in a Settlement Agreement Does Not Release Claims of Nondischargeability of the Settlement Debt, 23 BANKR. L. LETTER No. 6, June 2003, at 1-6.

Successor Liability and Bankruptcy Sales: Free and Clear of What?, 23 BANKR. L. LETTER No. 6, June 2003, at 6-12.

The Regulatory Authority of Administrative Agencies Versus the Bankruptcy Code (and Bankruptcy Court Jurisdiction?): The Supreme Court's NextWave Decision Scores One for the Bankruptcy Code (and Bankruptcy Court Jurisdiction?), 23 BANKR. L. LETTER No. 5, May 2003, at 1-11.

Indemnification of Financial Advisors in Chapter 11 (and Judicial Musings Afield Therefrom): How Far Is Too Far?, 23 BANKR. L. LETTER No. 4, Apr. 2003, at 1-10.

A Race to the Courthouse (to Beat the Pink Slip): Does Code § 525(b) Prohibit a Pre-Petition Discriminatory Termination of a Bankruptcy Debtor(-to-Be)?, 23 BANKR. L. LETTER No. 2, Feb. 2003, at 1-5.

Is a "Redemption" Agreement a "Reaffirmation" Agreement Subject to the Requirements of Code § 524(c)?, 23 BANKR. L. LETTER No. 2., Feb. 2003, at 5-9.

Intervention of Right in Chapter 11 Adversary Proceedings Pursuant to Code § 1109(b), 23 BANKR. L. LETTER No. 1, Jan. 2003, at 1-7.

Retention of Jurisdiction Provisions in a Plan of Reorganization as a Nullification of Arbitration Rights: An Expression of Doubt, 23 BANKR. L. LETTER No. 1, Jan. 2003, at 7-11.

Avoidance of Exemption-Impairing Judicial Liens, 22 BANKR. L. LETTER No. 12, Dec. 2002, at 1-9.

Creditor/Committee Derivative Litigation: Of Textualism and Equitable Powers, 22 BANKR. L. LETTER No. 11, Nov. 2002, at 1-8.

The Ambivalent Role of Industry Standards in Determining Whether an Otherwise Preferential Debt Repayment is Within the Ordinary Course of Business, 22 BANKR. L. LETTER No. 10, Oct. 2002, at 1-5.

Absolute Priority and an Individual Chapter 11 Debtor's Exempt Property: Who is Junior to Whom?, 22 BANKR. L. LETTER No. 10, Oct. 2002, at 5-8.

Subrogation, Letters of Credit, and Discharge Exceptions, 22 BANKR. L. LETTER No. 9, Sept. 2002, at 1-8.

Turnover Rights Revisited (or Repudiated Sub Silentio?): Who "Owns" Collateral Repossessed by a Secured Creditor?, 22 BANKR. L. LETTER No. 8, Aug. 2002, at 1-7.

The Impact of the Discharge Injunction on State-Court Dischargeability Determinations, 22 BANKR. L. LETTER No. 8, Aug. 2002, at 7-10.

A Debtor's Pre-Petition Guaranty of Post-Petition Loan Advances Secured by a Lien on Property of the Estate: Is the Lien Valid or Invalid?, 22 BANKR. L. LETTER No. 7, July 2002, at 1-7.

Sales Free and Clear of Liens Under Code § 363(f)(3) & (f)(5): Can the Bankruptcy Court Authorize a Free-and-Clear Sale of Overencumbered Property?, 22 BANKR. L. LETTER No. 7, July 2002, at 7-10.

The Consequences of a Chapter 7 Trustee's Rejection of an Individual Debtor's Unexpired Lease, 22 BANKR. L. LETTER No. 6, June 2002, at 1-6.

Contractual Settlement Agreements as to the Dischargeability of the Settlement Debt, 22 BANKR. L. LETTER No. 6, June 2002, at 6-11.

Supreme Court Applies Equitable Tolling to the Three-Year Look-Back Period for Nondischargeable Tax Debts, 22 BANKR. L. LETTER No. 5, May 2002, at 1-4.

The Dischargeability of "Control Person" Liability for Federal Securities Fraud: Actual Fraud, Vicarious Nondischargeability, and the Vacillating Objects of the § 523(a)(2)(A) Discharge Exception, 22 BANKR. L. LETTER No. 5, May 2002, at 5-10.

A Debtor's Rights Under Laws Not Yet Enacted as Property of the Estate, 22 BANKR. L. LETTER No. 4, Apr. 2002, at 1-6.

How Do You Get a Lien on Non-Property?, 22 BANKR. L. LETTER No. 4, Apr. 2002, at 6-8.

Who Owns the Equity Interests in a Local Labor Union for Purposes of the Absolute Priority Rule?, 22 BANKR. L. LETTER No. 2, Feb. 2002, at 1-9.

The Effect of Confirmation of a Chapter 11 Plan of Reorganization: The Effect of Confirmation on Unscheduled Assets, 22 BANKR. L. LETTER No. 1, Jan. 2002, at 1-5.

The Effect of Confirmation of a Chapter 11 Plan of Reorganization: The Effect of a Post-Confirmation Conversion to Chapter 7, 22 BANKR. L. LETTER No. 1, Jan. 2002, at 5-8.

The Effect of Confirmation of a Chapter 11 Plan of Reorganization: The Effect of Confirmation on the Federal Courts' Continuing Bankruptcy Jurisdiction, 22 BANKR. L. LETTER No. 1, Jan. 2002, at 8-10.

The Code's (Incompatible?) Directives Regarding Setoff of a Discharged Debt Against Exempt Amounts Owing to an Individual Debtor, 21 BANKR. L. LETTER No. 12, Dec. 2001, at 1-7.

A Creditor's State-Court Fraudulent Conveyance Action, a Trustee's Subsequent § 544(b)(1) Action, and the Pertinence of Preclusion Principles, 21 BANKR. L. LETTER No. 12, Dec. 2001, at 7-10.

"A Bankruptcy Action" Involving a Pre-Petition Account and its Post-Petition Proceeds: Secured Creditor's Collateral Under § 552(b) or Part of the Individual Debtor's Fresh Start Under § 541(a)(6)?, 21 BANKR. L. LETTER No. 11, Nov. 2001, at 1-4.

Post-Petition Creation and Perfection of Environmental Superlien Permitted Under the Retroactive Perfection Provisions of Code §§ 362(b)(3) and 546(b), 21 BANKR. L. LETTER No. 11, Nov. 2001, at 4-8.

Option Agreements, The Bargained-For Exchange, and Unenforceable Ipso Facto Provisions, 21 BANKR. L. LETTER No. 10, Oct. 2001, at 1-6.

Can a Pre-Petition Transfer of Exempt Property Be a Fraudulent Conveyance?, 21 BANKR. L. LETTER No. 10, Oct. 2001, at 6-10.

Post-Confirmation Modification of a Chapter 13 Plan to Surrender Collateral in Full Satisfaction of a Creditor's Secured Claim: Does it Matter What the Collateral Is Worth?, 21 BANKR. L. LETTER No. 9, Sept. 2001, at 1-6.

Fourth Circuit Permits Application of Chapter 13 Plan Payments to Disallowed Post-Petition Interest on a Nondischargeable Debt, 21 BANKR. L. LETTER No. 9, Sept. 2001, at 6-8.

“Surf’s Up Dude!”: Riding the NextWave Decisions from the Second to the D.C. Circuit in a Choppy Sea of Regulatory Reign and Jurisdictional Turmoil, 21 BANKR. L. LETTER No. 8, Aug. 2001, at 1-8.

Inter-Debtor “Cross-Collateralization” in a Chapter 11 DIP Financing Order, 21 BANKR. L. LETTER No. 8, Aug. 2001, at 8-11.

Conflict of Laws in Bankruptcy: Choosing Applicable State Law and the Appropriate (State or Federal?) Choice-of-Law Rule, 21 BANKR. L. LETTER No. 7, July 2001, at 1-6.

Payment of a Mortgage Debt on Exempt Entireties Property: Constructively Fraudulent Nonexempt-to-Exempt Asset Conversion?, 21 BANKR. L. LETTER No. 7, July 2001, at 6-9.

Section 506(b) and Disallowance of Creditors’ Claims for Attorney’s Fees and Costs, 21 BANKR. L. LETTER No. 6, June 2001, at 1-5.

The Preclusive Effect of a Creditor’s Pre-Petition State-Court Judgment in Bankruptcy Claims Allowance Proceedings, 21 BANKR. L. LETTER No. 6, June 2001, at 5-10.

Fresh Start, Vicarious Liability, and the Fraud and Malice Discharge Exceptions: Punishment vs. Compensation—State Law vs. Federal Law, 21 BANKR. L. LETTER No. 5, May 2001, at 1-6.

Tortious Breach of Contract, Intentional Torts, and the Willful and Malicious Injury Discharge Exception, 21 BANKR. L. LETTER No. 5, May 2001, at 6-8.

Check Kiting and the Potential Preferential Transfer Liability of a Debtor’s Depository Banks, 21 BANKR. L. LETTER No. 4, Apr. 2001, at 1-8.

Curing Defaults in a Chapter 11 Plan of Reorganization and Default Rates of Interest, 21 BANKR. L. LETTER No. 4, Apr. 2001, at 8-11.

Understanding (and Misunderstanding) Bankruptcy Standing: If Only I Had Standing to Sue the Lawyers That Sued My Other Lawyer, 21 BANKR. L. LETTER No. 3, Mar. 2001, at 1-3.

Understanding (and Misunderstanding) Bankruptcy Standing: Who Has Standing to Sue the Lawyer That Improperly Filed My Bankruptcy Case Under Chapter 7 Instead of Chapter 11? The Chapter 7 Trustee?!, 21 BANKR. L. LETTER No. 3, Mar. 2001, at 3-5.

Understanding (and Misunderstanding) Bankruptcy Standing: “I’ve Fallen, and I Can’t Get Up!” Standing on Principle in Chapter 11?—or Tripped by the DIP?, 21 BANKR. L. LETTER No. 3, Mar. 2001, at 5-8.

Money Judgments, Governmental Police and Regulatory Powers, and the Automatic Stay, 21 BANKR. L. LETTER No. 2, Feb. 2001, at 1-5.

Implied Private Right of Action, Contempt, Preemption, Rescission, Restitution? Determining the Appropriate Remedy for Improper Reaffirmation Conduct, 21 BANKR. L. LETTER No. 2, Feb. 2001, at 6-10.

Back to the Future Claim: Beyond the Mass Tort Reorganization (with a Return Thereto), 21 BANKR. L. LETTER No. 1, Jan. 2001, at 1-9.

Which Comes First: the Turnover or the Adequate Protection?, 20 BANKR. L. LETTER No. 12, Dec. 2000, at 1-5.

Substantial Contribution Compensation for Creditors in Chapter 11: Of Altruism, Self-Interest, and Restitution, 20 BANKR. L. LETTER No. 12, Dec. 2000, at 5-6.

“That’s Funny—I Don’t Remember Having the Post-Conversion Creditors’ Meeting Pre-Conversion” : Does a Conversion from Chapter 11 to Chapter 7 Activate a New Period for Objecting to an Individual Debtor’s Claimed Exemptions?, 20 BANKR. L. LETTER No. 12, Dec. 2000, at 6-10.

Voluntarily Renunciating Rights as an Avoidable “Transfer” of Property, 20 BANKR. L. LETTER No. 11, Nov. 2000, at 1-6.

A Pair of Preference Puzzlers, 20 BANKR. L. LETTER No. 11, Nov. 2000, at 6-10.

When is a Non-Avoidable Lien Super-Avoidable? When the Ninth Circuit Says Code § 502(d) Can Be Employed to Entirely Disallow the Claim Secured by the Lien, Even Though an Action to Avoid the Lien is Time-Barred., 20 BANKR. L. LETTER No. 10, Oct. 2000, at 1-4.

The Uncertain Contours of Property of the Estate in Chapter 13, 20 BANKR. L. LETTER No. 10, Oct. 2000, at 4-10.

Rejection of an Executory Contract That Never Was, 20 BANKR. L. LETTER No. 9, Sept. 2000, at 1-3.

Allowance of Fees to Professionals Precludes Subsequent Professional Malpractice Claims, 20 BANKR. L. LETTER No. 9, Sept. 2000, at 3-4.

Retaining Causes of Action in a Chapter 11 Plan of Reorganization, 20 BANKR. L. LETTER No. 9, Sept. 2000, at 4-6.

When Is An Order Authorizing Retention of Counsel Appealable? Never?, 20 BANKR. L. LETTER No. 9, Sept. 2000, at 6-7.

Construing an Ambiguous Chapter 13 Plan. Res Judicata, Anyone?, 20 BANKR. L. LETTER No. 9, Sept. 2000, at 7-10.

Timing Is Everything or “Let’s Do the Limbo Rock”, 20 BANKR. L. LETTER No. 8, Aug. 2000, at 1-7.

§ 363(f) Sale of Contract Payment Rights is Free and Clear of Obligor’s Setoff Rights, But Not Recoupment Rights, 20 BANKR. L. LETTER No. 8, Aug. 2000, at 7-8.

Two Circuits Hold that § 1322(b)(2)’s Anti-Modification Provisions Are Inapplicable to Wholly “Unsecured,” Underwater Liens, 20 BANKR. L. LETTER No. 8, Aug. 2000, at 8.

Willful Attempt to Evade Payment Renders Tax Debt Nondischargeable, 20 BANKR. L. LETTER No. 8, Aug. 2000, at 8-10.

Date-of-Honor Rule Adopted for Post-Petition Transfer by Check. New Value Under § 549(b) Determined from Transferee’s, Not Estate’s Perspective., 20 BANKR. L. LETTER No. 8, Aug. 2000, at 10-11.

Supreme Court Denies Administrative Claimant Standing to Surcharge Secured Creditor’s Collateral Under § 506(c). Or Does It?, 20 BANKR. L. LETTER No. 7, July 2000, at 1-4.

Whose Law Is It Anyway? Supreme Court Decides That Burden of Proof in Claims Litigation Is Governed by State Law., 20 BANKR. L. LETTER No. 7, July 2000, at 4-6.

The Pitfalls and Pratfalls of a Post-Confirmation Conversion from Chapter 11 to Chapter 7, 20 BANKR. L. LETTER No. 6, June 2000, at 1-4.

Post-Discharge Conversion from Chapter 7 to Chapter 13?! I Guess So., 20 BANKR. L. LETTER No. 6, June 2000, at 5-8.

Restricting a Debtor’s Ability to Voluntarily Dismiss the Bankruptcy Case: Conversion as a Lesson in the Creditor Protection Function of Bankruptcy, 20 BANKR. L. LETTER No. 6, June 2000, at 8-10.

Criminal Prosecutions, Statutory Bankruptcy Injunctions, and the Preclusive Effect of State-Court Determinations, 20 BANKR. L. LETTER No. 5, May 2000, at 1-6.

Can a Tortious Breach of Contract Give Rise to a Nondischargeable Debt for a Willful and Malicious Injury?, 20 BANKR. L. LETTER No. 5, May 2000, at 6-8.

Exploring the Relationship Between § 362(a) and § 549(c), 20 BANKR. L. LETTER No. 5, May 2000, at 8-9.

Works in Progress:

THE VIRTUE OF BANKRUPTCY (Oxford Univ. Press, forthcoming 2020) (with Heidi M. Hurd).

Bankruptcy Judges Are Unconstitutional (with Sergio Henriques)

The Common Law's Proper Domain: The Motors Liquidation Epic Tragedy (with Charles J. Tabb)

Ponzi Schemes and the Fraudulent Conveyance Canard (with Bruce A. Markell)

Rediscovering the Restitutionary Roots of Bankruptcy's "Avoidance" Actions (with Jack Williams)

The Common Law Origins of Bankruptcy's "Statutory" Injunctions

Bankruptcy's Choice of Law Dimensions

The Father of Modern-Day Bankruptcy Law: Justice Story's Bankruptcy Jurisprudence

PROFESSIONAL ACTIVITIES AND MEMBERSHIPS

Member, American Law Institute (<http://www.ali.org/>), Jan. 2014-present
Members Consultative Group, RESTATEMENT (THIRD) OF CONFLICT OF LAWS, 2015-present

Fellow, American College of Bankruptcy (<http://www.amercol.org/>), Nov. 2010-present
Scholar-in-Residence, Sept. 2016-present

Member, Advisory Committee on Business Enterprise Sales, American Bankruptcy Institute
Commission to Study the Reform of Chapter 11 (<http://commission.abi.org/node/17>), July 2012-
Dec. 2014

Editor in Chief/Author/Contributing Editor, *Bankruptcy Law Letter* (ThomsonWest), Jan. 2006
issue-present

Sole Author/Contributing Editor, *Bankruptcy Law Letter* (West Group), May 2000 issue-Dec.
2005 issue

Board of Directors, American Bankruptcy Institute (<http://www.abiworld.org>), 2001-2010
Member, Executive Committee, 2004-2009
Member, Board Committee on Research Grants

Member, Editorial Advisory Board, *American Bankruptcy Law Journal*, Oct. 2012-Oct. 2015

Member, Editorial Advisory Board, *American Bankruptcy Institute Law Review*, 1997-2009

Scholarly Advisor, *Bankruptcy Developments Journal*, 1995-2004

Peer Reviewer, *American Bankruptcy Law Journal*, 2009-present

Advisory Board, St. John's University School of Law, Bankruptcy LL.M. Program, 1999-2016

Executive Committee, Association of American Law Schools, Debtor-Creditor Section, calendar terms 1999 & 2000

Advisory Board, American Bankruptcy Institute/Emory Law School, Bankruptcy Litigation Symposium, 1999-2004

Member, American Bar Association, Section of Business Law

Board of Directors, Center on Law and Globalization, 2008-2016

Order of the Coif, Illinois Chapter
President, Dec. 2016-present

Order of the Coif, Emory Chapter
Secretary, 1995-Aug. 2004

Amicus Curiae for successful respondent in *Merit Mgmt. Group, LP v. FTI Consulting, Inc.*, 138 S. Ct. 883 (2018) (brief available at <https://papers.ssrn.com/abstract=3047832>)

Amicus Curiae for successful appellee in *Anderson v. Credit One Bank, N.A. (In re Anderson)*, 884 F.3d 382 (2d Cir. 2018) (brief available at <https://papers.ssrn.com/abstract=2925494>)

Amicus Curiae for successful petitioner in *Czyzewski v. Jevic Holding Corp.*, 137 S. Ct. 973 (2017) (brief available at <http://www.scotusblog.com/wp-content/uploads/2016/09/15-649-amicus-petitioner-Law-Professors.pdf>)

Expert on the law for successful defendant in *Perkins v. Lehman Bros., Inc. (In re Int'l Mgmt. Assocs.)*, 563 B.R. 393 (Bankr. N.D. Ga. 2017) (Expert Report available at <https://papers.ssrn.com/abstract=2981689>)

Amicus Curiae at the invitation of the Court in *Reed v. Nathan*, 558 B.R. 800 (E.D. Mich. 2016)

Amicus Curiae for petitioner in *Aurelius Capital Mgmt., LP v. Tribune Media Co.*, No. 15-891 (U.S.) (brief available at 2016 WL 676009)

Amicus Curiae for successful petitioner in *Czyzewski v. Jevic Holding Corp.*, No. 15-649 (U.S.) (brief in support of petition for certiorari available at 2015 WL 9252253)

Counsel for the American College of Bankruptcy as Amicus Curiae for successful respondent in *Executive Benefits Insurance Agency v. Arkison*, 134 S.Ct. 2165 (2014) (brief available at http://www.americanbar.org/publications/preview_home/12-1200.html)

Amicus Curiae for successful petitioner in *Law v. Siegel*, 134 S.Ct. 1188 (2014) (brief available at http://www.americanbar.org/publications/preview_home/12-5196.html)

Amicus Curiae for petitioner in *Law Debenture Trust Co. v. Charter Communications, Inc.*, No. 12-847 (U.S.) (brief available at 2013 WL 543337)

Amicus Curiae for successful petitioner in *Marshall v. Marshall*, 547 U.S. 293 (2006) (brief available at 2005 WL 3156908).

Amicus Curiae for appellee in *Burgess v. Sikes (In re Burgess)*, 438 F.3d 493 (5th Cir. 2006) (brief available at 2005 WL 596651).

Amicus Curiae for successful appellants in *Official Committee of Unsecured Creditors of Cybergenics Corp. v. Chinery*, 330 F.3d 548 (3d Cir. 2003) (en banc) (brief available at 2002 WL 32137095).

Special Appellate Counsel for Nevada Personal-Injury Claimants in appeal from confirmation of Dow Corning's Chapter 11 plan of reorganization to resolve mass-tort breast-implant liability. Decision reported at *In re Dow Corning Corp.*, 280 F.3d 648 (6th Cir. 2002) (briefs available at 2001 WL 34664106, 2001 WL 34664105, and 2001 WL 34664103).

Organizer, Annual Induction Education Program, American College of Bankruptcy, Mar. 2019
—*Managing Connections and Conflicts of Interest in Bankruptcy Cases*
—*The Appeal-ing Aspect of Bankruptcy Practice (Bankruptcy Appeals)*
—*Judges' Roundtable*

Moderator and Panel Speaker, American Bankruptcy Institute Winter Conference, Dec. 2018
Discussion of RONALD J. MANN, BANKRUPTCY AND THE U.S. SUPREME COURT (2017)

Participant, American Law Institute Project Meeting, Oct. 2018
RESTATEMENT (THIRD) OF CONFLICT OF LAWS

Presenter (with Heidi M. Hurd), Faculty Colloquium, George Mason University Antonin Scalia Law School, Nov. 2018
The Virtue of Bankruptcy

Organizer, American College of Bankruptcy All-Fellows Luncheon Panel at the National Conference of Bankruptcy Judges, Oct. 2018
Gone to Texas: Debtors and Texas Legal History

Panel Speaker, American College of Bankruptcy Seventh Circuit Education Program, Sept. 2018
The Implications of the Supreme Court's Merit Mgmt. v. FTI Consulting Decision

Commentator on paper by Robin Bradley Kar & Margaret Jane Radin, Faculty Retreat, University of Illinois College of Law, May 2018
Pseudo-Contract and Shared Meaning Analysis

Panel Speaker, Seventh Circuit Judicial Conference, Apr. 2018
Successor Liability and Bankruptcy Sales: The Free-and-Clear Sale Power, Due Process, and Jurisdiction to Enforce the Sale Order

Speaker, Chapman & Cutler Asset Securitization and Bankruptcy & Financial Services Departments Roundtable, Apr. 2018
The Implications of the Supreme Court's Merit Mgmt. v. FTI Consulting Decision

Organizer, Annual Induction Education Program, American College of Bankruptcy, Mar. 2018
—*Goodwill Hunting: Liens on Going-Concern Value?*
—*The Promise and Perils of Third-Party Litigation Finance*
—*Challenging and Defending High-Risk Pre-Bankruptcy Transactions*
—*Judges' Roundtable*

Interviewed Guest, American Bankruptcy Institute Podcast, Feb. 2018
Legal Scholars Examine Impact of SCOTUS Ruling in Merit Management Group, LP v. FTI Consulting, Inc.
(<https://www.abi.org/podcasts/legal-scholars-examine-impact-of-scotus-ruling-in-merit-management-group-lp-v-fti>)

Panel Speaker, Bankruptcy from a Government Perspective Seminar of the National Association of Attorneys General (NAAG), National Attorney Generals' Training Institute (NAGTI) and States' Association of Bankruptcy Attorneys (SABA), Nov. 2017
—*Bankruptcy Jurisdiction and Procedure*
—*Advanced Chapter 11 Issues: Nondebtor Releases, Treatment of Punitive Damages and Other Penalty Claims, The Implications of the Supreme Court's Jevic Decision*

Participant, American Law Institute Project Meeting, Oct. 2017
RESTATEMENT (THIRD) OF CONFLICT OF LAWS

Organizer, American College of Bankruptcy All-Fellows Luncheon Panel at the National Conference of Bankruptcy Judges, Oct. 2017
Rolling 7 or 11: Casino and Gambling Law and Lore

Presenter (with Charles J. Tabb), Faculty Roundtable, University of Illinois College of Law, July 2017
The Implications of the Supreme Court's Jevic Decision

Commentator on paper by Robert M. Lawless, et al., Faculty Retreat, University of Illinois College of Law, May 2017
Struggling to Bankruptcy

Organizer, Annual Induction Education Program, American College of Bankruptcy, Mar. 2017
—*Supreme Court Update and Outlook*
—*Interest-ing Issues*
—*The Latest on Chapter 15 and Other Cross-Border Cases*
—*Judges' Roundtable*

Moderator, *Emory Bankruptcy Developments Journal* Symposium, Feb. 2017
Cram-Down Interest Rates

Organizer & Moderator, American Bankruptcy Institute Winter Conference, Dec. 2016
Round and Round with the Judges Program

Presenter, Interdisciplinary Faculty Colloquium, Queensland University of Technology (Brisbane), Sept. 2016
The Virtue of Bankruptcy

Presenter, International Conference on Personal Insolvency, Queensland University of Technology (QUT) and *QUT Law Review*, Sept. 2016
The Virtue of Bankruptcy

Speaker, Utah Bankruptcy Lawyers Summer Forum, June 2016
—*The Implications of Marathon, Stern, Arkison, and Wellness*
—*The "Other" Jurisdictional Issue: Third-Party Related-To and "Supplemental" Bankruptcy Jurisdiction*

Organizer & Presenter (with Heidi M. Hurd), Roundtable on the Ethics of Bankruptcy, Georgetown Institute for the Study of Markets and Ethics, Apr. 2016
The Virtue of Bankruptcy

Speaker, Piatt County (Illinois) Bar Association, Mar. 2016
The Bankruptcy System, the Constitution, and the Federal Courts

Panel Speaker, Fifth Circuit Bench-Bar Bankruptcy Conference, Feb. 2016
Bankruptcy and the Roberts Court

Participant, American Law Institute Project Meeting, Oct. 2015
RESTATEMENT (THIRD) OF CONFLICT OF LAWS

Invited Participant, Iowa State University Interdisciplinary Conference, Sept. 2015
The Ethics of Debt

Speaker, Central California Bankruptcy Association Institute, Sept. 2015
Understanding the Stern, Arkison, and Wellness Decisions and Their Implications

Panel Speaker, American College of Bankruptcy Seventh Circuit Education Program, Sept. 2015
The Supreme Court's Bankruptcy Jurisprudence

Keynote Lecture, Conference on the Disregard of Legal Personality in Brazil and the US, FGV
Rio Law School (Brazil), June 2015
Substantive Consolidation Under US Bankruptcy Law

Invited Participant, National Bankruptcy Conference Symposium, May 2015
Rethinking Chapter 11

Panel Speaker, Kirkland & Ellis Restructuring Practice Group Seminar, Apr. 2015
*Final Report and Recommendations of the American Bankruptcy Institute Commission to
Study the Reform of Chapter 11*

Presenter (with Heidi M. Hurd), Faculty Colloquium, Indiana University McKinney School of
Law, Apr. 2015
Debts and the Demands of Conscience: The Virtue of Bankruptcy

Panel Speaker, American College of Bankruptcy Annual Meeting, Mar. 2015
A Debate on the Supreme Court's Pending Case of Wellness Int'l Network v. Sharif

Public Lecture, University of Illinois College of Law, Oct. 2014
Investiture as the Inaugural Carl L. Vacketta Professor of Law

Presenter (with Heidi M. Hurd), Faculty Colloquium, University of Georgia School of Law,
Sept. 2014
Debts and the Demands of Conscience: The Virtue of Bankruptcy

Endowed Lecture, Southeastern Bankruptcy Law Institute Distinguished Visiting Professor of
Law, Sept. 2014
The Post-RadLAX Ghosts of Pacific Lumber and Philly News

Interviewed Guest, American Bankruptcy Institute Podcast, July 2014
*Professor Brubaker Discusses Upcoming SCOTUS Case of Wellness Int'l Network v. Sharif
in Wake of Stern v. Marshall*
(<http://news.abi.org/podcasts/150-expert-discusses-wellness-intl-network-v-sharif>)

Panel Speaker and Moderator, American Bankruptcy Institute Press Briefing, June 2014
The Supreme Court's Ruling in Executive Benefits Insurance Agency v. Arkison
(bankruptcy-experts-discuss-supreme-courts-ruling-in-executive-benefits-insurance-ag)

Panel Speaker, The William J. O'Neill Great Lakes Regional Bankruptcy Institute, May 2014
The Fallout from Stern v. Marshall and a Preview of Executive Benefits v. Arkison

Speaker, Squire Sanders Restructuring and Insolvency Practice Group Roundtable, May 2014
The Post-RadLAX Ghosts of Pacific Lumber and Philly News

Presenter (with Heidi M. Hurd), Faculty Colloquium, Georgia State University College of Law,
Apr. 2014
Debts and the Demands of Conscience: The Virtue of Bankruptcy

Panels Moderator, American Bankruptcy Institute-Illinois Symposium on Chapter 11 Reform,
Apr. 2014

Faculty Organizer/Instructor/Moderator, Financial Lawyers Conference, 2014 Annual Seminar,
Mar. 2014
—*Constructive Trusts, Avoiding Powers, and Other Issues of Restitution and Unjust
Enrichment in Bankruptcy* (Day 1)
—*Secured Credit Issues* (Day 2)
—*The “Other” Jurisdictional Issue: Third-Party Related-To and “Supplemental”
Bankruptcy Jurisdiction* (Day 3)

Faculty Member, University of Illinois College of Law Training Program on Bankruptcy Law
for the Office of the Judiciary of Thailand, Mar. 2014
U.S. Solutions to Business Bankruptcy Problems

Panel Speaker, American College of Bankruptcy Seventh Circuit Education Program, Sept. 2013
The Impact of Stern v. Marshall in the Seventh Circuit

Panel Speaker, American Bar Association Section of Real Property, Trust and Estate Law,
Professors’ Corner Teleconference, Aug. 2013
Real Estate Issues in the Bankruptcy Courts

Panel Moderator, Roundtable in Celebration of the Scholarship of Michael Moore, University
of Illinois College of Law Program in Law and Philosophy, July 2013

Panel Speaker, American Bankruptcy Institute, Rocky Mountain Bankruptcy Conference, Jan.
2013
Understanding Stern v. Marshall and its Implications

Speaker, Minnesota Bankruptcy Institute, Oct. 2012
Understanding Stern v. Marshall and its Implications

Presenter (with Heidi M. Hurd), The University of Melbourne Law School, Legal Theory
Workshop, Sept. 2012
Debt and the Demands of Conscience: The Virtue of Bankruptcy

- Presenter (with Heidi M. Hurd), Australian National University, Research School of Social Sciences, Social and Political Theory Seminar, Sept. 2012
Debt and the Demands of Conscience: The Virtue of Bankruptcy
- Presenter (with Heidi M. Hurd), Macquarie University Law School (Sydney), Center for Legal Governance Research Seminar, Sept. 2012
Debt and the Demands of Conscience: The Virtue of Bankruptcy
- Panel Speaker, Midwest Regional Bankruptcy Seminar, Aug. 2012
The Implications of Stern v. Marshall for Bankruptcy Judges' Core Jurisdiction
- Panel Speaker, Midwest Regional Bankruptcy Seminar, Aug. 2012
Credit Bidding and the Secured Creditor's Baseline Distributional Entitlement in Chapter 11
- Panel Speaker, Federal Judicial Center Workshop for Bankruptcy Judges, Aug. 2012
Historical Underpinnings and Theoretical Implications of Stern v. Marshall
- Panel Speaker, American Bankruptcy Institute, Southeast Bankruptcy Conference, July 2012
The Implications of Stern v. Marshall for Bankruptcy Judges' Core Jurisdiction
- Panel Speaker, American Law Institute Video Webcast, May 2012
What Every Bankruptcy Lawyer (and Judge) Needs to Know About the New Restatement (Third) of Restitution and Unjust Enrichment
- Panel Speaker, Commercial Law League of America, Annual Meeting, May 2012
Understanding Stern v. Marshall and its Implications
- Panel Speaker, Judicial Conference of the Seventh Circuit, Annual Meeting, May 2012
Historical Underpinnings and Theoretical Implications of Stern v. Marshall
- Panel Speaker, Federal Judicial Center Workshop for Bankruptcy Judges, Mar. 2012
Historical Underpinnings and Theoretical Implications of Stern v. Marshall
- Panel Speaker, 2011 Jay L. Westbrook Bankruptcy Conference, University of Texas School of Law, Nov. 2011
Bankruptcy Judges' Core Jurisdiction After Stern v. Marshall
- Speaker, Judges' Roundtable of the United States Bankruptcy Court for the Northern District of Illinois, Nov. 2011
The Implications of Stern v. Marshall for Bankruptcy Judges' Core Jurisdiction
- Panel Speaker, National Conference of Bankruptcy Judges Annual Meeting, Oct. 2011
The Implications of Stern v. Marshall for Bankruptcy Judges' Core Jurisdiction

Presenter (with Heidi M. Hurd), Law and Philosophy Colloquium, University of Arizona, Oct. 2011
Debts and the Demands of Conscience: The Virtue of Bankruptcy

Panel Speaker, Federal Bar Association for the Western District of Michigan, Annual Bankruptcy Seminar, July 2011
Chapter 11 Reorganizations for Individual Debtors

Panel Speaker, Association of American Law Schools, Debtor-Creditor Section Annual Meeting, Jan. 2011
Credit Bidding After Philly News and Pacific Lumber

Speaker, American Bankruptcy Institute Chicago Consumer Bankruptcy Conference, Oct. 2010
The Supreme Court's Recent Consumer Bankruptcy Jurisprudence

Faculty Coordinator, Federal Judicial Center-University of Illinois College of Law Program for Federal Bankruptcy Judges, Sept. 2010
Theoretical and Interdisciplinary Perspectives on Law, Lawyering and Judging

Presenter (with Heidi M. Hurd), Illinois-FJC Program for Federal Bankruptcy Judges, Sept. 2010
The Virtue of Bankruptcy Discharge

Presenter, Faculty Retreat, University of Illinois College of Law, May 2010
Bankruptcy Reorganizations and the Troubling Legacy of Chrysler and GM (with Charles J. Tabb)

Presenter (with Heidi M. Hurd), Faculty Colloquium, Emory University School of Law, Oct. 2009
The Intrinsic Moral Value of Bankruptcy Discharge

Panel Speaker, National Conference of Bankruptcy Judges Annual Meeting, Oct. 2009
Chapter 11 Myths and Realities

Presenter (with Heidi M. Hurd), Faculty Colloquium, University of San Diego School of Law, Oct. 2009
The Intrinsic Moral Value of Bankruptcy Discharge

Presenter (with Heidi M. Hurd), Faculty Colloquium, University of Iowa College of Law, Sept. 2009
A "New" Theory of the Bankruptcy Discharge

Panel Speaker, Center on Law and Globalization, American Bar Association Annual Meeting Program, July 2009
Global Lawmaking and Systemic Financial Crisis

Co-Organizer and Moderator, Illinois-ABI Interdisciplinary Academic Symposium on Debt, University of Illinois College of Law, May 2008

Panel Speaker, National Conference of Bankruptcy Judges Annual Meeting, Oct. 2007

—*Supplemental Bankruptcy Jurisdiction*

—*Contingent Rights Under Laws Not Yet Enacted as Property of the Estate*

Invited Participant, Roundtable on the Morality of Debt Relief, University of Illinois College of Law Program in Law and Philosophy, Sept. 2007

Commentator on paper by Erin O'Hara and Larry Ribstein, Faculty Retreat, University of Illinois College of Law, May 2007

Corporations and the Market for Law

Speaker, St. Johns University School of Law Symposium: Bankruptcy and Federalism, Feb. 2007

Explaining Katz's New Bankruptcy Exception to State Sovereign Immunity: The Bankruptcy Power as a Federal Forum Power

Presenter, Faculty Roundtable, University of Illinois College of Law, Apr. 2006

Katz and the New Bankruptcy Exception to States' Constitutional Sovereign Immunity: Abandoning Hood's In Rem Theory (and Seminole Tribe)

Panel Moderator, *Bankruptcy and Consumer Credit in the Wake of the 2005 Act*, A Conference of the University of Illinois College of Law, Apr. 2006

Invited Presenter, Prof. Richard Lieb's LL.M. colloquium course on Chapter 11 Theory and Practice, St. John's University School of Law, Mar. 2006

Non-Debtor Releases and Injunctions in Chapter 11

Panel Speaker, American Bankruptcy Institute Winter Conference, Dec. 2005

Punitive Damages in Chapter 11: Of Categorical Disallowance, Equitable Subordination, and Subordination by Classification

Speaker, Mildred Van Voorhis Jones Faculty Scholar Award Ceremony, June 2005

From Fictionalism to Functionalism in State Sovereign Immunity

Speaker, Judges' Roundtable of the United States Bankruptcy Court for the Northern District of Illinois, May 2005

From Fictionalism to Functionalism in State Sovereign Immunity

Panel Speaker, American Bankruptcy Institute Winter Conference, Dec. 2004

The "Supremes" and Other Hot Acts: The Year in Review and Emerging Issues in 2005

Faculty, American Bankruptcy Institute, Bankruptcy Training for Illinois State Court Judges, Sept. 2004

Faculty Coordinator, American Bankruptcy Institute/Emory Law School, Bankruptcy Litigation Symposium, Nov. 2003

Speaker, American Bankruptcy Institute Symposium for Academics Commemorating the 25th Anniversary of the Bankruptcy Code, Georgetown University Law Center, Oct. 2003
Resolved: The Bankruptcy Code Has Been a Success (debate with Prof. Kenneth N. Klee, UCLA School of Law)

Panel Speaker, National Conference of Bankruptcy Judges Annual Meeting, Oct. 2003
Walking the Ethical Tightrope: Fiduciary Duties and Conflicts in Chapter 11 Cases

Speaker, Powell Goldstein Bankruptcy Practice Group Roundtable, May 2003
The Bankruptcy Discharge as Statutory Ex parte Young Relief

Panel Speaker, American Bankruptcy Institute Annual Spring Meeting, Apr. 2003
The Questionable Legitimacy of Indemnification of Business and Financial Professionals in Chapter 11 Reorganizations

Faculty, Northwest Bankruptcy Institute, Apr. 2002
Supplemental Bankruptcy Jurisdiction: Constitutional and Statutory Foundations

Faculty Coordinator, American Bankruptcy Institute/Emory Law School, Bankruptcy Litigation Symposium, Oct. 2001

Panel Speaker, Association of American Law Schools, Workshop on Bankruptcy, May 2001
Utilitarian Scholarship

Panel Speaker, American Bar Association, Section of Business Law Annual Spring Meeting, Subcommittee on Jurisdiction, Mar. 2001
Exploring the Outer Limits of Federal Bankruptcy Jurisdiction

Panelist, Federal Judicial Center *Bankruptcy Law Update* Television Program, Feb. 2001
Non-Debtor Releases and Injunctions in Chapter 11

Faculty, Stetson University College of Law, Twenty-Fifth Annual Seminar on Bankruptcy Law and Practice, Dec. 2000

Faculty Coordinator, American Bankruptcy Institute/Emory Law School, Bankruptcy Litigation Symposium, Sept. 2000

Panel Speaker, American Bankruptcy Institute, Southeast Bankruptcy Conference, Aug. 2000
Developments in Chapter 11 Mega Cases

Presentation, Freie Universität Berlin, May 2000

Reorganization of Troubled Business Enterprises Under American Bankruptcy Law

Panel Speaker, American Bar Association, Section of Business Law Annual Spring Meeting,
Chapter 11 Subcommittee Program, Mar. 2000

Non-Debtor Releases and Injunctions in Chapter 11

Faculty, American Bankruptcy Institute Annual Spring Meeting, Apr. 1999

Who's Right in the Supreme Court's 203 North LaSalle Case? (debate with Prof. Kenneth
N. Klee, UCLA School of Law)

Speaker, Association of American Law Schools, Debtor-Creditor Section Annual Meeting,
Jan. 1999

*One Hundred Years of Federal Bankruptcy Law and Still Clinging to an In Rem Model of
Bankruptcy Jurisdiction*

Faculty, State Bar of Georgia, Bankruptcy Law Section, Annual Bankruptcy Law Seminar,
Nov. 1998

Supplemental Bankruptcy Jurisdiction

Academic Fellow, National Conference of Bankruptcy Judges Annual Meeting, Oct. 1998

Faculty, American Bankruptcy Institute, Judicial Law Clerk Education Symposium, Aug. 1998
Bankruptcy Jurisdiction and Procedure

Panel Speaker, Atlanta Bar Association, Bankruptcy Section, Recent Developments in
Bankruptcy Seminar, Nov. 1997

Ethical Problems in Business Bankruptcy Practice

Member, Cleveland Bar Association, Bankruptcy and Commercial Law Section, 1990-1994
Bankruptcy Legislation Review Committee (S.540), 1993

Panelist, Cleveland Bar Association, Bankruptcy and Commercial Law Section, Legislative
Update Seminar, Sept. 1993

Panelist, Cleveland Bar Association, Bankruptcy and Commercial Law Section, Emerging
Bankruptcy Issues Seminar, Dec. 1990

Recovering Payment of Expenses from the Secured Creditor

LAW SCHOOL HONORS AND ACTIVITIES

UNIVERSITY OF ILLINOIS LAW REVIEW

Articles Editor, author of published student note

Order of the Coif

American Jurisprudence Awards (highest grade in course): Civil Litigation I & II, Torts I & II,
Income Taxation, Bankruptcy & Creditors' Rights, Banking Law, Conflict of Laws
Rickert Awards for Excellence in Academic Achievement and Legal Writing
Harno Fellow
Hornbook Award
Summer Associate, Squire, Sanders & Dempsey, Cleveland, Ohio, Summer 1988
Summer Associate, Kirkland & Ellis, Chicago, Illinois, Summer 1987
Research Assistant, Delmar K. Banner, Professor of Agricultural Law, Sept. 1986-Dec. 1988
Accountant & Staff Consultant, Centrec Consulting, Champaign, Illinois, Sept. 1985-Dec. 1988

UNDERGRADUATE HONORS AND ACTIVITIES

Illinois Varsity Men's Glee Club
President, Concert Chairman, Publicity Chairman
U-C Faculty-Student Senate
Educational Policy Committee
College of Agriculture Student Council
FarmHouse Fraternity
President, Rush Chairman, Philanthropy Chairman, Secretary
Wilbur H. Coultas Memorial Award
Outstanding Senior in the College of Agriculture
C.J. Elliot Memorial Award
Outstanding Senior in Agricultural Economics
Gamma Sigma Delta Prize in Agriculture
Outstanding Senior
D. Howard Doane Award
Outstanding FarmHouse Senior
Outstanding Greek Award
Homecoming King Finalist
Mortar Board
Senior Leadership and Scholastic Honorary
Sachem
Junior Leadership and Activities Honorary
Torch
Junior Leadership and Scholastic Honorary
Senior 100 Club
Senior Activities Honorary
Alpha Zeta
Agriculture Honorary
Gamma Sigma Delta
Professional Agriculture Honorary
Phi Kappa Phi
Junior/Senior Leadership and Scholastic Honorary

Omicron Delta Kappa

Junior/Senior Leadership and Scholastic Honorary

Accountant & Staff Consultant, Centrec Consulting, Champaign, Illinois, September 1984-August 1985

Research Assistant, Dr. Thomas L. Frey, Professor of Agricultural Finance, Summer 1984, Summer 1986

Research Assistant, Dr. Harold Guither, Professor of Agricultural Policy, September 1982-May 1983

PERSONAL

Born October 1962, in Marion, Indiana

1980 graduate of Chrisman High School (Valedictorian), Chrisman, Illinois

Married to the former Rhonda Boehne

One daughter (Allison 28) and four sons (Clinton 27, Calvin, Phillip, and Riley 23)

Member, Crossroads Church, Monticello, Illinois