



Bankruptcy Litigation

Our bankruptcy team has a long history of involvement in major bankruptcy proceedings in the Southeast and throughout the nation. We represent clients in the manufacturing, real estate, health care providers (including hospitals and nursing homes), agriculture, retail, education, and construction industries.

Burr & Forman's practice originated with an emphasis on representing major secured lenders in Chapter 11 bankruptcies but has evolved far past its initial role to include representation of business debtors as well. We represent official creditors' committees, bank debt and ad hoc creditor groups, secured lenders, equity holders, derivative and swap counterparties, and other creditors in out-of-court reorganizations, debt restructurings, enforcement processes, liability management strategies, and bankruptcy proceedings.

We assist clients in matters related to bankruptcy litigation including:

- Acquiring companies through Chapter 11
- Real estate loans & commercial leases
- Breach of fiduciary duty & other D&O claims
- Chapter 11 process (drafting & confirming creditors and debtors Chapter 11 plans)
- Debtor-in-possession financing, use of cash collateral, adequate protection, & relief from automatic stay
- Out-of-court debt restructuring & workouts
- Preference, fraudulent conveyance, & other avoidance actions
- Fraudulent transfer & preference actions as well as equitable subordination actions

PROFESSIONALS

William Patrick Ayers
D. Christopher Carson
Weyman C. Carter
Ron B. Cohn
Paul G. Durdaller
Erich N. Durlacher
J. Cory Falgowski
Gerald P. Gillespy
Eric S. Golden
James H. Haithcock, III
Michael L. Hall
William S. Hereford
David W. Houston, IV
Heather A. Jamison
Joe A. Joseph
Robert C. Matthews
Derek F. Meek
Armando Nozzolillo
R. Marshall Rainey
Marc P. Solomon
Robin C. Stanton
Graham H. Stieglitz
J. Ellsworth Summers, Jr.
Emily Campbell Taube
Chris Thompson
Kelly E. Waits

Bankruptcy Litigation

- Representing debtors, committees, and major creditors in Chapter 11 cases
- Section 363 sales

Additionally, our creditor committee representation is able to advise the committee on all matters pertinent to Chapter 11 proceedings, including, among other things:

- Debtors ability to sell substantially all of its assets with expedited notice
- Debtors financing & restructuring strategy
- Most effective & efficient means of maximizing value for unsecured creditors
- Validity and/or extent of secured creditors liens & claims
- Validity & prosecution of potential bankruptcy & non-bankruptcy related causes of action
- Valuation & solvency of a debtor and/or its assets

Trade Creditors

Trade creditors have their own interests in bankruptcy cases, and Burr & Forman represents trade creditors in all aspects of the case, including formation of the unsecured creditors committee, confirmation, the claims allowance process, and defense of preference or other avoidance actions or adversary proceedings. We understand the importance to trade creditors of immediately securing advice when a customer files bankruptcy and of understanding all of the tactics that can advance the interest of unsecured creditors, including reclamation, 503(b)(9) applications, recoupment and set off.

News

- 58 Burr Attorneys Named to 2023 Mid-South Super Lawyers and Rising Stars List
Firm News, 11.28.2023
- Burr & Forman Earns National and Metro Rankings in 2024 Best Law Firms List

J. Patrick Warfield
Michael Waskiewicz

RELATED AREAS

Creditors' Rights and Bankruptcy
Section 363 Sales
Workouts, Restructurings, &
Enforcement

Bankruptcy Litigation

Firm News, 11.02.2023

- Derek Meek Named to Turnaround Management Association Hall of Fame
Firm News, 10.12.2023
- Seven Burr Attorneys Named to Lawdragon's 2023 List of Leading Bankruptcy & Restructuring Lawyers
Firm News, 06.29.2023

Events

- Southeast Bankruptcy Workshop
Speaking Engagement, Amelia Island, FL, 07.20.2023
- Webinar: Navigating the Complex World of Post-Moratorium Foreclosures
Speaking Engagement, Webinar, 08.26.2021

Publications

- U.S. Supreme Court Ruling May Impact Property Rights in Alabama
Media Mention, 06.05.2023