

# BANKRUPTCY AND RESTRUCTURING



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As a firm that focuses its practice on issues that affect creditors, Jimerson Birr regularly works with secured lenders, as well as unsecured businesses, with consumer debt and business-to-business non-payment claims. Jimerson Birr advises clients nationwide on bankruptcy and restructuring matters that cross legal and geographical borders. Our firm has developed an ability to understand both the legal and economic landscape of highly complex, multi-jurisdictional restructurings and petitions. Clients appreciate the thoroughness of our approach, as our lawyers endeavor to employ hard-hitting, analytical and innovative thinking to structure creative solutions and foster maximum creditor recovery.

### Services for Creditors

Most creditors have a right to recover a share of available assets from debtors who are petitioning for bankruptcy relief. Our experience and capabilities in various aspects of bankruptcy practice allows our creditor clients to recover as much as the legal system will allow and make the best of an otherwise unfortunate circumstance of a debtor filing. Jimerson Birr's creditor bankruptcy services extend to a variety of areas, such as:

- › Representing secured and unsecured lenders and other trade creditors in bankruptcy court proceedings as well as in pre-petition negotiations
- › Filing proofs of claim
- › Objecting to dischargeability by commencing an adversary proceeding
- › Advising lenders with respect to workouts, refinancing and restructurings outside of bankruptcy
- › Advising trade suppliers regarding their relations with financially distressed customers, including issues such as credit enhancements, reclamation, offsets and recoupments, post-bankruptcy transactions and preference, and other avoidance risks
- › Serving on creditors committees
- › Seeking recovery from non-debtor entities if available
- › Counseling on creditor impact of commercial reorganization
- › Filing motions for relief from automatic stay
- › Advising directors and officers of insolvent corporations on issues related to fiduciary duties and winding down business operations
- › Defending against fraudulent transfer and preferential payment actions
- › Counseling on assignment of bankruptcy claims to claims traders
- › Preparing security agreements and UCC filings
- › Negotiating and documenting debtor-in-possession financing and the use of cash collateral
- › Acquiring assets from bankruptcy estates and distressed borrowers
- › Facilitating the process of foreclosure or repossession
- › Negotiating and facilitating liquidation, restructuring agreements, and plans of reorganization on behalf of secured creditors seeking to prevent debtor filing
- › Filing involuntary bankruptcy petitions

### Services for Commercial Debtors

Our attorneys handle all aspects of insolvency, including pre-bankruptcy consensual debt restructuring, workouts of troubled loans, refinancing of debt, creditor-debtor litigation, and reorganizations, receiverships and liquidations both in and outside of bankruptcy. The firm has significant experience in the following areas:

- › Defending involuntary bankruptcy petitions
- › Non-judicial loan restructuring, workouts and other alternatives to the bankruptcy process
- › Pursuing Assignments for the Benefit of Creditors and other alternatives to bankruptcy

### Services for Trustees and Creditors Committees

As a result of our diverse, multi-disciplinary approach to the representation of creditors and debtors in bankruptcy practice, our firm has developed a refined acumen for dealing with preference avoidance, fraudulent transfers and claims litigation that is best utilized to serve trustees and creditors committees in administering a bankruptcy estate. Our services include:

- › Full-service representation of creditors committees and trustees

- > Initiating adversary proceedings to set aside preference payments and fraudulent conveyances
- > Litigating parasitic state court claims on behalf of the estate
- > Advocating for committee in establishing restructuring agenda
- > Reconciling the diverse interests of creditors committee members and structuring negotiated solutions that avoid litigation and expedite recoveries
- > Representing the trustee in all aspects of filing, with specific specialty in complicated factual and legal disputes concerning the proper treatment of the differing creditor claims, transfer avoidance, breach of fiduciary duties and alter ego liability

Jimerson Birr is a premier law firm with a market-leading Bankruptcy and Restructuring practice that is tailored to the nuances of the industries we serve. Our teams have a global perspective and strong Florida roots. Our clients look to us to bring a distinctively high degree of quality, passion and creativity to resolve bankruptcy, reorganization, workouts and restructuring challenges effectively and cost-efficiently.

We're honored to work with some of the world's most accomplished organizations and the leaders who drive them. We know that on any given day our clients are confronting competition, corporate advancement, risk management, process and product innovation, resource allocation, efficiency stewardship and talent oversight problems; some days all the above. When our clients place bankruptcy, reorganization, workouts and restructuring matters with us, they enlist sets of broad shoulders that carry their burdens for them so that they no longer feel their weight. This deep business partnership will give us both an opportunity to be at our best.

We draw on the strength of our character and talents to deliver the best of our firm to every client through true collaboration. We don't confuse effort with results, and we focus on the immutable, allied goals at all times. Partnership with Jimerson Birr on bankruptcy, reorganization, workouts and restructuring matters means that you are not looking in any direction but ahead.

## Attorneys



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