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Introduction

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THE SIXTEENTH ANNUAL *EMORY BANKRUPTCY DEVELOPMENTS JOURNAL* SYMPOSIUM

INTRODUCTION

Each year in early spring, the *Emory Bankruptcy Developments Journal* hosts a Symposium on important and prescient issues in bankruptcy law. This year's event, held on February 21, 2019, marked the sixteenth year of the *Emory Bankruptcy Developments Journal* Symposium. Thanks to the invaluable support of our faculty advisor, Rafael Pardo, the Journal's Advisory Board, our sponsoring firms, and all of the Journal's Staff Members, the Sixteenth Annual Symposium continued the *Emory Bankruptcy Developments Journal*'s tradition of engaging and informing the bankruptcy law community.

This year's Symposium featured two panels, one consumer-focused and the other corporate-focused. The Consumer Panel discussed recent developments in the growing issue of a bankruptcy trustee's right to clawback tuition payments, while the Corporate Panel addressed the question of choice of law in chapter 15 avoidance actions.

The Consumer Panel, comprised of prominent attorneys experienced in litigating and writing on these issues, considered the newest arguments, decisions, and theories on tuition clawback, ranging from the definition of reasonably equivalent value to the use of 529 plans as a shield against clawback attempts. Though the questions raised in the context of tuition clawback generally evade clear answers, the Panel did a wonderful job of elucidating the murky decisions and definitions pervading the issue. An already great Consumer Panel further benefitted from an excellent moderator in Mark Duedall, a partner at Bryan Cave Leighton Paisner LLP in Atlanta, GA.

The Corporate Panel, also staffed by leading attorneys in the relevant practice area, shed light on the issues surrounding choice of law in chapter 15 avoidance actions. Chapter 15 choice of law theory is generally split into two camps: the Law of the Forum and the Center of Gravity. From describing the roles of the myriad players in these suits to strategies for avoiding avoidance actions altogether, the Corporate Panel explained in practical terms the application of these theories and the consequences thereof. I myself had the great pleasure of moderating the Corporate Panel, and I suspect that the discussion was edifying in spite of my presence.

Additionally, the *Emory Bankruptcy Developments Journal* was pleased to introduce its inaugural Symposium Keynote Speaker, the Honorable Mary Grace Diehl. From 2004 until her recent retirement, Judge Diehl sat on the bench of the United States Bankruptcy Court for the Northern District of Georgia. Prior to taking the bench, Judge Diehl chaired the Bankruptcy Group at Troutman Sanders LLP. Judge Diehl received her B.A. *summa cum laude* from Canisius College in Buffalo, NY, and her JD *cum laude* from Harvard Law School.

In the fortieth year since the enactment of the modern Bankruptcy Code, Judge Diehl's address provides perspective on the practice of bankruptcy law. As Judge Diehl tells it, the practice has progressed some distance from judges hearing cases in conference rooms. One finds oneself encouraged by the words of a judge who has seen the Code grow from its infancy to a robust statutory scheme framing a practice becoming ever more technologically, financially, and legally complex. The *Emory Bankruptcy Developments Journal* extends its gratitude to Judge Diehl for delivering the first ever Symposium Keynote Address. We are grateful for her support and the support of all the members of the Northern District's Bench.

What follows is the full transcript of the Panels and the Keynote Address. Once again, the *Emory Bankruptcy Developments Journal* would like to thank our faculty advisor, the Advisory Board, our panelists *nonpareil*, who in many cases traveled across the country to participate in the Symposium, and Judge Diehl, for delivering an excellent inaugural keynote. The Journal would like to extend a special thanks to Rhonda Heermans, Amy Marcellana, and Corky Gallo, and all of the Emory Law staff for their ability to prevent and put out the fires that come with event planning. Finally, I would like to extend a personal thank you to Mark Duedall at Bryan Cave Leighton Paisner LLP, along with Mark Gensburg, Maria Valderrama, Sydney Alexander, and the entire *Emory Bankruptcy Developments Journal* staff. Without your help, our Symposium count would be stuck at fifteen.

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