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Shapiro Award for Corporate Bankruptcy Writing

Keith J. Shapiro

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SHAPIRO AWARD FOR CORPORATE BANKRUPTCY WRITING

I am pleased to announce the winner of the 2014 Corporate Bankruptcy Writing Award—Drew Vermette. Drew’s Comment addresses the difficult question of whether an order denying confirmation of a plan of reorganization should be considered final or interlocutory for the purposes of appeal. This is a complicated and important issue in the bankruptcy world that has resulted in a circuit split. Drew engages in a careful and thorough analysis of the competing interpretations of finality in this context. Drew concludes that a flexible interpretation, under which a denial of a plan confirmation is final and appealable, serves the interests of judicial economy and the prevention of harm to parties in interest.

To arrive at this conclusion, Drew’s Comment first establishes the framework surrounding the issue by reviewing the bankruptcy appeals process and case law interpreting the definition of “finality.” The Comment then examines two recent circuit court decisions illustrative of the circuit split, analyzing the policy considerations at play and arguing for finality of denials of plan confirmation. Although Drew’s Comment presents a strong argument in favor of a flexible approach to finality, its true strengths lie in its clear presentation of the issue and its comprehensive investigation of both sides of the circuit split.

KEITH J. SHAPIRO*

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