



EMORY
LAW

Emory Bankruptcy Developments Journal

Volume 28
Issue 2 *The Ninth Annual Emory Bankruptcy
Developments Journal Symposium*

Article 1

2012

Introduction

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Recommended Citation

Jeremy Zisholtz, *Introduction*, 28 Emory Bankr. Dev. J. i (2012).

Available at: <https://scholarlycommons.law.emory.edu/ebdj/vol28/iss2/1>

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**THE NINTH ANNUAL EMORY BANKRUPTCY
DEVELOPMENTS JOURNAL SYMPOSIUM**

INTRODUCTION

The *Emory Bankruptcy Developments Journal* hosted its Ninth Annual Symposium on March 1, 2012. Each year, *EBDJ's* Symposium addresses current issues in bankruptcy law in a format that provides practicable information to today's bankruptcy practitioners. With the help and support of the Atlanta Bankruptcy Bar, *EBDJ's* Advisory Board, and our sponsoring firms, the Ninth Annual *Emory Bankruptcy Developments Journal* Symposium was a tremendous success.

This year's Symposium featured three panels: 1) a Corporate Panel Discussion: Hot Chapter 11 Plan Issues; 2) a *Stern v. Marshall* Panel; and 3) a Consumer Panel Discussion: Hot Consumer Bankruptcy Plan Issues.

The Corporate Panel addressed three recent developments in regard to chapter 11 plans. First, the discussion focused on *In re Washington Mutual, Inc.* and its impact on future settlement negotiations. Second, the panelists discussed *In re Tribune Co.* and its ramifications on plan confirmations. Third, the panel discussed structured dismissals in wrapping up the liquidating chapter 11 estate. Gary Marsh 85L, partner at McKenna Long & Aldridge LLP, moderated this intriguing panel, which was filled with a rousing debate among the panelists: Scott Alberino 00L, partner at Akin Gump Strauss Hauer & Feld LLP in Washington, D.C.; Scott Greenberg 02L, partner at Cadwalader, Wickersham & Taft LLP in New York; and The Honorable Judith K. Fitzgerald, U.S. Bankruptcy Court Judge for the Western District of Pennsylvania.

The *Stern v. Marshall* Panel examined the convoluted 2011 Supreme Court decision in *Stern* and the bankruptcy court decisions throughout the United States since the *Stern* decision. In a 5-4 decision, the Supreme Court in *Stern* ruled that, under Article III of the Constitution, bankruptcy courts could not enter final judgments on a counterclaim that did not arise under title 11 or in a case under title 11. Bernard "Bo" Bollinger, shareholder at Buchalter Nemer in Los Angeles, California, moderated this exclusive panel. Professor Daniel Bussel, from U.C.L.A. School of Law, and The Honorable James E. Massey

65C, U.S. Bankruptcy Court Judge for the Northern District of Georgia, served as the panelists.

The Consumer Panel analyzed a variety of hypothetical situations to highlight recent chapter 13 plan issues. The discussion included a summary of *United Student Aid Funds, Inc. v. Espinosa* and its implications on chapter 13 plans, lien stripping, and means testing issues. Karen Visser, Career Law Clerk for the Honorable W. H. Drake Jr. moderated the panel. Brian Cahn, partner at Perrota, Cahn & Prieto PC in Georgia, Adam Goodman, Standing Chapter 13 Trustee for the Northern District of Georgia, and Melissa Youngman, managing attorney at McCalla Raymer LLC in Florida, served as panelists.

The following represents an edited transcript of the panels. Again, *EBDJ* would like to thank the efforts of its Advisory Board members, the panelists, and moderators for their exceptional efforts on our behalf. Finally, I would like to thank Merriam Mikhail, Editor-in-Chief, Jamie Hais, Symposium Editor, and the *EBDJ* staff for their personal efforts toward the success of this year's symposium.

JEREMY ZISHOLTZ
EXECUTIVE SYMPOSIUM EDITOR