



Bankruptcy Breakout Session

July 14, 2015

10:15 a.m. – 11:45 a.m.

Mission Hills/Balboa, 3rd Fl, South Tower
Marriott Marquis San Diego Marina

Discussion Questions

1. In Pari Delicto Defense: If a trustee is appointed in a Chapter 11 case, should she be able to pursue causes of action on behalf of the estate against third parties notwithstanding an in pari delicto defense that may be available against the debtor? What about other estate fiduciaries?
2. Valuation Standards: Do the Bankruptcy Code's provisions governing adequate protection and allocation of value still work in today's economic environment? If not, what has changed?
3. 546(e) Avoidance of margin payments: Should Section 546(e) be amended? If so, how?
4. 363 Sales: Should the Code be amended to provide a 60 day moratorium commencing on the petition date or the entry of an order for relief (whichever is later) prohibiting the conduct of auction, or entry of an order for the sale of substantially all of the debtor's assets? What showing should be required to shorten the 60 day moratorium and what standard of proof should be applied to this showing?
5. Do you agree with the Commission's recommendations regarding executory contracts and unexpired leases? What are your concerns regarding these recommendations, if any?