

Overview

StepToe & Johnson's Bankruptcy, Restructuring, and Creditors' Rights Team has vast experience in corporate restructurings, workouts, collections, and insolvency. Team attorneys advise in structuring transactions in the course of bankruptcy and other collection proceedings. They represent a variety of interests in reorganization matters, including secured lenders, trade vendors, lease counterparties, and debtors. Team attorneys have experience representing parties in bankruptcy cases nationwide, with particular focus in cases filed in Texas, Delaware, Ohio, Kentucky, Virginia, and West Virginia.

Attorneys on the Bankruptcy, Restructuring, and Creditors' Rights Team works with clients throughout the lifecycle of their businesses, which can involve out-of-court restructurings, workouts, pre-bankruptcy planning, and navigating Chapter 11 bankruptcy filings. In those situations, the experience firm attorneys have with lending institutions is exceptionally valuable.

Team attorneys have experience representing secured and unsecured creditors in cases under all chapters of the bankruptcy code and have handled a wide variety of creditors' interests, including negotiating debtor-in-possession financing, analyzing treatment of leases and executory contracts, restructuring challenged assets, and purchasing assets at bankruptcy sales and from insolvent sellers. Our attorneys have also represented official committees of unsecured creditors in coal company Chapter 11 cases.

Firm clients include companies in banking, energy, manufacturing, health, technology, construction, e-commerce, and real estate. Steptoe & Johnson is committed to knowing our clients' business, recognizing the clients' objectives, and achieving those objectives.

Areas of Focus

- Restructuring, including Chapter 11 debtor representations
- Debtor-in-possession lenders
- Creditors' committee representations
- Asset purchase out of bankruptcy
- Creditors' rights, including forbearance, modification, and foreclosure
- Chapter 7 and 11 trustee representation
- Receivership
- Chapter 11 bankruptcy plan analysis and negotiations with debtors

Representative Experience

- Represented creditors by guiding them through the intricacies of bankruptcy, foreclosure, and collection methods to maximize recovery of secured and unsecured debt
- Negotiated loan forbearance and modification on behalf of lenders to ensure proper documentation to maintain priority in security interests
- Represented small and large businesses through Chapter 11 sale and reorganization processes
- Provided secured and unsecured creditor representation in bankruptcy cases, including preparing and filing proofs of claim, litigating adequate protection issues, filing motions to lift the stay, and defending against preference actions
- Assisted clients in exercising rights to repossess real and personal property that has been held as collateral for commercial loans
- Litigated legal and equitable claims of overriding royalty interest holder against debtor in Chapter 11 bankruptcy proceedings
- Assisted financial institutions and other creditors to ensure proper implementation of procedures to comply with the Dodd-Frank Regulatory Reform Act
- Assisted clients across multiple industries, including coal, oil and gas, and healthcare, to purchase operating assets out of bankruptcy proceedings
- Negotiated and litigated executory contract and lease assumption and cure issues, including resolving reclamation and plugging and abandonment obligations related to mineral leases

Highlights

- Nationwide experience representing creditors ranging in size from local banks to national corporations
- Unparalleled experience in energy transactions, bankruptcy, and restructuring of challenged assets
- Attorneys within depth knowledge of a variety of industries, including coal, oil and gas, healthcare, and mixed-use developments
- Team member who has represented governmental units in complex bankruptcy cases nationwide, including land management agencies, financial regulators, and healthcare regulators
- Team member who served as a bankruptcy trustee for more than twenty years



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