

Business Bankruptcy & Creditors' Rights

When financial distress poses a threat, we help protect our clients.

When a customer or business partner files bankruptcy, it can have a profound impact on your business or lending relationship and will likely significantly impact your business in ways that may be difficult to immediately understand. Howard & Howard's business bankruptcy and creditors' rights attorneys provide the creative, yet practical, solutions you need to help navigate the complex world of bankruptcy.

Both in and out of court, we pursue the best possible outcomes in restructurings, corporate bankruptcies, and related litigation proceedings for our clients who include:

- Secured creditors involved in commercial mortgages and commercial, industrial, and agricultural credit facilities
- Unsecured creditors including trade creditors
- Creditors secured by both real and personal property
- Landlords and equipment lessors
- Insurers
- Receivers
- Directors and trustees
- Purchasers of distressed assets
- Licensors and licensees of intellectual property

Our attorneys take a multidisciplinary approach, collaborating with colleagues in the firm's financial institutions, real estate, securities, tax, and business and corporate practices to achieve the client's unique objectives.

Out-of-Court Restructurings and Workouts

Howard & Howard frequently counsels clients in restructurings, navigating the specific challenges of each scenario with an eye toward reaching an out-of-court solution that protects the client's interests.

We regularly represent clients in workouts by:

- Restructuring a borrower's global debt obligations

- Negotiating forbearance agreements
- Negotiating loan refinancings and lease modifications
- Negotiating the acquisition and disposition of assets and/or businesses in distressed situations
- Negotiating exchange offers, venture capital financing, debt conversions, and assignments

Bankruptcy and State-Court Insolvency Proceedings

Business bankruptcy cases and state court insolvency proceedings require courtroom advocacy and negotiation and drafting skills. Our attorneys apply their experience in each of these areas including:

- Chapter 11 reorganization plans
- Cash collateral and debtor-in-possession financing
- Investigations of fraud and breach of fiduciary duties
- Motions for relief from the automatic stay, adequate protection orders, and related disputes
- 363 sales in bankruptcy cases
- 365 assumption or rejection of leases and contracts in bankruptcy cases
- Claims objections and disputes
- Chapter 7 liquidations
- Adversary proceedings in bankruptcy cases including lien priority disputes and avoidance actions (such as fraudulent transfer actions and preference actions)
- State court receiverships, special master proceedings, trust mortgages, and assignments for the benefit of creditors

Insolvency-Related Litigation Matters

Our business bankruptcy and creditors' rights attorneys also represent clients in a myriad of insolvency-related disputes that can arise, such as:

- Replevin actions and other suits against defaulting borrowers and guarantors
- Lender liability actions
- Fraudulent transfer litigation under state law
- Foreclosure proceedings regarding real property and personal property
- Loan participation disputes

When insolvency or bankruptcy threaten your interests, look to Howard & Howard to help you weather the storm.