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PUBLICATIONS

BOOKS:

BANKRUPTCY LAW: PRINCIPLES, POLICIES & PRACTICE, a casebook on bankruptcy, 675 pages (Anderson 2003) (with Brubaker)

Second Edition forthcoming 2006.

BANKRUPTCY ANTHOLOGY, an edited anthology of scholarly articles and books on bankruptcy law, 852 pages (Anderson 2002)

THE LAW OF BANKRUPTCY, one-volume treatise on bankruptcy law, 1050 pages, (Foundation 1997)

Second edition forthcoming 2007 (with Brubaker)

BOOK CHAPTERS:

The Enron Bankruptcy, in ENRON: CORPORATE FIASCOS AND LEGAL IMPLICATIONS, 303-356 (Foundation 2004) (invited)

Obtaining Credit, chapter 13 (276 pages), in CHAPTER 11 THEORY AND PRACTICE (1994), and 1994 Supplement (invited)

Priority Claims, chapter 42 (216 pages), in NORTON BANKRUPTCY LAW AND PRACTICE 2D (1994), and annual supplements 1995-1997 (invited)

ARTICLES AND MONOGRAPHS

1. *The Top Twenty Issues in the History of Consumer Bankruptcy*, Conference Proceedings of the 79th Annual Meeting of the National Conference of Bankruptcy Judges (November 2005) (invited conference presentation and article), forthcoming in 2006 UNIVERSITY OF ILLINOIS LAW REVIEW

Available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=859725

2. *Courting Controversy*, in BUFFALO LAW REVIEW (forthcoming 2006) (invited symposium and review essay on Lynn M. Lopucki, COURTING FAILURE)

3. 2. *Consumer Bankruptcy After the Fall: U.S. Law Under S. 256*, 43 CANADIAN BUSINESS LAW JOURNAL 28-75 (2006)

* (invited presentation at 35th Annual Workshop on Commercial and Consumer Law, University of Toronto, October 2005)

Available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=859645

4. *The Brave New World of Bankruptcy Preferences*, 13 AMERICAN BANKRUPTCY INSTITUTE LAW REVIEW 225-256 (2005) (invited symposium article on 2005 Bankruptcy Act)

Available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=859626

5. *Lessons from the Globalization of Consumer Bankruptcy*, 30 LAW & SOCIAL INQUIRY 762-783 (2005) (invited review essay on CONSUMER BANKRUPTCY IN GLOBAL PERSPECTIVE, Niemi-Kiesiläinen, Ramsay, and Whitford, eds., and COMPARATIVE CONSUMER INSOLVENCY REGIMES – A CANADIAN PERSPECTIVE, by Jacob S. Ziegel)

Available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=726510

6. *Of Contractarians and Bankruptcy Reform: A Skeptical View*, 12 AMERICAN BANKRUPTCY

INSTITUTE LAW REVIEW 259-271 (2004) (invited symposium article, part of American Bankruptcy Institute's 25th Anniversary Symposium on the Bankruptcy Code)

7. *"The Death of Consumer Bankruptcy in the United States?,"* in INTERNATIONAL PERSPECTIVES ON CONSUMERS' ACCESS TO JUSTICE, 264-299 (Cambridge University Press 2003, Ricketts & Telfer, eds.

Available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=285760

- A version of this paper also was published at 18 BANKRUPTCY DEVELOPMENTS JOURNAL 1-49 (2001)
- Principal paper presented at and published in materials for the International Consumer Law Conference, Auckland, New Zealand, April 2001
- Circulated to European Economic and Social Committee, advisor to European Commission, Council & Parliament, in Stockholm, Sweden, June 2001

8. *A Century of Regress or Progress?: A Political History of Bankruptcy Legislation in 1898 and 1998,* 15 BANKRUPTCY DEVELOPMENTS JOURNAL 343-381 (1999) (invited symposium article)

This article was presented at the Association of American Law Schools annual meeting in January, 1999, and at Georgia State University and Emory University, November 1998

9. *American Bankruptcy Institute Preference Survey Report* 1-30 (1997).

The American Bankruptcy Institute, the largest organization of insolvency professionals in the country, conducted two nationwide surveys on the operation of the bankruptcy preference laws. At their invitation, I wrote the official Report on those surveys, which was published and also submitted to the National Bankruptcy Review Commission. Recommendations from the Report were enacted into law as part of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

10. *Panglossian Preference Paradigm?,* 5 AMERICAN BANKRUPTCY INSTITUTE LAW REVIEW 407-422 (1997) (invited symposium article on National Bankruptcy Review Commission Report)

11. *The History of the Bankruptcy Laws in the United States,* 3 AMERICAN BANKRUPTCY INSTITUTE LAW REVIEW 5-51 (1995) (invited symposium article) (Reprinted in Bankruptcy Anthology (Anderson 2002))

*** Quoted by Justice Thomas in dissent in United States Supreme Court case, *Central Va. Community College v. Katz* (2006)**

12. *Expanding the Reach of Alternative Dispute Resolution in Bankruptcy: The Legal and Practical Bases for the Use of Mediation and the other Forms of ADR,* 46 SOUTH CAROLINA LAW REVIEW 1259-1328 (1995), with Mabey & Dizengoff (invited symposium article)

13. *The Future of Chapter 11,* 44 SOUTH CAROLINA LAW REVIEW 791-862 (1993) (invited symposium article) (Reprinted in Bankruptcy Anthology (Anderson 2002))

14. *Requiem for Cross-Collateralization,* 2 JOURNAL OF BANKRUPTCY LAW & PRACTICE 109-162 (1993)

15. *Rethinking Preferences,* 43 SOUTH CAROLINA LAW REVIEW 981-1035 (1992) (invited symposium article) (Reprinted in Bankruptcy Anthology (Anderson 2002))

16. *Of Commas, Gerunds, and Conjunctions: The Bankruptcy Jurisprudence of the Rehnquist Court,* 42 SYRACUSE LAW REVIEW 823-892 (1991), with Lawless (invited symposium article)

17. *Emergency Preferential Orders in Bankruptcy Reorganizations,* 65 AMERICAN

BANKRUPTCY LAW JOURNAL 75-115 (1991)

* **Winner of the Editor's Prize for the most outstanding article in volume 65 of the American Bankruptcy Law Journal**, sponsored by the National Conference of Bankruptcy Judges.

* Relied on by District Court in *Kmart* decision, April 2003, ordering return of \$227 million in payments; ruling affirmed by Seventh Circuit

18. *The Historical Evolution of the Bankruptcy Discharge*, 65 AMERICAN BANKRUPTCY LAW JOURNAL 325-371 (1991) (Reprinted in Bankruptcy Anthology (Anderson 2002))

* Cited in briefs in 1998 Supreme Court case of *Kawaauhau v. Geiger*

19. *The Scope of the Fresh Start in Bankruptcy: Collateral Conversions and the Dischargeability Debate*, 59 GEORGE WASHINGTON LAW REVIEW 56-113 (1990) (Reprinted in Bankruptcy Anthology (Anderson 2002))

*Cited in briefs in 1998 Supreme Court case of *Kawaauhau v. Geiger*

20. *Lender Preference Clauses and the Destruction of Appealability and Finality: Resolving a Chapter 11 Dilemma*, 50 OHIO STATE LAW JOURNAL 109-162 (1989).

* Relied on by Eleventh Circuit in *In re Saybrook Manufacturing Co.*, 963 F.2d 1490

21. *The Bankruptcy Reform Act in the Supreme Court*, 49 UNIVERSITY OF PITTSBURGH LAW REVIEW 477-589 (1988)

22. *A Critical Reappraisal of Cross-Collateralization in Bankruptcy*, 60 SOUTHERN CALIFORNIA LAW REVIEW 109-175 (1986) (Reprinted in Bankruptcy Anthology (Anderson 2002))

* Relied on by Eleventh Circuit *In re Saybrook Manufacturing Co.*, 963 F.2d 1490; quoted at length in Petition for Certiorari, *In re Ellingsen MacLean Oil Co.*, 1987

PROFESSIONAL WRITING:

Author, *Bankruptcy Law Letter*, March 1992–April 2000 (98 issues) (Eight-page analysis of current developments in bankruptcy, published nationally each month)