

RALPH BRUBAKER
Curriculum Vitae—January 2010

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ACADEMIC AND LEGAL EXPERIENCE

University of Illinois College of Law (<http://www.law.illinois.edu>)

Professor of Law, August 2004-present
Guy Raymond Jones Faculty Scholar, April 2008-present
Interim Dean, April 2008-February 2009
Associate Dean for Academic Affairs, January 2006-April 2008
Mildred Van Voorhis Jones Faculty Scholar, August 2004-August 2006

Teaching Bankruptcy, Civil Procedure, Contracts, and Conflict of Laws

College of Law Committees:

Appointments; Strategic Planning (Chair); Promotion and Tenure; Curriculum;
Lectures; By-Laws; Grants; various search committees

University Committees:

Provost's Committee on Retention; Campus Budget Emergency Ad Hoc Advisory
Group

Emory University School of Law

Professor of Law, September 2003-August 2004
Associate Professor of Law, September 1998-September 2003
Assistant Professor of Law, August 1995-August 1998

Teaching Bankruptcy, Bankruptcy Procedure, Contracts, Business Associations, and
Corporate Finance

Voted Hooding Professor by School of Law Class of 1998

University Committees:

Law School Dean Search Committee, 2001
Halle Institute Faculty Study Trip to Germany, May 2000
Steering Committee, Faculty Council's Faculty at Emory Project, 1999-2000

School of Law Committees:

Dean's Advisory Committee, Appointments, Admissions (Chair), Academic
Standing, Judicial Clerkships, Career Services, Rankings, Admissions Director
Search Committee

University of Illinois College of Law

Visiting Assistant Professor of Law, August 1994-August 1995

Teaching Contracts, Business Organizations, and Market Regulation

Squire, Sanders & Dempsey, Cleveland, Ohio

Associate, September 1990-August 1994

Practice in bankruptcy and reorganization group, with extensive experience in large and medium-sized Chapter 11 bankruptcy reorganization proceedings, including “prepackaged,” leveraged buy-out, and mass-tort bankruptcies.

Honorable James K. Logan, United States Court of Appeals, Tenth Circuit

Judicial Law Clerk, August 1989-August 1990

EDUCATION

University of Illinois

J.D., *summa cum laude*, August 1989

GPA 4.906/5.0

Class Rank 3/197

M.B.A., August 1989

GPA 5.0/5.0

B.S., Agricultural Economics (with Accounting minor), May 1985

GPA 5.0/5.0

Bronze Tablet University Honors

C.P.A., September 1985

Practice Admissions (inactive):

Supreme Court of Ohio

United States Court of Appeals, Sixth Circuit

United States District Court, Northern District of Ohio

PUBLICATIONS

Academic Books and Journal Articles:

BANKRUPTCY LAW: PRINCIPLES, POLICIES, AND PRACTICE and comprehensive Teacher’s Manual (LexisNexis 2d ed. 2006 & Supps. 2007, 2008) (with Charles J. Tabb).

BANKRUPTCY LAW: PRINCIPLES, POLICIES, AND PRACTICE and comprehensive Teacher's Manual (Anderson Publishing 2003 & Supps. 2004, 2005) (with Charles J. Tabb).

Explaining Katz's New Bankruptcy Exception to State Sovereign Immunity: The Bankruptcy Power as a Federal Forum Power, 15 AM. BANKR. INST. L. REV. 95-134 (2007) (invited symposium article).

Taking Exception to the New Corporate Discharge Exceptions, 13 AM. BANKR. INST. L. REV. 757-75 (2005) (invited symposium article).

From Fictionalism to Functionalism in State Sovereign Immunity: The Bankruptcy Discharge as Statutory Ex parte Young Relief After Hood, 13 AM. BANKR. INST. L. REV. 59-127 (2005).

Debate—“Resolved: The 1978 Bankruptcy Code Has Been a Success,” 12 AM. BANKR. INST. L. REV. 273-97 (2004) (with Kenneth N. Klee, UCLA School of Law) (invited symposium article).

Of State Sovereign Immunity and Prospective Remedies: The Bankruptcy Discharge as Statutory Ex parte Young Relief, 76 AM. BANKR. L.J. 461-563 (2002) (refereed journal) (recipient of Editors' Prize for best article in volume 76).

On the Nature of Federal Bankruptcy Jurisdiction: A General Statutory and Constitutional Theory, 41 WM. & MARY L. REV. 743-941 (2000).

One Hundred Years of Federal Bankruptcy Law and Still Clinging to an In Rem Model of Bankruptcy Jurisdiction, 15 BANKR. DEV. J. 261-84 (1999) (invited symposium article).

Nondebtor Releases and Injunctions in Chapter 11: Revisiting Jurisdictional Precepts and the Forgotten Callaway v. Benton Case, 72 AM. BANKR. L.J. 1-61 (1998) (refereed journal).

Bankruptcy Injunctions and Complex Litigation: A Critical Reappraisal of Non-Debtor Releases in Chapter 11 Reorganizations, 1997 U. ILL. L. REV. 959-1080.

Attempted Monopolization: Reuniting a Doctrine Divorced from its Criminal Law Roots and the Policy of the Sherman Act, 73 MARQ. L. REV. 355-420 (1990) (with Mark E. Roszkowski).

Farm Products Collateral: Still a Problem?, 1987 U. ILL. L. REV. 241-74.

Analyzing Change: The Statement of Changes in Financial Position, 47 AGRIC. FIN. REV. 95-105 (1987) (with Thomas L. Frey) (refereed journal).

Essays and Shorter Articles:

A Postscript to the Chrysler and GM Sales: The Supreme Court (Quietly) Brackets Their Legitimacy, 29 BANKR. L. LETTER No. 2, Feb. 2010.

Preferential Transfers, the Subsequent New Value Defense, and the Requirement That the New Value “Remain Unpaid” (or Not), 29 BANKR. L. LETTER No. 2, Feb. 2010.

Cramdown of an Undersecured Creditor Through Sale of the Creditor’s Collateral: Herein of Indubitable Equivalence, the § 1111(b)(2) Election, Sub Rosa Sales, Credit Bidding, and Disposition of Sale Proceeds, 28 BANKR. L. LETTER No. 12, Dec. 2009, at 1-16.

The Chrysler and GM Sales: § 363 Plans of Reorganization?, 28 BANKR. L. LETTER No. 9, Sept. 2009, at 1-16.

Supreme Court Validates “Clarified” Manville Insurance Injunction: Channeling... and So Much More!, 28 BANKR. L. LETTER No. 8, Aug. 2009, at 1-11.

An Administrative Expense Odyssey, 28 BANKR. L. LETTER No. 6, June 2009, at 1-14.

Bankruptcy Court Jurisdiction to Enter a Money Judgment on a Nondischargeable Debt: Exposing Pacor’s Deficiencies and the True Supplemental Nature of Third-Party “Related To” Bankruptcy Jurisdiction, 28 BANKR. L. LETTER No. 4, Apr. 2009, at 1-11.

Paying a Default Rate of Interest to Cure Payment Defaults in a Chapter 11 Plan of Reorganization: Sweet!, 28 BANKR. L. LETTER No. 3, Mar. 2008, at 1-10.

Assumption and Assignment of Executory Contracts: Must a Proposed Assignee Provide Adequate Assurance of Future Performance of All Contract Terms?, 28 BANKR. L. LETTER No. 1, Jan. 2008, at 1-10.

Consumer Bankruptcy and Credit: Assessing a New Paradigm, 2007 U. ILL. L. REV. 1-8 (symposium introduction).

New Value in an Existing Contractual Relationship, 27 BANKR. L. LETTER No. 12, Dec. 2007, at 1-8.

Allowing the Claim of a Creditor with a Third-Party Guaranty While Disallowing Postpetition Interest: It's Much Easier Than It Looks (to the Fourth Circuit), 27 BANKR. L. LETTER No. 9, Sept. 2007, at 1-8.

Allowance of Attorney's Fees to an Unsecured Creditor (Part II): Wrestling with the Issue Undecided by the Supreme Court, 27 BANKR. L. LETTER No. 8, Aug. 2007, at 1-10.

Allowance of Attorney's Fees to an Unsecured Creditor: The Supreme Court Has Spoken (and Said Nothing), 27 BANKR. L. LETTER No. 5, May 2007, at 1-10.

Supplemental Bankruptcy Jurisdiction, 27 BANKR. L. LETTER No. 3, Mar. 2007, at 1-12.

Preferential Payment of a Nondischargeable Debt and the Dischargeability of the Creditor's § 502(h) Claim Upon Recovery Thereof: Considering the Common Law Origins and Nature of the Code's Avoidance Remedy, 27 BANKR. L. LETTER No. 1, Jan. 2007, at 1-8.

Cross-Default Provisions in Executory Contracts and Unexpired Leases: Assumption Cum Onere and Unenforceable Ipso Facto Provisions, 26 BANKR. L. LETTER No. 11, Nov. 2006, at 1-10.

Of Give-Ups, Critical Vendors, Diminution of the Estate, and Preference Policy, 26 BANKR. L. LETTER No. 9, Sept. 2006, at 1-8.

The Oil Tycoon, the Playboy Playmate, and Bankruptcy's Encounter with the Probate Exception to Federal Jurisdiction, 26 BANKR. L. LETTER No. 7, July 2006, at 1-12.

Contingent Interests Under Laws Not Yet Enacted as Property of the Estate, 26 BANKR. L. LETTER No. 5, May 2006, at 1-5.

Claims Objections and Chapter 11 Plan Voting, 26 BANKR. L. LETTER No. 5, May 2006, at 5-8.

Katz and the New Bankruptcy Exception to States' Constitutional Sovereign Immunity: Abandoning Hood's In Rem Theory (and Seminole Tribe), 26 BANKR. L. LETTER No. 3, Mar. 2006, at 1-18.

Lien Avoidance "for the Benefit of the Estate": Textualism, Equitable Powers, and Code Common Law, 26 BANKR. L. LETTER No. 1, Jan. 2006, at 1-8.

- Rejection of Executory Contracts and the Nondebtor Party's Resulting Breach Claim: Exploring the Limits of the Code's Fictional Prepetition Breach*, 25 BANKR. L. LETTER No. 12, Dec. 2005, at 1-10.
- Subordination of Stock Repurchase Claims: Nonbankruptcy State Law, "No Fault" Equitable Subordination, and Mandatory Subordination of Stock Purchase/Sale Damages Claims*, 25 BANKR. L. LETTER No. 11, Nov. 2005, at 1-10.
- Bankruptcy's Lease Damages Cap and Lessors' Security for Breach of Lease: Security Deposits, Personal Guaranties, and Standby Letters of Credit*, 25 BANKR. L. LETTER No. 10, Oct. 2005, at 1-12.
- Piercing the Corporate Veil of a Bankruptcy Debtor: Distinguishing the Bankruptcy Estate's Distinctive Roles as Successor to the Debtor and as "Super Creditor"*, 25 BANKR. L. LETTER No. 9, Sept. 2005, at 1-13.
- When Property Becomes a Promise Becomes a Preference*, 25 BANKR. L. LETTER No. 8, Aug. 2005, at 1-10.
- Punitive Damages in Chapter 11: Of Categorical Disallowance, Equitable Subordination, and Subordination by Classification*, 25 BANKR. L. LETTER No. 7, July 2005, at 1-10.
- Inter-Class Give-Ups in a Chapter 11 Plan of Reorganization: Remembering the Origins of the Absolute Priority Rule*, 25 BANKR. L. LETTER No. 6, June 2005, at 1-10.
- Supreme Court Holds That IRAs Are Exemptible Under Code § 522(d)(10)(E)*, 25 BANKR. L. LETTER No. 6, May 2005, at 1-8.
- The Preemptive Effect of the Bankruptcy Code for Preference Avoidance Under State-Law Assignments for the Benefit of Creditors*, 25 BANKR. L. LETTER No. 4, Apr. 2005, at 1-12.
- Bankruptcy and the Probate Exception to Federal Jurisdiction*, 25 BANKR. L. LETTER No. 3, Mar. 2005, at 1-11.
- Unwrapping Prepackaged Asbestos Bankruptcies (Part II): The Antithesis of Creditor Equality*, 25 BANKR. L. LETTER No. 2, Feb. 2005, at 1-8.
- Unwrapping Prepackaged Asbestos Bankruptcies (Part I): Non-Debtor "Releases" and Permanent Injunctions*, 25 BANKR. L. LETTER No. 1, Jan. 2005, at 1-11.

Cure of Nonmonetary Defaults as a Prerequisite to Assumption of Executory Contracts and Unexpired Leases: A Lesson in the Nature and Function of the Cure Requirement, 24 BANKR. L. LETTER No. 12, Dec. 2004, at 1-9.

Contractual Subordination Provisions, the Rule of Explicitness, and “Applicable Nonbankruptcy Law”: *Bankruptcy-Specific State Law for a Bankruptcy-Specific Issue or Federal Bankruptcy Law for a Federal Bankruptcy Issue?*, 24 BANKR. L. LETTER No. 11, Nov. 2004, at 1-10.

Assumption of Nonassignable Executory Contracts: Herein of Ambiguous “Applicable Law,” Meaningless Statutory Amendments, and an Absurd View of the Absurd, 24 BANKR. L. LETTER No. 10, Oct. 2004, at 1-10.

Operating in the Involuntary Gap: What To Do Regarding Payments To a Secured Creditor?, 24 BANKR. L. LETTER No. 9, Sept. 2004, at 1-8.

Cramdown Interest Rates: Disarray Dominates Till...?, 24 BANKR. L. LETTER No. 8, Aug. 2004, at 1-12.

Hood’s In Rem Exception to State Sovereign Immunity in Bankruptcy: A Personal Jurisdiction Time Warp, 24 BANKR. L. LETTER No. 7, July 2004, at 1-14.

Critical Vendor Orders After Kmart (Part II): The Procedural Pitfalls Surrounding Notice and Appeal, 24 BANKR. L. LETTER No. 6, June 2004, at 1-9.

Reassessing Our Commitment to Unsecured Creditor Equality: Critical Vendor Orders After Kmart (Part I), 24 BANKR. L. LETTER No. 5, May 2004, at 1-11.

Supreme Court Decides That the Deadline for Filing an Objection to Discharge Is Forfeited If Not Timely Raised by the Debtor, 24 BANKR. L. LETTER No. 4, Apr. 2004, at 1-8.

The Great Pretenders: A Tale of the Rehnquist Court, Textualism, and Code § 330(a)(1), 24 BANKR. L. LETTER No. 3, Mar. 2004, at 1-12.

Considering the Code’s Preemptive Effect in the Plan Confirmation Context: State Utility Regulation and § 1123(a)(5) as a Case Study, 24 BANKR. L. LETTER No. 2, Feb. 2004, at 1-11.

Preferential Transfer Liability for Prepetition Payments on an Assumed Contract or Lease: Exploring the Limits of Textualism, the Legitimacy of a Code Common Law, and an Appropriate Contractual Default Rule for the Assumption Bargain, 24 BANKR. L. LETTER No. 1, Jan. 2004, at 1-8.

Determining the Timeliness of a Debtor's Postpetition Appeal of a Prepetition Judgment: Code § 108(b) or § 108(c)?, 23 BANKR. L. LETTER No. 12, Dec. 2003, at 1-5.

When Does a Transfer Occur for Purposes of a Preference Challenge?, 23 BANKR. L. LETTER No. 12, Dec. 2003, at 5-9.

Making Sense of the In Pari Delicto Defense: "Who's Zoomin' Who?", 23 BANKR. L. LETTER No. 11, Nov. 2003, at 1-9.

Pre-Consummation Lien Stripping in Chapter 13, 23 BANKR. L. LETTER No. 10, Oct. 2003, at 1-10.

The Extent of a State's Waiver of Sovereign Immunity by Filing a Proof of Claim, 23 BANKR. L. LETTER No. 9, Sept. 2003, at 1-8.

Does § 549(c) Protect a Good Faith Purchaser in a Post-Petition Foreclosure Sale Conducted in Violation of the Automatic Stay?, 23 BANKR. L. LETTER No. 8, Aug. 2003, at 1-5.

Sale of a Debtor's Real Property Free and Clear of a Tenant's Lease: Exploring the Relationship Between § 363(f) and § 365(h), 23 BANKR. L. LETTER No. 8, Aug. 2003, at 5-10.

A Federal Bankruptcy Court's Peremptory Control of Collateral Bankruptcy Litigation, 23 BANKR. L. LETTER No. 7, July 2003, at 1-7.

Impairment Under § 1124(1): The Fallacious Distinction Between Plan Impairment and Code Impairment, 23 BANKR. L. LETTER No. 7, July 2003, at 7-10.

Supreme Court Decides That a General Release of Claims in a Settlement Agreement Does Not Release Claims of Nondischargeability of the Settlement Debt, 23 BANKR. L. LETTER No. 6, June 2003, at 1-6.

Successor Liability and Bankruptcy Sales: Free and Clear of What?, 23 BANKR. L. LETTER No. 6, June 2003, at 6-12.

The Regulatory Authority of Administrative Agencies Versus the Bankruptcy Code (and Bankruptcy Court Jurisdiction?): The Supreme Court's NextWave Decision Scores One for the Bankruptcy Code (and Bankruptcy Court Jurisdiction?), 23 BANKR. L. LETTER No. 5, May 2003, at 1-11.

Indemnification of Financial Advisors in Chapter 11 (and Judicial Musings Afield Therefrom): How Far Is Too Far?, 23 BANKR. L. LETTER No. 4, Apr. 2003, at 1-10.

Abrogation of State Sovereign Immunity Through Congress's Bankruptcy Power: Considering the Framers' Intent with Respect to the Attributes of Sovereignty, Uniformity, and Bankruptcy Exceptionalism, 23 BANKR. L. LETTER No. 3, Mar. 2003, at 1-11.

A Race to the Courthouse (to Beat the Pink Slip): Does Code § 525(b) Prohibit a Pre-Petition Discriminatory Termination of a Bankruptcy Debtor(-to-Be)?, 23 BANKR. L. LETTER No. 2, Feb. 2003, at 1-5.

Is a "Redemption" Agreement a "Reaffirmation" Agreement Subject to the Requirements of Code § 524(c)?, 23 BANKR. L. LETTER No. 2., Feb. 2003, at 5-9.

Intervention of Right in Chapter 11 Adversary Proceedings Pursuant to Code § 1109(b), 23 BANKR. L. LETTER No. 1, Jan. 2003, at 1-7.

Retention of Jurisdiction Provisions in a Plan of Reorganization as a Nullification of Arbitration Rights: An Expression of Doubt, 23 BANKR. L. LETTER No. 1, Jan. 2003, at 7-11.

Avoidance of Exemption-Impairing Judicial Liens, 22 BANKR. L. LETTER No. 12, Dec. 2002, at 1-9.

Creditor/Committee Derivative Litigation: Of Textualism and Equitable Powers, 22 BANKR. L. LETTER No. 11, Nov. 2002, at 1-8.

The Ambivalent Role of Industry Standards in Determining Whether an Otherwise Preferential Debt Repayment is Within the Ordinary Course of Business, 22 BANKR. L. LETTER No. 10, Oct. 2002, at 1-5.

Absolute Priority and an Individual Chapter 11 Debtor's Exempt Property: Who is Junior to Whom?, 22 BANKR. L. LETTER No. 10, Oct. 2002, at 5-8.

Subrogation, Letters of Credit, and Discharge Exceptions, 22 BANKR. L. LETTER No. 9, Sept. 2002, at 1-8.

Turnover Rights Revisited (or Repudiated Sub Silentio?): Who "Owns" Collateral Repossessed by a Secured Creditor?, 22 BANKR. L. LETTER No. 8, Aug. 2002, at 1-7.

- The Impact of the Discharge Injunction on State-Court Dischargeability Determinations*, 22 BANKR. L. LETTER No. 8, Aug. 2002, at 7-10.
- A Debtor's Pre-Petition Guaranty of Post-Petition Loan Advances Secured by a Lien on Property of the Estate: Is the Lien Valid or Invalid?*, 22 BANKR. L. LETTER No. 7, July 2002, at 1-7.
- Sales Free and Clear of Liens Under Code § 363(f)(3) & (f)(5): Can the Bankruptcy Court Authorize a Free-and-Clear Sale of Overencumbered Property?*, 22 BANKR. L. LETTER No. 7, July 2002, at 7-10.
- The Consequences of a Chapter 7 Trustee's Rejection of an Individual Debtor's Unexpired Lease*, 22 BANKR. L. LETTER No. 6, June 2002, at 1-6.
- Contractual Settlement Agreements as to the Dischargeability of the Settlement Debt*, 22 BANKR. L. LETTER No. 6, June 2002, at 6-11.
- Supreme Court Applies Equitable Tolling to the Three-Year Look-Back Period for Nondischargeable Tax Debts*, 22 BANKR. L. LETTER No. 5, May 2002, at 1-4.
- The Dischargeability of "Control Person" Liability for Federal Securities Fraud: Actual Fraud, Vicarious Nondischargeability, and the Vacillating Objects of the § 523(a)(2)(A) Discharge Exception*, 22 BANKR. L. LETTER No. 5, May 2002, at 5-10.
- A Debtor's Rights Under Laws Not Yet Enacted as Property of the Estate*, 22 BANKR. L. LETTER No. 4, Apr. 2002, at 1-6.
- How Do You Get a Lien on Non-Property?*, 22 BANKR. L. LETTER No. 4, Apr. 2002, at 6-8.
- Who Owns the Equity Interests in a Local Labor Union for Purposes of the Absolute Priority Rule?*, 22 BANKR. L. LETTER No. 2, Feb. 2002, at 1-9.
- The Effect of Confirmation of a Chapter 11 Plan of Reorganization: the Effect of Confirmation on Unscheduled Assets*, 22 BANKR. L. LETTER No. 1, Jan. 2002, at 1-5.
- The Effect of Confirmation of a Chapter 11 Plan of Reorganization: the Effect of a Post-Confirmation Conversion to Chapter 7*, 22 BANKR. L. LETTER No. 1, Jan. 2002, at 5-8.

The Effect of Confirmation of a Chapter 11 Plan of Reorganization: the Effect of Confirmation on the Federal Courts' Continuing Bankruptcy Jurisdiction, 22 BANKR. L. LETTER No. 1, Jan. 2002, at 8-10.

The Code's (Incompatible?) Directives Regarding Setoff of a Discharged Debt Against Exempt Amounts Owing to an Individual Debtor, 21 BANKR. L. LETTER No. 12, Dec. 2001, at 1-7.

A Creditor's State-Court Fraudulent Conveyance Action, a Trustee's Subsequent § 544(b)(1) Action, and the Pertinence of Preclusion Principles, 21 BANKR. L. LETTER No. 12, Dec. 2001, at 7-10.

"A Bankruptcy Action" Involving a Pre-Petition Account and its Post-Petition Proceeds: Secured Creditor's Collateral Under § 552(b) or Part of the Individual Debtor's Fresh Start Under § 541(a)(6)?, 21 BANKR. L. LETTER No. 11, Nov. 2001, at 1-4.

Post-Petition Creation and Perfection of Environmental Superlien Permitted Under the Retroactive Perfection Provisions of Code §§ 362(b)(3) and 546(b), 21 BANKR. L. LETTER No. 11, Nov. 2001, at 4-8.

Option Agreements, The Bargained-For Exchange, and Unenforceable Ipso Facto Provisions, 21 BANKR. L. LETTER No. 10, Oct. 2001, at 1-6.

Can a Pre-Petition Transfer of Exempt Property Be a Fraudulent Conveyance?, 21 BANKR. L. LETTER No. 10, Oct. 2001, at 6-10.

Post-Confirmation Modification of a Chapter 13 Plan to Surrender Collateral in Full Satisfaction of a Creditor's Secured Claim: Does it Matter What the Collateral Is Worth?, 21 BANKR. L. LETTER No. 9, Sept. 2001, at 1-6.

Fourth Circuit Permits Application of Chapter 13 Plan Payments to Disallowed Post-Petition Interest on a Nondischargeable Debt, 21 BANKR. L. LETTER No. 9, Sept. 2001, at 6-8.

"Surf's Up Dude!": Riding the NextWave Decisions from the Second to the D.C. Circuit in a Choppy Sea of Regulatory Reign and Jurisdictional Turmoil, 21 BANKR. L. LETTER No. 8, Aug. 2001, at 1-8.

Inter-Debtor "Cross-Collateralization" in a Chapter 11 DIP Financing Order, 21 BANKR. L. LETTER No. 8, Aug. 2001, at 8-11.

Conflict of Laws in Bankruptcy: Choosing Applicable State Law and the Appropriate (State or Federal?) Choice-of-Law Rule, 21 BANKR. L. LETTER No. 7, July 2001, at 1-6.

Payment of a Mortgage Debt on Exempt Entireties Property: Constructively Fraudulent Nonexempt-to-Exempt Asset Conversion?, 21 BANKR. L. LETTER No. 7, July 2001, at 6-9.

Section 506(b) and Disallowance of Creditors' Claims for Attorney's Fees and Costs, 21 BANKR. L. LETTER No. 6, June 2001, at 1-5.

The Preclusive Effect of a Creditor's Pre-Petition State-Court Judgment in Bankruptcy Claims Allowance Proceedings, 21 BANKR. L. LETTER No. 6, June 2001, at 5-10.

Fresh Start, Vicarious Liability, and the Fraud and Malice Discharge Exceptions: Punishment vs. Compensation—State Law vs. Federal Law, 21 BANKR. L. LETTER No. 5, May 2001, at 1-6.

Tortious Breach of Contract, Intentional Torts, and the Willful and Malicious Injury Discharge Exception, 21 BANKR. L. LETTER No. 5, May 2001, at 6-8.

Check Kiting and the Potential Preferential Transfer Liability of a Debtor's Depository Banks, 21 BANKR. L. LETTER No. 4, Apr. 2001, at 1-8.

Curing Defaults in a Chapter 11 Plan of Reorganization and Default Rates of Interest, 21 BANKR. L. LETTER No. 4, Apr. 2001, at 8-11.

Understanding (and Misunderstanding) Bankruptcy Standing: If Only I Had Standing to Sue the Lawyers That Sued My Other Lawyer, 21 BANKR. L. LETTER No. 3, Mar. 2001, at 1-3.

Understanding (and Misunderstanding) Bankruptcy Standing: Who Has Standing to Sue the Lawyer That Improperly Filed My Bankruptcy Case Under Chapter 7 Instead of Chapter 11? The Chapter 7 Trustee?!, 21 BANKR. L. LETTER No. 3, Mar. 2001, at 3-5.

Understanding (and Misunderstanding) Bankruptcy Standing: "I've Fallen, and I Can't Get Up": Standing on Principle in Chapter 11?—or Tripped by the DIP?, 21 BANKR. L. LETTER No. 3, Mar. 2001, at 5-8.

Money Judgments, Governmental Police and Regulatory Powers, and the Automatic Stay, 21 BANKR. L. LETTER No. 2, Feb. 2001, at 1-5.

Implied Private Right of Action, Contempt, Preemption, Rescission, Restitution? Determining the Appropriate Remedy for Improper Reaffirmation Conduct, 21 BANKR. L. LETTER No. 2, Feb. 2001, at 6-10.

Back to the Future Claim: Beyond the Mass Tort Reorganization (with a Return Thereto), 21 BANKR. L. LETTER No. 1, Jan. 2001, at 1-9.

Which Comes First: the Turnover or the Adequate Protection?, 20 BANKR. L. LETTER No. 12, Dec. 2000, at 1-5.

Substantial Contribution Compensation for Creditors in Chapter 11: Of Altruism, Self-Interest, and Restitution, 20 BANKR. L. LETTER No. 12, Dec. 2000, at 5-6.

“That’s Funny—I Don’t Remember Having the Post-Conversion Creditors’ Meeting Pre-Conversion” : Does a Conversion from Chapter 11 to Chapter 7 Activate a New Period for Objecting to an Individual Debtor’s Claimed Exemptions?, 20 BANKR. L. LETTER No. 12, Dec. 2000, at 6-10.

Voluntarily Renunciating Rights as an Avoidable “Transfer” of Property, 20 BANKR. L. LETTER No. 11, Nov. 2000, at 1-6.

A Pair of Preference Puzzlers, 20 BANKR. L. LETTER No. 11, Nov. 2000, at 6-10.

When is a Non-Avoidable Lien Super-Avoidable? When the Ninth Circuit Says Code § 502(d) Can Be Employed to Entirely Disallow the Claim Secured by the Lien, Even Though an Action to Avoid the Lien is Time-Barred., 20 BANKR. L. LETTER No. 10, Oct. 2000, at 1-4.

The Uncertain Contours of Property of the Estate in Chapter 13, 20 BANKR. L. LETTER No. 10, Oct. 2000, at 4-10.

Rejection of an Executory Contract That Never Was, 20 BANKR. L. LETTER No. 9, Sept. 2000, at 1-3.

Allowance of Fees to Professionals Precludes Subsequent Professional Malpractice Claims, 20 BANKR. L. LETTER No. 9, Sept. 2000, at 3-4.

Retaining Causes of Action in a Chapter 11 Plan of Reorganization, 20 BANKR. L. LETTER No. 9, Sept. 2000, at 4-6.

When Is An Order Authorizing Retention of Counsel Appealable? Never?, 20 BANKR. L. LETTER No. 9, Sept. 2000, at 6-7.

Construing an Ambiguous Chapter 13 Plan. Res Judicata, Anyone?, 20 BANKR. L. LETTER No. 9, Sept. 2000, at 7-10.

Timing Is Everything or “Let’s Do the Limbo Rock”, 20 BANKR. L. LETTER No. 8, Aug. 2000, at 1-7.

§ 363(f) Sale of Contract Payment Rights is Free and Clear of Obligor’s Setoff Rights, But Not Recoupment Rights, 20 BANKR. L. LETTER No. 8, Aug. 2000, at 7-8.

Two Circuits Hold that § 1322(b)(2)’s Anti-Modification Provisions Are Inapplicable to Wholly “Unsecured,” Underwater Liens, 20 BANKR. L. LETTER No. 8, Aug. 2000, at 8.

Willful Attempt to Evade Payment Renders Tax Debt Nondischargeable, 20 BANKR. L. LETTER No. 8, Aug. 2000, at 8-10.

Date-of-Honor Rule Adopted for Post-Petition Transfer by Check. New Value Under § 549(b) Determined from Transferee’s, Not Estate’s Perspective., 20 BANKR. L. LETTER No. 8, Aug. 2000, at 10-11.

Supreme Court Denies Administrative Claimant Standing to Surcharge Secured Creditor’s Collateral Under § 506(c). Or Does It?, 20 BANKR. L. LETTER No. 7, July 2000, at 1-4.

Whose Law Is It Anyway? Supreme Court Decides That Burden of Proof in Claims Litigation is Governed by State Law., 20 BANKR. L. LETTER No. 7, July 2000, at 4-6.

The Pitfalls and Pratfalls of a Post-Confirmation Conversion from Chapter 11 to Chapter 7, 20 BANKR. L. LETTER No. 6, June 2000, at 1-4.

Post-Discharge Conversion from Chapter 7 to Chapter 13?! I Guess So., 20 BANKR. L. LETTER No. 6, June 2000, at 5-8.

Restricting a Debtor’s Ability to Voluntarily Dismiss the Bankruptcy Case: Conversion as a Lesson in the Creditor Protection Function of Bankruptcy, 20 BANKR. L. LETTER No. 6, June 2000, at 8-10.

Criminal Prosecutions, Statutory Bankruptcy Injunctions, and the Preclusive Effect of State-Court Determinations, 20 BANKR. L. LETTER No. 5, May 2000, at 1-6.

Can a Tortious Breach of Contract Give Rise to a Nondischargeable Debt for a Willful and Malicious Injury?, 20 BANKR. L. LETTER No. 5, May 2000, at 6-8.

Exploring the Relationship Between § 362(a) and § 549(c), 20 BANKR. L. LETTER No. 5, May 2000, at 8-9.

Works in Progress:

A DEBTOR WORLD: INTERDISCIPLINARY PERSPECTIVES ON AN INDEBTED GLOBAL SOCIETY (Ralph Brubaker, Robert M. Lawless & Charles J. Tabb eds.) (Oxford Univ. Press, forthcoming 2010)

BANKRUPTCY LAW: PRINCIPLES, POLICIES, AND PRACTICE and comprehensive Teacher's Manual (LexisNexis 3d ed., forthcoming 2010) (with Charles J. Tabb).

An Essay on the Chrysler and GM Bankruptcy Sales: Remembering the Origins of Reorganization Law (forthcoming 2010)

Debt and the Demands of Conscience: The Virtue of Bankruptcy Discharge (book, forthcoming 2010) (with Heidi M. Hurd)

The Common Law Origins of Bankruptcy's "Statutory" Automatic Stay (forthcoming 2010).

PROFESSIONAL ACTIVITIES AND MEMBERSHIPS

Board of Directors, Center on Law and Globalization (<http://www.lexglobal.org/>), 2008-present

Editor in Chief/Author/Contributing Editor, *Bankruptcy Law Letter* (ThomsonWest), January 2006 issue-present

Sole Author/Contributing Editor, *Bankruptcy Law Letter* (West Group), May 2000 issue-December 2005 issue

Board of Directors, American Bankruptcy Institute (<http://www.abiworld.org>), 2001-present
Member, Executive Committee, 2004-2009
Member, Board Committee on Research Grants

Editorial Advisory Board, *American Bankruptcy Institute Law Review*, 1997-2009

Scholarly Advisor, *Bankruptcy Developments Journal*, 1995-2004

Advisory Board, St. John's University School of Law, Bankruptcy LL.M. Program, 1999-present

Executive Committee, Association of American Law Schools, Debtor-Creditor Section,
calendar terms 1999 & 2000

Advisory Board, American Bankruptcy Institute/Emory Law School, Bankruptcy
Litigation Symposium, 1999-2004

Member, American Bar Association, Section of Business Law

Order of the Coif, Emory Chapter
Secretary, 1995-August 2004

Amicus Curiae for successful petitioner in *Marshall v. Marshall*, 126 S.Ct. 1735 (2006).

Amicus Curiae for appellee in *Burgess v. Sikes (In re Burgess)*, 438 F.3d 493 (5th Cir.
2006).

Amicus Curiae for successful appellants in *Official Committee of Unsecured Creditors of
Cybergenics Corp. v. Chinery*, 330 F.3d 548 (3d Cir. 2003).

Special Appellate Counsel for Nevada Personal-Injury Claimants in appeal from
confirmation of Dow Corning's Chapter 11 plan of reorganization to resolve
mass-tort breast-implant liability. Decision reported at *In re Dow Corning Corp.*,
280 F.3d 648 (6th Cir. 2002).

Presenter, Faculty Colloquium, Emory University School of Law, October 2009
The Intrinsic Moral Value of Bankruptcy Discharge (with Heidi M. Hurd)

Panel Speaker, National Conference of Bankruptcy Judges Annual Meeting, October
2009
Chapter 11 Myths and Realities

Presenter, Faculty Colloquium, University of San Diego School of Law, October 2009
The Intrinsic Moral Value of Bankruptcy Discharge (with Heidi M. Hurd)

Presenter, Faculty Colloquium, University of Iowa College of Law, September 2009
A "New" Theory of the Bankruptcy Discharge (with Heidi M. Hurd)

Panel Speaker, Center on Law and Globalization, ABA Annual Meeting Program, July
2009
Global Lawmaking and Systemic Financial Crisis

Co-Organizer and Moderator, Illinois-ABI Interdisciplinary Academic Symposium on
Debt, University of Illinois College of Law, May 2008

- Panel Speaker, National Conference of Bankruptcy Judges Annual Meeting, October 2007
Supplemental Bankruptcy Jurisdiction
Contingent Rights Under Laws Not Yet Enacted as Property of the Estate
- Participant, Roundtable on the Morality of Debt Relief, University of Illinois College of Law Program in Law and Philosophy, September 2007
- Commentator on paper by Erin O'Hara and Larry Ribstein, Faculty Retreat, University of Illinois College of Law, May 2007
Corporations and the Market for Law
- Speaker, St. Johns University School of Law Symposium: Bankruptcy and Federalism, February 2007
Explaining Katz's New Bankruptcy Exception to State Sovereign Immunity: The Bankruptcy Power as a Federal Forum Power
- Presenter, Faculty Roundtable, University of Illinois College of Law, April 2006
—*Katz and the New Bankruptcy Exception to States' Constitutional Sovereign Immunity: Abandoning Hood's In Rem Theory (and Seminole Tribe)*, 26 BANKR. L. LETTER No. 3, Mar. 2006, at 1-18.
- Panel Moderator, *Bankruptcy and Consumer Credit in the Wake of the 2005 Act*, A Conference of the University of Illinois College of Law, April 2006
—*Consumer Bankruptcy and Credit: Assessing a New Paradigm*, 2007 U. ILL. L. REV. 1-8.
- Panel Moderator, *Bankruptcy and Consumer Credit in the Wake of the 2005 Act*, A Conference of the University of Illinois College of Law, April 2006
- Invited Presenter, Prof. Richard Lieb's LL.M. colloquium course on Chapter 11 Theory and Practice, St. John's University School of Law, March 2006
Non-Debtor Releases and Injunctions in Chapter 11
- Panel Speaker, American Bankruptcy Institute Winter Conference, December 2005
Punitive Damages in Chapter 11: Of Categorical Disallowance, Equitable Subordination, and Subordination by Classification
- Speaker, Mildred Van Voorhis Jones Faculty Scholar Award Ceremony, June 2005
From Fictionalism to Functionalism in State Sovereign Immunity

Speaker, Judges' Roundtable of the United States Bankruptcy Court for the Northern District of Illinois, May 2005
From Fictionalism to Functionalism in State Sovereign Immunity

Panel Speaker, American Bankruptcy Institute Winter Conference, December 2004
The "Supremes" and Other Hot Acts: The Year in Review and Emerging Issues in 2005

Faculty, American Bankruptcy Institute, Bankruptcy Training for Illinois State Court Judges, September 2004

Faculty Coordinator, American Bankruptcy Institute/Emory Law School, Bankruptcy Litigation Symposium, November 2003

Speaker, American Bankruptcy Institute Symposium for Academics Commemorating the 25th Anniversary of the Bankruptcy Code, Georgetown University Law Center, October 2003
Resolved: The Bankruptcy Code Has Been a Success (debate with Prof. Ken Klee, UCLA School of Law)

Panel Speaker, National Conference of Bankruptcy Judges Annual Meeting, October 2003
Walking the Ethical Tightrope: Fiduciary Duties and Conflicts in Chapter 11 Cases

Panel Speaker, American Bankruptcy Institute Annual Spring Meeting, April 2003
The Questionable Legitimacy of Indemnification of Business and Financial Professionals in Chapter 11 Reorganizations

Faculty, Northwest Bankruptcy Institute, April 2002
Supplemental Bankruptcy Jurisdiction: Constitutional and Statutory Foundations

Faculty Coordinator, American Bankruptcy Institute/Emory Law School, Bankruptcy Litigation Symposium, October 2001

Panel Speaker, Association of American Law Schools, Workshop on Bankruptcy, May 2001
Utilitarian Scholarship

Panel Speaker, American Bar Association, Section of Business Law Annual Spring Meeting, Subcommittee on Jurisdiction, March 2001
Exploring the Outer Limits of Federal Bankruptcy Jurisdiction

Panelist, Federal Judicial Center, *Bankruptcy Law Update* Television Program, February 2001

Faculty, Stetson University College of Law, Twenty-Fifth Annual Seminar on Bankruptcy Law and Practice, December 2000

Faculty Coordinator, American Bankruptcy Institute/Emory Law School, Bankruptcy Litigation Symposium, September 2000

Panel Speaker, American Bankruptcy Institute, Southeast Bankruptcy Conference, August 2000
Developments in Chapter 11 Mega Cases

Presentation, Freie Universität Berlin, May 2000
Reorganization of Troubled Business Enterprises Under American Bankruptcy Law

Panel Speaker, American Bar Association, Section of Business Law Annual Spring Meeting, Chapter 11 Subcommittee Program, March 2000
Third-Party Injunctions in Chapter 11

Faculty, American Bankruptcy Institute Annual Spring Meeting, April 1999
Who's Right in the Supreme Court's 203 North LaSalle Case? (debate with Prof. Ken Klee, UCLA School of Law)

Speaker, Association of American Law Schools, Debtor-Creditor Section Annual Meeting, January 1999
One Hundred Years of Federal Bankruptcy Law and Still Clinging to an In Rem Model of Bankruptcy Jurisdiction

Faculty, State Bar of Georgia, Bankruptcy Law Section, Annual Bankruptcy Law Seminar, November 1998
Supplemental Bankruptcy Jurisdiction

Academic Fellow, National Conference of Bankruptcy Judges Annual Meeting, October 1998

Faculty, American Bankruptcy Institute, Judicial Law Clerk Education Symposium, August 1998
Bankruptcy Jurisdiction and Procedure

Panel Speaker, Atlanta Bar Association, Bankruptcy Section, Recent Developments in Bankruptcy Seminar, November 1997
Ethical Problems in Business Bankruptcy Practice

Member, Cleveland Bar Association, Bankruptcy and Commercial Law Section, 1990-1994
Bankruptcy Legislation Review Committee (S.540), 1993

Panelist, Cleveland Bar Association, Bankruptcy and Commercial Law Section, Legislative Update Seminar, September 1993

Panelist, Cleveland Bar Association, Bankruptcy and Commercial Law Section, Emerging Bankruptcy Issues Seminar, December 1990
Recovering Payment of Expenses from the Secured Creditor

LAW SCHOOL HONORS AND ACTIVITIES

UNIVERSITY OF ILLINOIS LAW REVIEW

Articles Editor, author of published student note

Order of the Coif

American Jurisprudence Awards: Civil Litigation I & II, Torts I & II, Income Taxation, Bankruptcy & Creditors' Rights, Banking Law, Conflict of Laws

Rickert Awards for Excellence in Academic Achievement and Legal Writing

Harno Fellow

Hornbook Award

Summer Associate, Squire, Sanders & Dempsey, Cleveland, Ohio, Summer 1988

Summer Associate, Kirkland & Ellis, Chicago, Illinois, Summer 1987

Research Assistant, Delmar K. Banner, Professor of Agricultural Law, September 1986-December 1988

Accountant & Staff Consultant, Centrec Consulting, Champaign, Illinois, September 1985-December 1988

UNDERGRADUATE HONORS AND ACTIVITIES

Illinois Varsity Men's Glee Club

President, Concert Chairman, Publicity Chairman

U-C Faculty-Student Senate

Educational Policy Committee

College of Agriculture Student Council

FarmHouse Fraternity

President, Rush Chairman, Philanthropy Chairman, Secretary

Wilbur H. Coultas Memorial Award
Outstanding Senior in the College of Agriculture
C.J. Elliot Memorial Award
Outstanding Senior in Agricultural Economics
Gamma Sigma Delta Prize in Agriculture
Outstanding Senior
Doane Award
Outstanding FarmHouse Senior
Outstanding Greek Award
Homecoming King Finalist
Mortar Board
Senior Leadership and Scholastic Honorary
Sachem
Junior Leadership and Activities Honorary
Torch
Junior Leadership and Scholastic Honorary
Senior 100 Club
Senior Activities Honorary
Alpha Zeta
Agriculture Honorary
Gamma Sigma Delta
Professional Agriculture Honorary
Phi Kappa Phi
Junior/Senior Leadership and Scholastic Honorary
Omicron Delta Kappa
Junior/Senior Leadership and Scholastic Honorary
Accountant & Staff Consultant, Centrec Consulting, Champaign, Illinois, September
1984-August 1985
Research Assistant, Dr. Thomas L. Frey, Professor of Agricultural Finance, Summer
1984, Summer 1986
Research Assistant, Dr. Harold Guither, Professor of Agricultural Policy, September
1982-May 1983

PERSONAL

Born October 31, 1962 in Marion, Indiana.
1980 graduate of Chrisman High School (Valedictorian), Chrisman, Illinois
Married to the former Rhonda Boehne. One daughter (Allison 19) and four sons (Clinton 18,
Calvin, Phillip, and Riley 14).