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Spencer Fane Team Discusses Bankruptcy Claims in American Bankruptcy Institute Journal

Spencer Fane attorneys Mark Bogdanowicz, Andrea Chase, and Lindsay Doman authored an article that appeared in the March issue of the *American Bankruptcy Institute Journal,* a member-exclusive publication of the American Bankruptcy Institute (ABI).

In their article – Claim Objections and Affirmative Defenses: Whose Burden Is It? – the team discussed "general requirements for satisfying the burdens of production and persuasion in the [bankruptcy] claims-resolution process." They also highlighted different court approaches that may be taken during this process and advised on which methodology best promotes the goals of the bankruptcy system.

"Since the information necessary to factually support affirmative defenses might not be known or reasonably ascertainable to the objecting party, a pre-filing questionnaire addressed to creditors may be the way to strike an appropriate balance as to the burdens and costs between estate fiduciaries and creditors," they said.

The ABI is a multidisciplinary, nonpartisan organization devoted to bankruptcy issues. ABI has more than 12,000 members, representing all facets of the insolvency field.

At Spencer Fane, Mark, Andrea, and Lindsay help their clients navigate the costs and uncertainty of doing business with companies and individuals faced with financial distress. They represent secured and unsecured creditors, trustees and others in bankruptcy and nonbankruptcy insolvency proceedings such as receiverships and foreclosure proceedings, out-of-court workouts and restructurings, and other related insolvency matters.

Read the full article here. Please note, an ABI membership may be required.