

ABOUT THE EDITORS AND AUTHORS

EDITORS:

Hon. Kevin R. Huennekens, United States Bankruptcy Court, Eastern District of Virginia, Richmond.

Hon. Kevin R. Huennekens (retired), co-editor of this book, was appointed to fill a new judgeship in the United States Bankruptcy Court for the Eastern District of Virginia in 2006. He formerly was a partner with Kutak Rock LLP and practiced in the firm's Richmond office. He specialized in creditors' rights, bankruptcy, and commercial litigation. Judge Huennekens has represented banks and business clients throughout the country in bankruptcies and workouts. He earned a B.A. from The College of William & Mary in 1975 and a law degree from the Marshall-Wythe School of Law at The College of William & Mary in 1978, where he was a member of the Law Review and the Order of the Coif. He has served as Chairman of the Bankruptcy Section of the Richmond Bar Association and has taught the bankruptcy course as an adjunct professor of Law at Marshall-Wythe School of Law at The College of William & Mary. Judge Huennekens is listed in the 1995 through 2004 editions of *Best Lawyers in America* and is a Fellow of the American College of Bankruptcy. He has authored law review articles and speaks regularly at Virginia CLE's *Annual Mid-Atlantic Institute on Bankruptcy and Reorganization Practice*. Judge Huennekens successfully argued the case of *Patterson v. Shumate* before the United States Supreme Court. Judge Huennekens retired from the bench in early January of 2025.

H. David Cox, Cox Law Group PLLC, Lynchburg.

H. David Cox, co-editor of this book, practices bankruptcy law throughout the Western District of Virginia, with offices in Lynchburg, Danville, Staunton, Harrisonburg, and Winchester. His practice and the practices of the other attorneys in his firm focus exclusively on the representation of debtors in bankruptcy and related proceedings. Before entering private practice, Mr. Cox served as a judicial law clerk for the late Hon. William E. Anderson, Bankruptcy Judge for the Western District of Virginia. Mr. Cox is a past member of the Virginia State Bar's Board of Governors for the Bankruptcy Section and is a Council Member of The Virginia Bar Association's Bankruptcy Section. He has spoken at numerous CLE programs related to bankruptcy across the country. Mr. Cox is a permanent member of the Fourth Circuit Judicial Conference and a Fellow of the American College of Bankruptcy.

AUTHORS:

Kelly M. Barnhart, Chapter 12 and Chapter 13 Trustee, Norfolk and Newport News.

Kelly M. Barnhart, co-author of Chapter 7 of this book, is a chapter 12 and chapter 13 trustee. Before becoming a trustee, Ms. Barnhart was a partner with Roussos & Barnhart, PLC. Her practice focused on bankruptcy, corporate reorganization, corporate finance and farm insolvencies. She represented debtors, creditors, and trustees.

Ms. Barnhart graduated from Randolph-Macon Woman's College with a Bachelor of Arts degree in history and political science. In 2002, she received her Juris Doctor degree from the University of Mississippi School of Law, but spent her third year of law school as a visiting student at the University of Notre Dame School of Law. Ms. Barnhart was admitted to the Virginia State Bar in 2004. She is a member of The Virginia Bar Association, the American Bar Association, and the Tidewater Bankruptcy Bar Association, for which she is one of the past presidents. In addition, she is a past member of the Bankruptcy Bar Liaison Committee for the Norfolk and Newport News Divisions of the Eastern District of Virginia. Ms. Barnhart is admitted to practice in the United States Bankruptcy Courts for the Eastern and Western Districts of Virginia, the United States District Courts for the Eastern and Western Districts of Virginia, and in all courts in the Commonwealth of Virginia.

Peter J. Barrett, Kutak Rock LLP, Richmond.

Peter J. Barrett, co-author of Chapter 12 of this book, is a partner in Kutak Rock's Richmond office and concentrates his practice on financial restructuring matters. Mr. Barrett represents unsecured and secured creditors, trustees, equity holders, distressed investors, and corporate debtors in insolvency matters, including chapter 11 reorganizations, business liquidations, and out-of-court restructurings. He has significant experience representing interested parties in asset sales conducted under the Bankruptcy Code. He has been involved in a number of complex chapter 11 bankruptcy cases throughout the country involving industries such as manufacturing, hospitality, construction, retail, entertainment, and real estate. He also works with other firm attorneys to analyze the effects of insolvency and bankruptcy on corporate and financial transactions. Mr. Barrett also serves as a member of the panel of chapter 7 bankruptcy trustees for the Eastern District of Virginia, Richmond Division and as a member of the panel of subchapter V trustees in Virginia. He is licensed to practice in Virginia and California and is a graduate of the University of Virginia School of Law.

Paula S. Beran, Tavenner & Beran PLC, Richmond.

Paula S. Beran, co-author of Chapter 8 of this book, is a founding member of Tavenner & Beran, PLC. Her practice has focused on bankruptcy and insolvency matters throughout her career. She has extensive experience in this area, including representing chapter 11 debtors, official committees of unsecured creditors, stalking horse purchasers, and chapter 7 and liquidation trustees. She has also represented entities in out-of-court reorganizations and liquidations and served as a corporate receiver in a matter pending in a Virginia circuit court. Prior to entering private practice, Ms. Beran served as bankruptcy law clerk to the Honorable Douglas O. Tice Jr. in the U.S. Bankruptcy Court for the Eastern District of Virginia. She also served as law clerk to U.S. Court of Appeals, Fourth Circuit, Office of Staff Counsel from 1992 to 1994. She currently serves on the Bar Council of the Virginia State Bar. An AV Peer Review Rated attorney by *Martindale-Hubbell*, Ms. Beran was selected as one of the Top 25 Female Attorneys by Virginia Super Lawyers. She has been recognized in the bankruptcy/creditors' rights field in numerous editions of *Best Lawyers in America*, *Virginia Super Lawyers*, and *Virginia Business* magazine. She earned her J.D. and M.B.A., *cum laude*, from Wake Forest University and her B.A., *cum laude*, from Randolph Macon College.

Hon. Paul M. Black, United States Bankruptcy Court, Western District of Virginia, Roanoke.

Hon. Paul M. Black, co-author of Chapter 5 of this book, was appointed as United States Bankruptcy Judge for the Western District of Virginia in 2014. A native of Roanoke, Virginia, Judge Black received his undergraduate degree from Washington and Lee University in 1982, studied at Cambridge University in England, and received his law degree from the University of Richmond in 1985. He then served as law clerk to the Honorable Blackwell N. Shelley, United States Bankruptcy Judge for the Eastern District of Virginia.

After practicing law in Richmond for several years, Judge Black returned to Roanoke where he was a member of the regional firm of Spilman Thomas & Battle, PLLC. At Spilman, he was co-chair of the Bankruptcy and Creditor's Rights practice group, and his practice focused on commercial litigation, bankruptcy, and banking and finance law. In private practice, he was named to *Best Lawyers* in multiple areas related to finance and insolvency, to Virginia's Legal Elite by *Virginia Business* magazine in both Civil Litigation and Bankruptcy Law, and as a Virginia Super Lawyer in the field of Bankruptcy Law.

For many years, Judge Black was an active participant in the Boyd-Graves Conference of The Virginia Bar Association, which studies and makes recommendations to the Virginia legislature on improvements to civil practice

in Virginia. He was past chair of the Litigation Section of the Virginia State Bar and also chair of the Bankruptcy Section of The Virginia Bar Association. He served as a member of the Virginia State Bar Disciplinary Board from 2007-2013. Judge Black is a frequent speaker at Virginia CLE seminars.

William E. Callahan, Jr., Gentry Locke Rakes & Moore, LLP, Roanoke.

William E. Callahan, Jr., co-author of Chapter 18 of this book, is a partner at Gentry Locke Rakes & Moore, LLP, a full-service law firm. Mr. Callahan served on the panel of chapter 7 trustees for the Western District of Virginia from 1999 to 2025 and serves on the panel of subchapter V trustees for the Western District of Virginia. His practice focuses primarily on business bankruptcy and creditors' rights. Mr. Callahan earned a B.A. with honors from the University of Virginia and a J.D., *magna cum laude* and Order of the Coif, from the Washington and Lee University School of Law. He is a member of the American Bar Association, the American Bankruptcy Institute, the Federal Bar Association, the Virginia State Bar, and the Roanoke Bar Association. Mr. Callahan has been selected as one of *The Best Lawyers in America* and is among Virginia's *Legal Elite*.

Caleb Chaplain, United States Bankruptcy Court, Eastern District of Virginia, Harrisonburg.

Caleb Chaplain, co-author of Chapter 4 of this book, serves as the career law clerk to the Honorable Rebecca B. Connelly of the United States Bankruptcy Court for the Western District of Virginia and is an adjunct professor of bankruptcy law at Washington and Lee University School of Law. He volunteers as a member and current president of the Board of Directors of Second Home Learning Center, a non-profit that provides out-of-school care, education, and development opportunities for children in low-income households in Harrisonburg. He received his B.A. from Dartmouth College and his J.D. from Indiana University Maurer School of Law.

Michael A. Condyles, Kutak Rock LLP, Richmond.

Michael A. Condyles, author of Chapter 6 of this book, is the managing partner of Kutak Rock LLP's Richmond, Virginia office, represents creditors, debtors, creditors' committees and trustees in all aspects of bankruptcy cases. His practice includes out-of-court workouts and debt recovery litigation on behalf of creditors and debtors. Mr. Condyles possesses a broad range of experience in analyzing, structuring and negotiating a variety of distressed commercial transactions in connection with in and out-of-court restructurings. Prior engagements include the representation of Nordic Aviation Capital Designated Activity Company, Pier 1 Imports, Inc., Lord & Taylor LLC, Intelsat, S.A., Gymboree Group, Inc. (second filing), Toys "R" Us, Inc., Gymboree Corporation, Penn Virginia Corporation, and Patriot Coal Corporation in their chapter 11

proceedings. Mr. Condyles also represented Movie Gallery, Inc. in its two chapter 11 cases.

Mr. Condyles is a past Chair and a former member of the Board of Governors and Executive Committee of the Bankruptcy Section of the Virginia State Bar; is listed in *The Best Lawyers in America*; has been recognized by *Chambers USA*®, Leading Bankruptcy/Restructuring Attorney, Virginia and by *Best Lawyers in America* as Lawyer of the Year; and has achieved *Martindale-Hubbell*'s highest rating for legal ability and ethical standards. Mr. Condyles also has been appointed by the U.S. District Court, Eastern District of Virginia as a Special Master. He received his law degree from the University of Richmond School of Law, where he was a Member of the *University of Richmond Law Review*, and his B.S. in Political Science from James Madison University. After law school, he clerked for the Honorable Blackwell N. Shelley, U.S. Bankruptcy Judge for the Eastern District of Virginia.

Hon. Rebecca B. Connelly, United States Bankruptcy Court, Western District of Virginia, Harrisonburg.

Hon. Rebecca B. Connelly, co-author of Chapter 10 of this book, is a United States Bankruptcy Judge for the Western District of Virginia. Before joining the bench, Judge Connelly was the standing chapter 13 trustee for the Western District of Virginia and before that was in private practice in Virginia and in Washington, D.C.

Judge Connelly is Chair of the United States Judicial Conference Advisory Committee on the Federal Rules of Bankruptcy Procedure. She is a member of the National Conference of Bankruptcy Judges (NCBJ) and formerly chaired the NCBJ Federal Rules Advisory Committee. Judge Connelly is also a conferee in the National Bankruptcy Conference and a Fellow in the American College of Bankruptcy.

Judge Connelly is an adjunct professor of law at Washington and Lee University School of Law (teaching bankruptcy). In addition, she is a frequent speaker for Virginia CLE and an active member of the American Bankruptcy Institute since 1994. She has served as a contributing editor and a features author for the *ABI Law Journal*. Judge Connelly serves on the advisory board of and volunteers for CARE and formerly served on the Board and as a volunteer for Rockbridge Area Hospice.

Robert T. Copeland, Farthing Legal, PC, Abingdon.

Robert T. Copeland, co-author of Chapter 13 of this book, has practiced bankruptcy law since 1978 and is of counsel at Farthing Legal, PC, in their office in Abingdon. In addition to addressing bankruptcy legal needs in the

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Mr. Copeland has spoken at numerous bankruptcy seminars, including *Bankruptcy Reform Legislation* and *Divorce, Foreclosure and Bankruptcy* for Virginia CLE. He also authored the chapter on contracts in Michie's *The Layman's Guide to Virginia Law*.

Mr. Copeland received his J.D. from William & Mary Law School in 1975 and a B.A. in history from the University of Virginia in 1969. He has been a member of the American Bankruptcy Institute since 1988. He is a member of the Virginia State Bar and the Bankruptcy Section of the Bar where he served as Chair in 2010. He is also barred in all Virginia federal courts and the U.S. Supreme Court. He is a member of the Washington County Bar Association and served as president of the local bar from 1986 to 1987.

Guy A. Davis, FTI Consulting, Inc., Richmond.

Guy A. Davis, co-author of Chapter 16 of this book, is a senior managing director at FTI Consulting's Richmond office. He has more than 30 years of accounting, finance, and consulting experience in the areas of corporate restructuring, commercial litigation, financial investigations, and valuations. Mr. Davis earned a B.S. in finance from the University of Richmond and an M.B.A. from Loyola College in Baltimore. He is a Certified Public Accountant licensed in Virginia, a Certified Insolvency and Restructuring Advisor, a fellow in the American College of Bankruptcy, and a Certified Fraud Examiner. Throughout his career, Mr. Davis has performed financial and accounting analyses and testified as an expert in a broad range of litigation matters involving bankruptcy, forensic accounting, business valuation, breach of contract, lost profits, franchise termination, intellectual property valuation, and fraud.

Scot S. Farthing, Farthing Legal, PC, Wytheville.

Scot S. Farthing, co-author of Chapter 13, has enjoyed assisting people in southwestern Virginia with filing bankruptcy, real estate disputes, and other legal matters, as well as serving as counsel for several local governments and as the Wythe County Commissioner of Accounts. In his bankruptcy practice, he represents farmers, businesses, and individuals in bankruptcy proceedings and insolvency-related matters, and he serves as a member of the panel of chapter 7 trustees for the Western District of Virginia. He earned a B.A. from Virginia Polytechnic Institute and State University and a J.D. from the West Virginia University College of Law. Mr. Farthing enjoys entering triathlon events, hiking, and floating in the beautiful mountains of southwestern

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David W. Gaffey, Whiteford Taylor & Preston, LLP, Falls Church.

David W. Gaffey, co-author of Chapter 15 of this book, is a partner in the Falls Church office of Whiteford, Taylor & Preston, LLP. He focuses his practice on bankruptcy and restructuring matters, the purchase and sale of distressed assets, and advising distressed and insolvent companies. He has significant experience representing debtors, creditors' committees, secured and unsecured creditors, trustees, and distressed companies in chapter 11 reorganizations, chapter 7 liquidations, and out-of-court workouts, involuntary bankruptcies, bankruptcy litigation, and insolvency and default matters. Before joining Whiteford, Taylor & Preston, LLP, he served as law clerk to the Honorable Kevin R. Huennekens in the United States Bankruptcy Court for the Eastern District of Virginia, Richmond Division, from 2011 to 2012.

Prior to his clerkship, he was an attorney in the Disclosure Unit of the U.S. Office of Special Counsel, the federal agency that handles whistleblower claims of wrongdoing within the executive branch of the federal government, from 2010 to 2011. Mr. Gaffey was selected to participate in the National Conference of Bankruptcy Judges (NCBJ) Next Generation Program in 2018 and has served as a member of the NCBJ Next Generation Program Committee from 2019 to present. Mr. Gaffey served as President of the Northern Virginia Bankruptcy Bar Association (NVBBA) from 2020 to 2021 and has been a member of the NVBBA board of directors since 2016. He is a member of the Virginia State Bar Bankruptcy Section Board of Governors. Mr. Gaffey has been recognized by *Chambers USA*, Bankruptcy/Restructuring, Virginia; *The Best Lawyers in America*, Litigation—Bankruptcy and Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law; and *Virginia Business* magazine "Legal Elite," Bankruptcy/Creditors' Rights. He also is a co-author of the LexisNexis Practical Guidance Practice Notes on Chapter 15 International Insolvencies. Mr. Gaffey was named a "40 Under 40" Emerging Leader in Insolvency Practice by the American Bankruptcy Institute in 2023.

Malissa L. Giles, Giles & Lambert, P.C., Roanoke.

Malissa Lambert Giles, author of Chapter 9 of this book, is a partner with the firm of Giles & Lambert, P.C., in Roanoke, with additional offices in Blacksburg and Martinsville. She and the firm, which was formed in 1993, limit their current practice to the areas of bankruptcy and consumer rights, focusing on debtor and plaintiff representation. She has taught at numerous regional and national bankruptcy seminars and has been a frequent speaker at the Mid-Atlantic Institute on Bankruptcy and Reorganization and for the Virginia State Bar, The Virginia Bar Association, and Virginia CLE. She has

presented nationally for the National Association of Consumer Bankruptcy Attorneys and for the American Bankruptcy Institute. She has served as editor of the *Bankruptcy Law News* and as chair of the Board of the Virginia State Bar's Bankruptcy Section. She is a graduate of the University of Mississippi, earning her B.A. in Journalism in 1987 and her J.D. in 1991, after which she clerked for the Mississippi Supreme Court. She has been named a Virginia Super Lawyer in the area of consumer bankruptcy practice since 2007 and the firm of Giles & Lambert, P.C., has been ranked as a top Tier One Bankruptcy Law Firm in Virginia by *U.S. News and World Report* since the inception of the rankings.

Hon. Elizabeth Gunn, United States Bankruptcy Court, District of Columbia, Washington, D.C.

Hon. Elizabeth Gunn, co-author of Chapter 12 of this book, was appointed as a bankruptcy judge for the District of Columbia on September 4, 2020. A COVID-era selection and appointment, she was sworn in by Zoom from her living room. A frequent speaker and author on bankruptcy topics, Judge Gunn brings a unique perspective to her presentations as the only bankruptcy judge in both the District of Columbia and the D.C. Circuit. In 2017, Judge Gunn was recognized by the American Bankruptcy Institute as a member of its inaugural class of "40 Under 40." Judge Gunn serves as an Associate Editor for the *American Bankruptcy Law Journal* and is a Coordinating and Associate Editor of the *American Bankruptcy Institute Law Review*. Judge Gunn sits on the boards of the Federal Bar Association Bankruptcy Section, International Women's Insolvency and Restructuring Confederation, American Bar Association National Conference of Federal Trial Judges, and the Chesapeake Chapter of the Turnaround Management Association and is the host of the popular American Bar Association Business Law Section Podcast "Bad Boys of Bankruptcy." She is a member of the Walter Chandler Bankruptcy Inn of Court and is Board Certified in Consumer Law by the American Board of Certification. Judge Gunn received her B.A., *cum laude*, from Willamette University in Salem, Oregon and her law degree, *cum laude*, from Boston College Law School.

Michael E. Hastings, Woods Rogers Vandeventer Black PLC, Roanoke.

Michael E. Hastings, co-author of Chapter 15, is a partner at Woods Rogers Vandeventer Black PLC. Mr. Hastings has more than 30 years of experience representing clients in bankruptcy cases and insolvency and default situations and in commercial litigation. He has significant experience representing distressed companies and secured and unsecured lenders in out-of-court workouts, bankruptcy cases, and state and federal court receiverships and litigation. He has extensive experience in the sale and purchase of businesses and/or assets in bankruptcy and pursuant to Article 9 of the Uniform

Commercial Code. Mr. Hastings also has experience representing debtors, lenders, and creditors' committees in complex chapter 11 bankruptcy cases involving issues such as contested plan confirmation hearings, debtor in possession financing, contested asset purchase/sale litigation, lien validity and priority litigation, jurisdictional and venue disputes, complex avoidance action litigation, and litigation concerning fiduciary duties.

Mr. Hastings has been involved in bankruptcy cases concerning manufacturing, energy, health care, financial services, technology, and distribution and logistics companies primarily in Virginia and the Mid-Atlantic states; however, he has represented clients in bankruptcy cases nationwide. In addition, Mr. Hastings has received the following recognitions: AV Peer Review Rated in *Martindale-Hubbell*; recognized as "Band One" in *Chambers USA: America's Leading Lawyers for Business*, published by Chambers and Partners; listed in Virginia Super Lawyers, 2007 through the present, including being named among "Top 50 Virginia Lawyers" in 2010 and 2011, among the "Top 50 Richmond Lawyers" in 2019, among the "Top 100 Virginia Lawyers" in 2012 and 2014 through the present, and "Lawyer of the Year" four times in bankruptcy litigation and bankruptcy and creditor/debtor rights; and listed in *Virginia Business* magazine's "Legal Elite—Virginia's Best Lawyers" from 2007 to the present. Mr. Hastings is the former Chair of The Virginia Bar Association's Bankruptcy Law Section Council, and presently sits on the Board of Governors for the Virginia State Bar Bankruptcy Section and The Virginia Bar Association Bankruptcy Law Section.

Dion W. Hayes, McGuireWoods LLP, Richmond.

Dion W. Hayes, co-author of Chapter 11 of this book, is a partner in the Restructuring and Insolvency Department of McGuireWoods LLP. Since 1992, he has focused his practice on insolvency law and financial restructuring, including bankruptcy, out-of-court restructurings, distressed asset acquisitions and recapitalizations, cross-border insolvencies, and related litigation. He has represented debtors, official and unofficial committees of creditors or equity holders, private equity sponsors, senior lenders and administrative agents, Section 363 purchasers, post-confirmation plan administrators, liquidating trustees, and bondholders in significant chapter 11 cases throughout the United States. He has also represented federal and state court receivers (including SEC receivers) and other court-appointed fiduciaries. He has represented clients with respect to derivative terminations in insolvency cases and the litigation of, and delivery of opinions relating to, the "safe harbor" provisions of the Bankruptcy Code relating to derivatives. He has also represented litigation targets in large Ponzi scheme cases and significant avoidance and breach of fiduciary duty litigation. He has advised boards of directors and board committees on fiduciary duty issues and other matters

presented in special situations confronted by their companies. He has particular recent experience in the energy, oil and gas, coal and metals mining, semiconductor, print media, hospitality, and healthcare industries. He has a national practice and has handled significant matters in bankruptcy courts and other courts in numerous states, including California, Delaware, Florida, Illinois, Maryland, New York, North Carolina, Texas, Virginia, and West Virginia. He has significant experience in particular in the Eastern District of Virginia, the Southern District of New York, the District of Delaware, and the Southern District of Texas.

Mr. Hayes received his J.D. from William & Mary Law School in 1992 and his B.A. from the University of Virginia in 1989. He has been selected for inclusion in *Chambers USA* (Band 1) for Bankruptcy; *The Best Lawyers in America* in Bankruptcy and Creditor/Debtor Rights and Litigation—Bankruptcy, including as “Lawyer of the Year” for Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, 2020, and Litigation—Bankruptcy in 2018; *Super Lawyers* in Bankruptcy & Creditor/Debtor Rights, Banking, and Business Litigation; the Legal Elite in Bankruptcy; the Lawdragon 500 Leading U.S. Bankruptcy & Restructuring Lawyers; the Irish Legal 100; and the Leaders in the Law. From 2017 to 2022, he served as McGuireWoods’ Deputy Managing Partner for Litigation, overseeing and managing the firm’s nine litigation departments and roughly 500 litigators in the U.S. and U.K. From 2012 to 2017, he served as the Chair of McGuireWoods’ Restructuring and Insolvency Department. He has been honored as a Fellow in the American College of Bankruptcy and has taught bankruptcy since 2021 as an adjunct professor at William & Mary Law School. He works out of McGuireWoods’ Richmond and New York offices and is admitted to practice in the District of Columbia, Maryland, New York, and Virginia.

Steven L. Higgs, Steven L. Higgs, P.C., Roanoke.

Steven L. Higgs, co-author of Chapters 3 and 17 of this book, is the principal of Steven L. Higgs, P.C. in Roanoke. His areas of practice include representing creditors in bankruptcy cases, creditors’ rights, civil litigation, and real estate. He is a chapter 7 bankruptcy panel trustee for the Western District of Virginia. Mr. Higgs received his B.A. from Washington and Lee University and his J.D. from the T.C. Williams School of Law, University of Richmond. He is a frequent speaker for Virginia CLE and is a contributing author to, in addition to this book, four Virginia CLE publications: *Debt Collection for Virginia Lawyers—A Systematic Approach*, *Enforcement of Liens and Judgments in Virginia*, *The Virginia Lawyer—A Deskbook for Practitioners*, and *Virginia Law and Practice: A Handbook for Attorneys*. Mr. Higgs is the author or co-author of more than 100 articles, seminar outlines, and book chapters on bankruptcy law, creditors’ rights law, legal ethics, and real estate foreclosures.

Mr. Higgs is a member and past president of the Roanoke Bar Association and a member of the American Bar Association, The Virginia Bar Association, and the American Bankruptcy Institute. He is a Fellow of the American Bar Foundation, the Litigation Counsel of America, the National Conference of Bar Presidents, the Virginia Law Foundation, and the Roanoke Law Foundation. He is board certified by the American Board of Certification in both creditors' rights law and consumer bankruptcy law.

Hannah W. Hutman, Hoover Penrod PLC, Harrisonburg.

Hannah W. Hutman, co-author of Chapter 4 of this book, represents businesses and individuals in bankruptcy proceedings and insolvency related matters. She earned a B.A., summa cum laude, in 2003 from Columbia Union College and a J.D. in 2006 from the Marshall Wythe School of Law at the College of William & Mary. Ms. Hutman is a member of the panel of chapter 7 trustees for the Western District of Virginia. Ms. Hutman has served as the chair of the Bankruptcy Section of the Board of Governors for the Virginia State Bar and chair of the Bankruptcy Section of The Virginia Bar Association. In addition, Ms. Hutman is on Board of Directors for the American Bankruptcy Institute.

Christopher A. Jones, Whiteford Taylor & Preston, LLP, Falls Church.

Christopher Jones, co-author of Chapter 15 of this Book, is a partner with Whiteford Taylor & Preston, LLP. He focuses his practice in all aspects of chapter 11 bankruptcy law and insolvency related litigation. Mr. Jones regularly represents businesses in their restructuring efforts and throughout their liquidation. He routinely advises business owners, directors and officers regarding their duties and obligations when a company is distressed. Mr. Jones has served as counsel to official committees in numerous chapter 11 bankruptcy cases in Virginia. He has also represented bankruptcy trustees and liquidating agents in a variety of litigation matters. Mr. Jones has testified as an expert witness regarding the reasonableness of attorneys' fees in a chapter 11 case. In addition to his work in the insolvency arena, Mr. Jones also has extensive experience in commercial litigation matters in federal court.

In addition to his law practice, Mr. Jones serves on the Board of the Northern Virginia Bankruptcy Bar Association and is a past-President of the Association. He has served as Chair of the Board of Governors of the Bankruptcy Law Section for the Virginia State Bar and Chair of the VBA's Bankruptcy Law Section Council.

Mr. Jones has been listed in *Virginia Business* magazine's "Legal Elite—Virginia's Best Lawyers" and in *Best Lawyers in America*. He has also been selected as a *Super Lawyer in Virginia*. Mr. Jones is AV Peer Review Rated in

Martindale-Hubbell. He is a 1992 graduate of Duke University and a 1996 graduate of the University of Richmond School of Law.

Hon. Brian F. Kenney, United States Bankruptcy Court, Eastern District of Virginia, Alexandria.

Hon. Brian F. Kenney, co-author of Chapter 18 of this book, is Chief United States Bankruptcy Judge for the Eastern District of Virginia in Alexandria. He was sworn in on September 1, 2011. He filled the vacancy created by the retirement of the Honorable Stephen S. Mitchell. He was appointed as Chief Judge effective December 24, 2024.

Chief Judge Kenney was a principal in the Tysons Corner office of Miles & Stockbridge, P.C., a 200-plus attorney firm with offices in Maryland, Virginia, and the District of Columbia. He represented creditors, debtors, and bankruptcy trustees in the Eastern District of Virginia, and elsewhere, since becoming a member of the Virginia State Bar in 1983. Chief Judge Kenney also was certified as a business bankruptcy specialist by the American Board of Certification. He has served two terms as President of the Northern Virginia Bankruptcy Bar Association and served on its Board of Directors. Further, Chief Judge Kenney had served two terms on the Virginia State Bar Board of Governors for the Bankruptcy Section of the State Bar. He had served as an Alexandria Division representative on the Standing Committee on Local Bankruptcy Rules for the U.S. Bankruptcy Court for the Eastern District of Virginia. Until his appointment, Chief Judge Kenney served as a representative on the Eastern District of Virginia's Alexandria Division Bankruptcy Bar Liaison Committee.

Chief Judge Kenney graduated in 1980 from Virginia Commonwealth University, *magna cum laude*, with a degree in political science. He graduated from the University of Virginia School of Law in 1983.

A frequent lecturer on bankruptcy matters, Chief Judge Kenney has been a presenter on continuing legal education panels for the American Bankruptcy Institute, the Virginia State Bar, and the Mid-Atlantic Institute on Bankruptcy and Reorganization. He has published articles in the *ABI Bankruptcy Journal* as well as in the *Law News* for the Virginia State Bar Bankruptcy Section.

Amanda Koehn, Texas A&M University System, College Station, Texas.

Amanda Koehn, co-author of Chapter 1 of this book, serves as Assistant General Counsel for the Texas A&M University System. Her practice includes bankruptcy, collections, and write-offs, as well as data privacy, FERPA,

HIPAA, human subject research, and other compliance matters. Before joining the A&M System, Ms. Koehn was in private practice and represented school districts and municipalities across the state of Texas, focusing her practice on contracts, litigation, and public information act requests. Previously, she was a shareholder at Boleman Law Firm in Richmond. There, she practiced primarily in the area of consumer bankruptcy, including litigating numerous contested matters and adversary proceedings.

Ms. Koehn has served as a frequent speaker and panelist at local and national conferences, such as the National Association of Chapter 13 Trustees, as well as serving in leadership positions in numerous organizations. She is admitted to the state bars of Virginia and Texas as well as the Eastern District of Virginia; the Southern, Western, and Eastern Districts of Texas; and the Fifth Circuit Court of Appeals. Ms. Koehn received her bachelor's degree at Texas A&M University and her J.D. from William & Mary School of Law.

Mark C. Leffler, Consumer Litigation Associates, P.C., Newport News.

Mark C. Leffler, co-author of Chapter 1 of this book, is an attorney at Consumer Litigation Associates, P.C. His practice is currently focused on representing consumers whose identities have been stolen or whose credit has been unlawfully impacted by inaccurate reporting, primarily under the Fair Credit Reporting Act. Earlier in his career, as a member of Boleman Law Firm, P.C., he represented thousands of Virginians in bankruptcy, helping individuals and couples achieve a fresh start from overwhelming debt while protecting their family homes and small businesses. Mark remains connected with the bankruptcy legal community, continuing to serve as President of the National Association of Chapter 13 Trustees (NACTT) Academy for Consumer Bankruptcy Education. He is a frequent author for the NACTT Academy's webzine at <http://considerchapter13.org/> and has served as a panelist at numerous national legal conferences, such as the NACTT and the National Consumer Law Centers (NCLC). He has also served on the American Bankruptcy Institute's Commission on Consumer Bankruptcy—Chapter 7 Committee, the Board of Governors of the Virginia State Bar—Bankruptcy Section, The Virginia Bar Association Bankruptcy Section's Board of Directors, the Local Rules Committee for the U.S. Bankruptcy Court, Eastern District of Virginia, and the Richmond Bankruptcy Court Liaison Committee.

Dennis T. Lewandowski, Kaufman & Canoles, P.C., Norfolk.

Dennis T. Lewandowski, co-author of Chapter 5 of this book, is a partner with Kaufman & Canoles, P.C., where he is chair of the firm's Bankruptcy, Creditor's Rights, and Business Restructuring Group. He earned a law degree from the University of Notre Dame in 1982, studied at Notre Dame's London Law

Centre, and earned a bachelor's degree from the University of Pittsburgh in 1979, *summa cum laude*, receiving the designation of "University Scholar." Mr. Lewandowski specializes in bankruptcy and creditors right's litigation in bankruptcy, state, and federal courts. He has served as Chair of the Bankruptcy Law Section of the Virginia State Bar as well as Chair of the Bankruptcy Law Section of The Virginia Bar Association. He is also a co-founder and past President of the Tidewater Bankruptcy Bar Association. Mr. Lewandowski is listed in *Best Lawyers in America* (in 2012 as Norfolk Bankruptcy and Creditor's Rights Law Lawyer of the Year) and *Virginia Business*' "Legal Elite" for bankruptcy-creditor's rights. He regularly participates as a speaker and author on bankruptcy and creditors rights issues for Virginia CLE.

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Henry P. "Toby" Long, III, author of Chapter 19 of this book, is a member of the bankruptcy, restructuring, and creditors' rights practice group at Hunton Andrews Kurth, LLP, in Richmond. He focuses his practice on bankruptcy and creditors' rights, commercial litigation, loan workouts, reorganizations, and corporate recovery. Mr. Long has extensive experience representing corporate debtors, creditors' committees, secured and unsecured creditors, acquisition entities, DIP lenders, and other parties in interest in formal bankruptcy proceedings nationwide and in out-of-court restructurings. He also represents clients in commercial litigation before federal and state courts across the country.

Mr. Long earned his law degree from the University of Louisville Louis D. Brandeis School of Law, where he was a Notes Editor of the *University of Louisville Law Review*, and his B.A. from the University of Virginia. He is admitted to practice before the U.S. Court of Appeals for the Fourth Circuit and the United States Bankruptcy and District Courts for the Eastern and Western Districts of Virginia and the Northern District of Florida.

Timothy J. Lovett, Spilman Thomas & Battle, Roanoke.

Timothy J. Lovett, co-author of Chapter 14, is an associate at Spilman Thomas & Battle. Mr. Lovett's practice focuses on litigation in both state and federal courts, as well as bankruptcy and creditors' rights. He has extensive experience advising DIP lenders, liquidating trustees, official committees of unsecured creditors, and other creditors on various restructuring and collections matters. He also has experience representing secured and unsecured lenders in out-of-court workouts, bankruptcy cases, and state court litigation.

Mr. Lovett earned his undergraduate degree, *magna cum laude*, from Southern Illinois University Carbondale and his law degree, *cum laude*, from University

of Kentucky College of Law. Admitted to practice law in Virginia and Texas, he is a member of the American Bankruptcy Institute, Roanoke Bar Association, Texas State Bar Association, and The Virginia Bar Association.

John K. Lyons, Gorfine, Schiller & Gardyn, Owings Mills, Maryland.

John K. Lyons, co-author of Chapter 16 of this book, is a director in Gorfine, Schiller & Gardyn's tax department with over 34 years of experience in public accounting and tax services provided to corporations, partnerships, and individuals. Formerly a Managing Director with Protiviti Inc., leading the company's Tax Advisory Service practice, Mr. Lyons joined Gorfine, Schiller & Gardyn in December 2017. He began his career with Price Waterhouse & Co., joined C.W. Amos in 1988, and moved to PENTA Advisory Services in 1999, where he established the firm's tax practice. PENTA Advisory Services was acquired by Protiviti, Inc. in 2007.

Mr. Lyons earned a B.S. in accounting with honors and distinction in business studies from Stockton State College and J.D. and M.B.A. degrees from the University of Maryland. He is a certified Public accountant and a member in good standing of the Maryland Bar. He is a member of the American Institute of Certified Public Accountants, the Maryland Association of Certified Public Accountants, the Association of Insolvency and Reorganization Accountants, the Tax Sections of the American Bar Association and the Maryland Bar Association and the American Bankruptcy Institute.

Mr. Lyons is responsible for the administration of a wide variety of tax engagements encompassing a full range of tax services for partnerships, corporations, and individuals. His expertise includes partnership taxation, property management review, reorganization, debt restructuring, and merger and acquisition tax planning. Mr. Lyons has testified as an expert in tax and accounting matters before the United States Bankruptcy Court and the state court in Pennsylvania.

Richard C. Maxwell, Woods Rogers Vandeventer Black PLC, Roanoke.

Richard C. Maxwell, co-author of Chapter 14 of this book, is a member of the firm of Woods Rogers Vandeventer Black PLC. His practice area includes bankruptcy and creditors' rights, commercial law, and equine law. He is a Fellow in the American College of Bankruptcy. He is also the former Director and Chairman of the Bankruptcy Section of the Virginia State Bar, the former Chairman of the Advanced Consumer Bankruptcy Law Conference, and serves on the planning committee for the *Mid-Atlantic Institute on Bankruptcy and Reorganization Practice*. He is the editor of the materials on Enforcement of Federal Liens and Foreign State Court Judgments contained in *Enforcement of Liens and Judgments in Virginia* published by the Virginia Law Foundation.

Mr. Maxwell earned a bachelor's degree from Lafayette College, a masters of business administration degree from Eastern Michigan University, and a law degree, *cum laude*, from the University of Richmond where he was a member of the Order of the Coif. He has been recognized in the *Best Lawyers in America*, *Super Lawyers*, and named as a Legal Elite by the *Virginia Business* magazine.

Hon. Keith L. Phillips, United States Bankruptcy Court, Eastern District of Virginia, Richmond.

Hon. Keith L. Phillips, co-author of Chapter 2 of this book, was sworn in on August 26, 2013, as United States Bankruptcy Judge for the Eastern District of Virginia, Richmond Division.

Judge Phillips is from Richmond. He received his undergraduate degree from the College of William & Mary in Williamsburg. He earned his law degree from the University of Richmond Law School, where he was an editor of the Law Review, an officer of the McNeil Law Society, and a member of Omicron Delta Kappa. He then served as a law clerk to the Honorable Walter E. Hoffman of the U.S. District Court for the Eastern District of Virginia in Norfolk.

Prior to his appointment, Judge Phillips was principal in the law firm of Phillips & Fleckenstein, P.C., in Richmond, where he represented debtors, creditors, committees, and trustees in all chapters of the Bankruptcy Code. He served on the Richmond panel of chapter 7 trustees for over 27 years and served as a chapter 11 trustee, liquidation trustee, and state court receiver. He was active in local and state bar and professional organizations, including serving as Chairman of the Bankruptcy Sections of The Virginia Bar Association and the Richmond Bar Association.

Judge Phillips has been a frequent lecturer on bankruptcy matters for numerous professional organizations. He is an active member of the American Bankruptcy Institute and has been a permanent member of the Fourth Circuit Judicial Conference since 1985. He is a member of and currently serves on a number of committees for the National Association of Bankruptcy Judges.

Jeremy B. Root, Blankingship & Keith, P.C., Fairfax.

Jeremy B. Root, co-author of Chapters 3 and 17 of this book, is a principal at Blankingship & Keith, P.C., where he practices as a real estate and business transactional attorney. His focus lies in small business and commercial real estate, including commercial lending, acquisitions, development, and leasing. His work often extends to the enforcement of real estate liens through foreclosures and receiverships, as well as representation of creditors in bankruptcy proceedings, handling matters such as automatic stay relief, claim

objections, and preference defenses. With over 20 years of experience, Mr. Root has managed hundreds of foreclosures, including numerous complex commercial cases. He earned his B.A. from Wheaton College (Ill.) in 1997, and his J.D. from George Mason University School of Law, where he served on the *George Mason Law Review*.

Hon. Frank J. Santoro, United States Bankruptcy Court, Eastern District of Virginia, Norfolk.

Hon. Frank J. Santoro (retired), co-author of Chapter 7 of this book, was appointed as a U.S. Bankruptcy Judge on February 21, 2008, sitting in Norfolk and Newport News. He served as Chief Judge of the United States Bankruptcy Court for the Eastern District of Virginia from December 13, 2019 through December 23, 2024.

He received undergraduate degrees, with honors, in political science, and economics and finance from Allegheny College in 1976, where he was also a member of Phi Beta Kappa. He received his J.D. degree from the Marshall Wythe School of Law at the College of William & Mary in 1979.

Prior to his appointment, Judge Santoro was the managing partner of Marcus, Santoro & Kozak, P.C., located in Portsmouth and Chesapeake, where his practice concentrated in bankruptcy, corporate reorganizations, and corporate finance. He served as standing chapter 12 and chapter 13 trustee beginning in 1987 and was also a chapter 7 panel trustee from December 1981 through May 1990. He was a former law clerk to Judge Hal J. Bonney, Jr. He has been a frequent speaker at seminars and is a fellow of the American College of Bankruptcy. In 2003, Judge Santoro was selected by his peers as the outstanding bankruptcy lawyer in Virginia.

Judge Santoro stays busy with his children and grandchildren. He is active in a variety of civic organizations and is an official USTA Ironman.

Nancy R. Schlichting, Flora Pettit, Charlottesville and Harrisonburg.

Nancy R. Schlichting, co-author of Chapter 13 of this book, returned to Virginia to practice law with Flora Pettit's predecessor firm in 2004, after practicing as a partner at Akerman in Florida for 15 years. Most recently, her practice has been focused on corporate disputes including shareholder conflicts, business dissolutions, and commercial litigation. She also represents lenders in collection cases, foreclosures, lender liability and bankruptcy proceedings and she represents individuals and corporations in real estate-related litigation. She has extensive experience in creditor rights and fiduciary litigation and is the chair of Flora Pettit's Litigation Practice and Banking Practice Groups.

Mrs. Schlichting graduated from the University of Virginia with a Bachelor of Arts degree in political science and economics. She received her Juris Doctor degree from the University of Miami School of Law in 1989, and practiced in Florida for 15 years where she remains licensed to practice law. Mrs. Schlichting is a member of the Board of Governors for the Bankruptcy Law Section of the Virginia State Bar, and will serve as its Chair beginning in June of 2025. She has been recognized as “Legal Elite” in Bankruptcy and Creditors Rights by *Virginia Business* magazine. Mrs. Schlichting is admitted to practice in the United States Bankruptcy Courts for the Eastern and Western Districts of Virginia, the United States District Courts for the Eastern and Western Districts of Virginia, and all courts in the Commonwealth of Virginia.

Angela M. Scolforo, Chapter 13 Trustee, Charlottesville.

Angela M. Scolforo, co-author of Chapter 10 of this book, is one of the standing chapter 13 trustees and chapter 12 trustee for the Western District of Virginia. She was appointed on April 1, 2023, upon the retirement of Herbert Beskin, after serving as his Staff Attorney for 18 years. She has spoken on seminar panels, both in Virginia and nationally, and enjoys learning from and interacting with her peers.

Ms. Scolforo successfully argued before the Fourth Circuit in *Virginia v. Webb*, 908 F.3d 941 (4th Cir. 2018), a ruling that protects the trustee from garnishment. She served on the Board of Governors for the Bankruptcy Section of the Virginia State Bar from 2009 to 2015 and as the Chair in 2016. She recently retired as the Town Attorney for Gordonsville after 20 years of service to them.

Ms. Scolforo graduated from the University of Virginia School of Law in 1998 and received a B.A. in English from the College of the Holy Cross in 1987. She is the mother of seven children and fifteen grandchildren.

Connor W. Symons, McGuireWoods LLP, Richmond.

Connor W. Symons, co-author of Chapter 11 of this book, is an associate in the Richmond office of McGuireWoods LLP, where he is a member of the restructuring and insolvency department. Prior to joining McGuireWoods, he served as a term law clerk to the Honorable Kevin R. Huennekens of the United States Bankruptcy Court for the Eastern District of Virginia.

Mr. Symons received his J.D. from William & Mary Law School in 2022 and his B.S. from the College of William & Mary in 2017. At William & Mary Law School, he earned the American Bankruptcy Institute Medal of Excellence and worked on the *William & Mary Law Review*. In the summer following his 1L year, he interned for the Honorable Lawrence R. Leonard, United States

Magistrate Judge, of the United States District Court for the Eastern District of Virginia. He works out of McGuireWoods' Richmond office and is admitted to practice in Virginia.

Lynn L. Tavenner, Tavenner & Beran PLC, Richmond.

Lynn L. Tavenner, co-author of Chapter 8 of this book, is a founding member of the Richmond, Virginia bankruptcy boutique of Tavenner & Beran, PLC, where she has practiced law since 2002. She also has served as a receiver, liquidation trustee, litigation trustee, chapter 11 trustee, and, since 1997, as a member of the Richmond chapter 7 panel of trustees. Before entering private practice, Ms. Tavenner served as a law clerk to The Honorable Douglas O. Tice Jr. in the U.S. Bankruptcy Court, Eastern District of Virginia. She is a Fellow of the American College of Bankruptcy, former member of the Board of Directors for the American Bankruptcy Institute and current member of the Board and Chair of the Executive Committee for the Credit Abuse Resistance Education (CARE) organization. She also has served on the Board of Governors for the Bankruptcy Section of the Virginia State Bar. An AV Peer Review Rated attorney by *Martindale-Hubbell*, Ms. Tavenner has been recognized in her field in numerous editions of *Best Lawyers in America*, *Virginia Super Lawyers*, and *Virginia Business* magazine, including recognition for five consecutive years by *Best Lawyers* as the Richmond Area Bankruptcy Lawyer of the Year in her fields. She earned her undergraduate degree, *magna cum laude*, from Bridgewater College and her J.D. from Washington and Lee University School of Law.

Hon. Douglas O. Tice, Jr., United States Bankruptcy Court, Eastern District of Virginia, Richmond.

Hon. Douglas O. Tice, Jr. (retired), co-author of Chapter 8 of this book, was formerly Chief United States Bankruptcy Judge for the Eastern District of Virginia, sitting in Richmond. He earned undergraduate and law degrees from the University of North Carolina at Chapel Hill. Judge Tice was appointed to the bench in September 1987 and reappointed for a term ending September 2015. He was appointed Chief Judge in 1999. He is a former standing chapter 13 trustee and chapter 7 panel trustee. Judge Tice is a member of the National Conference of Bankruptcy Judges and the American Bankruptcy Institute, and a Fellow of the American College of Bankruptcy.

Judge Tice passed away on February 28, 2024.

Jennifer E. Wuebker, Hunton Andrews Kurth LLP, Richmond.

Jennifer E. Wuebker, co-author of Chapter 2, is counsel in Hunton's Bankruptcy, Restructuring and Creditors' Rights practice group. Her practice focuses on corporate restructuring, including bankruptcy proceedings and out-

of-court restructurings, as well as other insolvency-related matters, such as distressed lending transactions. Ms. Wuebker advises clients on all aspects of insolvency-related matters and bankruptcy proceedings as well as distressed lending transactions. She routinely represents debtors, secured lenders, unsecured creditors, investors, boards of directors, and various official and ad hoc groups. She also represents clients with respect to legal opinions for complex transactions for asset-based lending, safe harbored financial contracts, asset securitizations, and other capital markets transactions.

Prior to joining private practice, Ms. Wuebker served as law clerk to the Honorable H. Christopher Mott of the U.S. Bankruptcy Court for the Western District of Texas in Austin, Texas. She is admitted to practice before the U.S. Bankruptcy Courts for the Eastern and Western Districts of Virginia, the U.S. Bankruptcy Court for the District of Columbia, and the U.S. Bankruptcy Court for the Western District of Texas, as well as related district courts.

Ms. Wuebker is a member The Virginia Bar Association's Bankruptcy Section Council, the American Bankruptcy Institute, the International Women's Insolvency & Restructuring Confederation (IWIRC) Virginia Chapter, the Richmond Bankruptcy Bar and the Richmond Bar Association. She was selected as a Rising Star for Bankruptcy by *The Washington Post Magazine* and *Virginia & West Virginia Super Lawyers Magazine* from 2022 to 2024 and was recognized as "One to Watch" for Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law by *The Best Lawyers in America* from 2022 to 2024.

Ms. Wuebker received her undergraduate degree from the University of Richmond, where she graduated *cum laude*. She earned her MBA at the University of Richmond School of Business and her law degree from the University of Richmond School of Law, where she also graduated *cum laude*.