

Stephen J. Lubben

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Education

Ph.D., University of Groningen, Faculty of Law, Department of Law & Economics, 2010
LL.M., Harvard Law School, 2000
J.D., *Magna Cum Laude*, Boston University School of Law, 1996
B.A., University of California, Irvine, 1993

Employment

Seton Hall University School of Law
Harvey Washington Wiley Chair in Corporate Governance & Business Ethics, 2012-present;
Daniel J. Moore Professor of Law, 2008-2012; Professor of Law, 2007-2008; Associate
Professor of Law, 2002-2007
Skadden, Arps, Slate, Meagher & Flom LLP
Associate, 2000-2002 (Los Angeles); Associate, 1997-1999 (New York)
New Hampshire Supreme Court, Hon. John T. Broderick, Jr.
Judicial Law Clerk, 1996-1997

Bar Memberships & Professional Affiliations

New York (Third Department); California; U.S. Court of Appeals for the Ninth Circuit; S.D.N.Y.;
E.D.N.Y.; C.D. Cal.; N.D. Cal.; E.D. Cal.; S.D. Cal.
American College of Bankruptcy
International Insolvency Institute
American Law and Economics Association
European Association of Law and Economics
American Bankruptcy Institute
New York City Bar Association

Professional Activities

Volunteer member; Biden-Harris Economic Policy Committee, 2020
[In Debt columnist for the New York Times' Dealbook](#) business page, 2010-2017 (more than 165
columns).
Regular Contributor, [Credit Slips Blog](#), 2008-present.
Contributing Author, Bloomberg Law: Bankruptcy Treatise
ABI Chapter 11 Reform Commission, Advisory Committee on Financial Contacts, Derivatives and Safe
Harbors, 2012-2014
Rudolph Steiner School Board of Trustees, New York, New York, 2012-2015
American Bankruptcy Institute Law Review Advisory Board, 2010-2015
Reporter and Principal Investigator, ABI Chapter 11 Fee Study (\$346,000 research grant), 2005-2007

Awards

2010-11 Seton Hall University Researcher of the Year
2011 Seton Hall University School of Law Professor of the Year nominee
2005-06 Seton Hall University Researcher of the Year
American Bankruptcy Institute Medal Recipient, Harvard Law School, 2000
Edward F. Hennessy Scholar, Boston University School of Law, 1996

G. Joseph Tauro Distinguished Scholar, Boston University School of Law, 1993

Publications and Working Papers

- [CORPORATE FINANCE](#) (Aspen/Wolters Kluwer Law & Business 3rd ed. 2021).
Puerto Rico; Act III, 15 Capital Markets L.J. 1 (Nov. 2020), <https://doi.org/10.1093/cmlj/kmaa023>.
Fairness and Flexibility: Understanding Corporate Bankruptcy's Arc, 23 U. Pa. J. Bus. L. --
(forthcoming 2020).
The Impossibility of TLAC, 23 N.Y.U. J. Legis. & Pub. Pol'y --- (forthcoming 2020).
Good Old Chapter 11 In A Pre-Insolvency World: The Growth Of Global Reorganization Options, 45
N.C. J. Int'l L. -- (forthcoming 2020) (co-written with O. Couwenberg).
The Costs Of Corporate Bankruptcy: How Little We Know, in [RESEARCH HANDBOOK ON
CORPORATE BANKRUPTCY LAW](#) (Barry Adler ed. 2020).
[AMERICAN BUSINESS BANKRUPTCY – A PRIMER](#) (2019).
Not A Bank, Not a SIFI; Still Too Big to Fail, 35 Emory Bankr. Dev. J. 53 (2019) (co-written with O.
Couwenberg).
Private Benefits Without Control? Modern Chapter 11 and the Market for Corporate Control, 13
Brook. J. Corp. Fin. & Com. L. 145 (2018) (co-written with O. Couwenberg).
[THE LAW OF FAILURE \(Cambridge Univ. Press 2018\)](#).
A Functional Analysis of SIFI Insolvency, 96 Tex. L. Rev. 1377 (2018).
PROMESA And The Bankruptcy Clause: A Reminder About Uniformity, 12 Brook. J. Corp., Fin. & Com.
Law 53 (2017).
Too Big and Unable to Fail, 69 Fla. L. Rev. 1205 (2017) (co-written with A. Wilmarth, Jr.).
[Sovereign Bankruptcy Hydraulics](#), 2018 NYU Annual Survey of American Law F.1.
[Always Crashing In The Same Car – Clearinghouse Rescue After Dodd-Frank](#), 3 J. Fin. Reg. 133 (2017).
[CORPORATE FINANCE](#) (Aspen/Wolters Kluwer Law & Business 2nd ed. 2017).
Subsidizing Liquidity or Subsidizing Markets? Safe Harbors, Derivatives, and Finance, 91 Am. Bankr.
L.J. 463 (2017).
Lehman's Derivative Portfolio, in [BANK FAILURE: LESSONS FROM LEHMAN BROTHERS](#) (Dennis
Faber & Niels Vermunt eds. Oxford Univ. Press 2017).
Central Counterparties and Orderly Liquidation Authority, 36 Futures & Derivatives L. Rep. (October
2016).
The Overstated Absolute Priority Rule, 21 Fordham J. of Corp. & Fin. L. 581 (2016).
Failure of the Clearinghouse: Dodd-Frank's Fatal Flaw?, 10 Va. L. & Bus. Rev. 127 (2015).
Corporate Bankruptcy Tourists, 70 Bus. Law. 719 (2015) (co-authored with O. Couwenberg).
The Board's Duty to Keep Its Options Open, 2015 Ill. L. Rev. 817.
Essential Corporate Bankruptcy, 16 Eur. Bus. Org. L. Rev. 39 (2015) (co-authored with O.
Couwenberg).
Puerto Rico and the Bankruptcy Clause, 88 Am. Bankr. L.J. 553 (2014).
Reconceptualizing Lehman, 49 Tex. Int'l L.J. 295 (2014) (co-written with Sarah P. Woo).
[CORPORATE FINANCE](#) (Aspen/Wolters Kluwer Law & Business 2014).
A New Understanding of the Bankruptcy Clause, 64 Case W. Res. L. Rev. 319 (2013).
Solving Creditor Problems in the Twilight Zone: Superfluous Law and Inadequate Private Solutions,
34 Int'l Rev. L. & Econ. 61 (2013) (co-authored with O. Couwenberg).
Separation and Dependence: Explaining Modern Corporate Governance, 43 Seton Hall L. Rev. 893
(2013) (Wiley chair lecture).
CDS and the Resolution of Financial Distress, 24 J. Applied Corp. Fin. 129 (2012) (co-written with
Rajesh P. Narayanan).
The Chapter 11 Attorneys, 86 Am. Bankr. L.J. 447 (2012).
Transaction Simplicity, 112 Colum. L. Rev. Sidebar 194 (2012) (solicited).
Involuntary Creditors and Corporate Bankruptcy, 45 U.B.C. L. Rev. 253 (2012) (co-authored with
Stephanie Ben-Ishai).
Resolution, Orderly and Otherwise: B of A in OLA, 81 U. Cin. L. Rev. 485 (2012) (solicited).
Do Empirical Bankruptcy Studies Matter?, 20 ABI L. Rev. 715 (2012) (solicited).
Chapter 11 as Intrigue: A Review of LoPucki and Doherty's Professional Fees in Corporate
Bankruptcies, 28 Banking and Finance Law Review (Canada) 171 (2012) (solicited).

What We “Know” About Chapter 11 Cost is Wrong, 17 *Fordham J. of Corp. & Fin. L.* 141 (2012).
 The Chapter 11 Financial Advisors, 28 *Emory Bankr. Dev. J.* 11 (2011).
 Bankruptcy as Bailout, 6 *Brook. J. Corp., Fin. & Com. Law* 1 (2011) (solicited) (co-authored with Stephanie Ben-Ishai).
 Financial Institutions in Bankruptcy, 34 *Seattle L. Rev.* 1259 (2011) (solicited).
 Sales or Plans: A Comparative Account of the “New” Corporate Reorganization, 56 *McGill L.J.* 591 (2011) (co-authored with Stephanie Ben-Ishai).
 Chapter 11 in Context: American and Dutch Business Bankruptcy, 85 *Am. Bankr. L.J.* 63 (2011) (co-authored with O. Couwenberg).
 The Types of Chapter 11 Cases, 84 *Am. Bankr. L.J.* 233 (2010).
 The Bankruptcy Code Without Safe Harbors, 84 *Am. Bankr. L.J.* 123 (2010).
 Repeal the Safe Harbors, 18 *A.B.I. L. Rev.* 319 (2010).
 Accidental Convergence: Corporate Reorganization in Two Federal Systems, 26 *Emory Bankr. Dev. J.* 33 (2009).
 No Big Deal: The GM and Chrysler Cases In Context, 83 *Am. Bankr. L.J.* 531 (2009).
 Chapter 11 “Failure”, 2009 Working Paper (available on SSRN).
[The Truth About Detroit's Bankruptcies](#), *Forbes*, July 26, 2009 (op-ed piece).
 Chapter 11 and Systemic Risk, 82 *Temp. L. Rev.* 433 (2009) (solicited).
 Derivatives and Bankruptcy: The Flawed Case for Special Treatment, 12 *U. Pa. J. Bus. L.* 61 (2009).
 The Sale of the Century and Its Impact on Asset Securitization: Lehman Brothers, 27 *Am. Bankr. Inst. Journal* Vol. 10, page 1 (2009).
 Financial Distress in Emerging Markets, in *EMERGING MARKETS: PERFORMANCE, ANALYSIS AND INNOVATION* (Greg N. Gregoriou ed. Chapman-Hall /Taylor and Francis 2009).
 Corporate Reorganization & Professional Fees, 82 *Am. Bankr. L.J.* 77 (2008).
 Credit Derivatives and the Resolution Of Financial Distress, in *THE CREDIT DERIVATIVES HANDBOOK* (Greg N. Gregoriou & Paul U. Ali eds. McGraw-Hill 2008).
 Delaware’s Irrelevance, 16 *A.B.I. L. Rev.* 267 (2008).
 ABI CHAPTER 11 FEE STUDY (2007).
 Credit Derivatives & The Future of Chapter 11, 81 *Am. Bankr. L.J.* 405 (2007).
 Business Liquidation, 81 *Am. Bankr. L.J.* 65 (2007).
 The Microeconomics of Chapter 11, Part 2, 4 *Int’l. Corp. Rescue* 87 (2007).
 The Microeconomics of Chapter 11, Part 1, 4 *Int’l. Corp. Rescue* 31 (2007).
 Choosing Corporate Bankruptcy Counsel, 12 *A.B.I. L. Rev.* 391 (2006).
 Delaware’s Duty of Care, 31 *Del. J. Corp. L.* 589 (2006), co-written with Alana J. Darnell.
 The “New and Improved” Chapter 11, 93 *Ky. L.J.* 839 (2005) (special, peer-reviewed AALS Section on Creditors’ and Debtors’ Rights issue).
 Out of the Past: Railroads & Sovereign Debt Restructuring, 35 *Geo. J. Int’l L.* 845 (2004) (solicited).
 Railroad Receiverships and Modern Bankruptcy Theory, 89 *Cornell L. Rev.* 1420 (2004).
 Beyond True Sales – Securitization and Chapter 11, 1 *N.Y.U. J.L. & Bus.* 89 (2004).
 Some Realism About Reorganization: Explaining the Failure of Chapter 11 Theory, 106 *Dick. L. Rev.* 267 (2001).
LLM Thesis: The Direct Costs of Corporate Reorganization: An Empirical Examination of Professional Fees in Large Chapter 11 Cases, 74 *Am. Bankr. L.J.* 509 (2000) (written under the direction of Professor Elizabeth Warren).
JD Student Note: Chief Justice Traynor's Contract Jurisprudence and the Free Law Dilemma: Nazism, the Judiciary, and California's Contract Law, 7 *S. Cal. Interdisc. L.J.* 81 (1998) (unpublished by *B.U. L. Rev.*).

Presentations, Speeches & Testimony

Difficult and Controversial Issues Confronting the Bankruptcy Bench & Bar, New Jersey Bar Association, Online Meeting (Nov. 23, 2020) (panel member).
 Good Old Chapter 11 In A Pre-Insolvency World: The Growth Of Global Reorganization Options, at 4th Cross-Border Corporate Insolvency and Commercial Law Research Group Conference, City, University of London, London, England, United Kingdom (June 12, 2020) [cancelled due to COVID-19].

Fairness and Flexibility: Understanding Corporate Bankruptcy's Arc, at Brooklyn Law School, Brooklyn, New York (March 11, 2020).

Good Old Chapter 11 In A Pre-Insolvency World: The Growth Of Global Reorganization Options, at International and Comparative Insolvency Law Symposium, University of Miami School of Law, Coral Gables, Florida (Nov. 15, 2019).

Minimizing & Abating Business Risk: Directors in the Zone of Insolvency, at Kirkland & Ellis LLP, New York, New York (Nov. 6, 2019) (panel member).

The Dos and Don'ts of Disclosure for Professionals in Business Cases: Tell Me Now or Pay Me Later, at National Conference of Bankruptcy Judges Annual Meeting, Washington, D.C. (Nov. 2, 2019) (NCBJ Plenary Session panel member).

Sub-Sovereign Debt, Quasi Sovereign Problems (panel chair), at DebtCon3: Third Interdisciplinary Sovereign Debt Research and Management Conference, Georgetown University, Washington, D.C. (April 12, 2019).

Bankruptcy Professional Fees and Retention (panelist), St. John's University School of Law, New York, New York (April 4, 2019).

Derivatives in Bankruptcy, at American Bankruptcy Institute Symposium: Too Big To Fail: 10 Years Later, Washington, D.C. (April 19, 2018).

Private Benefits Without Control, Brooklyn Law School, Brooklyn, New York (March 2, 2018).

A Functional Analysis of SIFI Insolvency, University of Texas, School of Law, Austin, Texas (Feb. 2, 2018).

Always Crashing in the Same Car: Clearinghouse Recovery under Dodd-Frank, at Boston University School of Law, Boston, MA (October 17, 2017).

PROMESA and the Bankruptcy Clause, Brooklyn Law School, Brooklyn, New York (March 3, 2017).

Navigating Conflicts and other Ethical Considerations in an Era of Mergers & Acquisitions, at Mayer Brown LLP & The Center for Health & Pharmaceutical Law & Policy Symposium, Newark, New Jersey (March 2, 2017).

PROMESA, Puerto Rico, and the Supreme Court, at the AALS Section on Creditors' and Debtors' Rights, American Association of Law Schools Annual Meeting, San Francisco, C.A. (January 4, 2017).

Always Crashing in the Same Car: Clearinghouse Recovery, the "Invited Lecture" at the 2016 Federal Reserve Bank of Chicago Law and Finance Conference on Payment, Clearing, and Settlement Systems: Confronting their Systemic Risk and Ensuring their Stability, Chicago, Ill. (May 6th, 2016).

Puerto Rico and the Bankruptcy Clause, Panelist, University of Michigan School of Law, Ann Arbor, Michigan (April 22, 2016).

Boom Year for High-Yield Debt a Warning Signal, at Bloomberg BNA & American Bankruptcy Institute's 2016 Bankruptcy & Restructuring Update, New York, New York (March 28, 2016).

Dodd-Frank's OLA and SPOE, Vanderbilt Law School, Nashville, Tennessee (March 25, 2016).

"Supreme Court Justice," at Harvard Federalist Society, Harvard Law Review and The American Constitution Society U.S. Supreme Court Moot, Puerto Rico v. Franklin California Tax-Free Trust, Harvard Law School, Cambridge, Ma. (March 10, 2016).

Failure of the Clearinghouse: Dodd-Frank's Fatal Flaw?, at Murphy Corporate Law Colloquium, Fordham Law School, New York, New York (Feb. 11, 2016).

Puerto Rico, at DebtCon1: First Annual Interdisciplinary Sovereign Debt Research and Management Conference, Georgetown University, Washington, D.C. (Jan. 22, 2016).

Subsidizing Liquidity or Subsidizing Markets? Safe Harbors, Derivatives, and Finance, at "Finance between Liquidity and Insolvency," House of Finance, Goethe University, Frankfurt, Germany (Dec. 12, 2015).

Do Chapter 11 Debtors Need to Worry About §1129 Anymore?, American College of Bankruptcy – 3d Circuit Symposium, University of Pennsylvania Law School, Philadelphia, Pennsylvania (November 17, 2015).

Can Regulators End Too Big to Fail?, Americans For Financial Reform's "A Discussion of Dodd-Frank Resolution Planning," Washington, D.C. (November 4, 2015).

American College of Bankruptcy and Bloomberg BNA's Supreme Court Review, New York, New York (October 23, 2015).

The Supreme Court's Bankruptcy Opinions This Term, Bloomberg Law: Eye on Bankruptcy, New York, New York (July 30, 2015).

Reconsidering Safe Harbors For Repurchase Agreements, at 33rd Annual Spring Meeting, American Bankruptcy Institute, Washington, D.C. (April 18, 2015).

Corporate Bankruptcy, at New Jersey Supreme Court Committee on Judicial Education's General Equity and Civil Division Education Conference, Galloway, New Jersey (March 27, 2015).

Derivatives and Chapter 11, at Bloomberg BNA & American Bankruptcy Institute's 2015 Outlook on Bankruptcy Law, New York, New York (January 29, 2015).

Derivatives and Chapter 11, at the AALS Section on Creditors' and Debtors' Rights, American Association of Law Schools Annual Meeting, Washington D.C. (January 4, 2015).

Corporate Bankruptcy Tourists, at 31st Annual Conference of the European Association of Law and Economics, Aix-Marseille Université, Aix-en-Provence, France (September 18, 2014).

Testimony on H.R. ___ Financial Institution Bankruptcy Act of 2014, before the U.S. House Judiciary Committee, Washington, D.C. (July 15, 2014).

Proposed Chapter 14 and the Future of Large Financial Institution Resolution, American Bankruptcy Institute Webinar (July 15, 2014).

Resolution Regimes for Clearinghouses, at the Chicago Federal Reserve Bank's Workshop on Legal Arrangements of Cross-border Resolution and Liquidity in OTC Derivative Markets: Theoretical Insights from "A Legal Theory of Finance" and Other Contemporary Perspectives, Chicago, Ill. (June 17, 2014).

[The Board's Duty to Keep Its Options Open, at the University of Illinois and ABI Chapter 11 Reform Conference](#), Chicago, Ill. (April 4, 2014).

OLA After Single Point of Entry: Has Anything Changed?, at Americans For Financial Reform And The Roosevelt Institute's Symposium: An Unfinished Mission: Making Wall Street Work for Us, Washington, D.C. (Nov. 12, 2013).

Chapter 11 Professional Issues: Proper Disclosure And Retention And Addressing The New Rules Of The Road On Compensation, at National Conference of Bankruptcy Judges Annual Conference, Atlanta, Georgia (Nov. 1, 2013).

Essential Corporate Bankruptcy, European Law and Economics Annual Meeting, at University of Warsaw, Warsaw, Poland (September 27, 2013).

Dodd-Frank's Orderly Liquidation Authority, at Resolution Authority and Structural Reform Conference, NYU Stern School of Business, New York, New York (April 11, 2013).

Invited discussant, GAO/National Academy of Sciences meeting on Treatment Of Financial Contracts During Bankruptcy, Washington, D.C. (April 10, 2013).

Resolving Financial Institutions, at 9th Annual Wharton Restructuring and Distressed Investing Conference, Philadelphia, Pennsylvania (Feb. 22, 2013).

Reconceptualizing Lehman, at the 2013 Texas International Law Journal Symposium, University of Texas, School of Law, Austin, Texas (Feb. 7, 2013).

Do Empirical Bankruptcy Studies Matter? at Bankruptcy and Race: Is there a Relation? Symposium, St. John's University School of Law, Queens, New York (October 19, 2012).

Separation and Dependence: Explaining Modern Corporate Governance, Inaugural Harvey Washington Wiley Lecture, Seton Hall Law School, Newark, New Jersey (October 2, 2012).

The Government's Role in Recent Litigation (Argentina and the Automakers), testimony before the U.S. House Financial Services Subcommittee on Subcommittee on Capital Markets and Government Sponsored Enterprises, Washington D.C. (June 7, 2012).

International Insolvency Institute Delegate, at UNCITRAL Insolvency Working Group Meeting, New York, New York (April 30, 2012 to May 4, 2012).

What Counterparties to Financial Contracts Deserve Special Treatment?, at World Bank/ABI Working Group on Financial Contracts in Bankruptcy workshop, Washington, D.C. (April 20, 2012).

[Resolution, Orderly and Otherwise: B of A in OLA, at 25th Annual Corporate Law Center Symposium, University of Cincinnati College of Law](#), Cincinnati, Ohio (March 30, 2012).

Institutional Investor Educational Foundation, Bankruptcy Round Table, New York, New York (March 12, 2012).

Keynote Address (Resolution, Orderly and Otherwise), at American Bankruptcy Institute 8th Annual Corporate Restructuring Competition, The Wharton School, University of Pennsylvania, Philadelphia, Pennsylvania (November 3, 2011).

Involuntary Creditors and Corporate Bankruptcy, European Law and Economics Annual Meeting, at University of Hamburg School of Business, Economics and Social Sciences, Hamburg, Germany (Sept. 22, 2011).

Dodd-Frank Orderly Liquidation Authority and Ending “Too Big to Fail,” testimony before the U.S. House Financial Services Subcommittee on Financial Institutions and Consumer Credit, Washington D.C. (June 14, 2011).

Dodd-Frank’s New Resolution Authority, at Association Française en Faveur de l’Institution Consulaire (AFFIC 91) & Clifford Chance’s “Learning The Lessons From The Crisis: Improvement Of National And European Insolvency Laws” Symposium, Paris, France (April 18th, 2011).

Bankruptcy as Bailout, at Comparative Approaches to Systemic Risk and Resolution Symposium, Brooklyn Law School, Brooklyn, New York (February 25, 2011).

Examining Chapter 11 Cost, at Big-Case Bankruptcy Empirical Research Agenda, UCLA School of Law, Los Angeles, California (February 11, 2011).

The Risks Of Fractured Resolution – Finance And Bankruptcy, at Adolf A. Berle, Jr. Center on Corporations, Law and Society Annual Symposium, Seattle University School of Law, Seattle, Washington (January 21, 2011).

Professional Fees in Mega-Chapter 11 Cases: Reasonable or Out of Control? at Winter Leadership Meeting, American Bankruptcy Institute, Scottsdale, Arizona (December 11, 2010).

[Bankruptcy, the Constitution, and Government Controlled Corporations, at The Constitution in the Financial Crisis Symposium](#), Constitutional Law Center, Stanford Law School, Stanford, California (November 11, 2010).

Sales or Plans: A Comparative Account of the “New” Corporate Reorganization, at The Canadian Law and Economics Association, University of Toronto, Toronto, Ontario. (October 2, 2010).

What We “Know” About Chapter 11 Cost is Wrong, European Law and Economics Annual Meeting, at Université Paris 2 Pathèon-Assas, Paris, France (Sept. 24, 2010).

Sales or Plans: A Comparative Account of the “New” Corporate Reorganization, at European Law and Economics Annual Meeting, Université Paris 2 Pathèon-Assas, Paris, France (Sept. 23, 2010).

Sales or Plans: A Comparative Account of the “New” Corporate Reorganization, American Law and Economics Association (ALEA) Annual Meeting, Princeton University, Princeton, New Jersey (May 7, 2010).

Too Big To Fail: How Should The U.S. Handle The Collapse Of Systemically Important Firms?, 2010 Dow Jones Daily Bankruptcy Review Restructuring & Turnaround Summit, New York, New York (March 10, 2010).

Repeal the Safe Harbors, Chapter 11 at the Crossroads: Does Reorganization Need Reform?, Georgetown Law School, Washington, D.C. (Nov. 16, 2009).

Chapter 11 in Context: American and Dutch Business Bankruptcy, Advanced Bankruptcy Colloquium, Brooklyn Law School, Brooklyn, New York (Oct. 14, 2009).

Chapter 11 in Context: American and Dutch Business Bankruptcy, European Law and Economics Annual Meeting, at Università Luiss Guido Carli, Rome, Italy (Sept. 18, 2009).

Testimony on Automotive Bankruptcy Cases, TARP Congressional Oversight Panel field hearing, Detroit, Michigan (July 27, 2009).

Chapter 11 in Context: American and Dutch Business Bankruptcy, INSOL Eight World Congress, Academic Meeting, Vancouver, Canada (June 20, 2009).

Derivatives and Bankruptcy: The Flawed Case for Special Treatment at American Law and Economics Association (ALEA) Annual Meeting, University of San Diego School of Law, San Diego, California (May 16, 2009).

Complexity in Chapter 11 Reorganizations, at Complexity and Collapse: The Credit Crisis Symposium, Temple Law School, Philadelphia, Pennsylvania (April 28, 2009).

Credit Derivatives and Chapter 11, at 11th Annual Hon. William H. Gindin Bankruptcy Bench-Bar Conference, New Brunswick, New Jersey (April 17, 2009).

Chapter 11 and Systemic Risk, at Temple Law Review Symposium, Temple Law School, Philadelphia, Pennsylvania (April 16, 2009) .

Chapter 11 "Failure" at the Cornell Law School-University of Tel Aviv Faculty of Law's International Empirical Legal Studies Conference, at the University of Tel Aviv, Tel Aviv, Israel (March 26, 2009).

The Uncertain Future of Asset Securitization (and Credit Derivatives), at New York City Bar Associations Structured Finance Committee Meeting, New York, New York (January 9, 2009).

Credit Default Swaps – What Are They? -- The Bankruptcy Process and Impact, at AIRA Advanced Restructuring and Plan of Reorganization Conference, New York, New York (October 21, 2008).

Professional Fees in Chapter 11 (The ABI Chapter 11 Fee Study), at National Conference of Bankruptcy Judges Annual Meeting, Scottsdale, Arizona (September 24-27, 2008).

The Types of Chapter 11 Cases, at Third Annual Conference on Empirical Legal Studies, Cornell Law School, Ithaca, New York (September 12-13, 2008).

Corporate Reorganization & Professional Fees, at American Law and Economics Association (ALEA) Annual Meeting, Columbia Law School, New York, New York (May 16-17, 2008).

ABI Landmark Fee Study: Moving-Forward Analysis, at 10th Annual New York City Bankruptcy Conference, New York, New York (May 12, 2008).

Credit Default Swaps: A Critical Risk Transfer Tool in Volatile Markets, at 2008 Distressed & Turnaround Investment Forum, New York, New York (May 15, 2008).

Cross-boarder Restructuring: An American Perspective, at Advanced Bankruptcy Law Seminar, University of Toronto Faculty of Law, Toronto, Ontario (March 28, 2008).

Chapter 11 & Professional Fees, at Seton Hall Faculty Scholarship Retreat, New York, New York (January 2008).

ABI Chapter 11 Fee Study, at Winter Leadership Meeting, American Bankruptcy Institute, Rancho Mirage California (December 2007).

Delaware's Irrelevance, at 2007 Meetings of The Canadian Law and Economics Association, University of Toronto, Toronto, Ontario. (September 28-29, 2007).

Delaware's Irrelevance, at 24th Annual European Association of Law and Economics Conference, Copenhagen Business School, Copenhagen, Denmark (September 13-15, 2007).

Credit Derivatives & The Future of Chapter 11, at 24th Annual European Association of Law and Economics Conference, Copenhagen Business School, Copenhagen, Denmark (September 13-15, 2007).

Delaware's Irrelevance, at Workshop on Private and Public Resolution of Financial Distress, Institute for Advances Studies, Vienna, Austria (June 1-2, 2007).

Credit Derivatives & The Future of Chapter 11, at American Law and Economics Association (ALEA) Annual Meeting, Harvard Law School, Cambridge, Massachusetts (May 5-6, 2007).

The Microeconomics of Chapter 11, at the 2006 Meetings of The Canadian Law and Economics Association, University of Toronto, Toronto, Ontario. (September 29-30, 2006).

The Microeconomics of Chapter 11, at the 23rd Annual European Association of Law and Economics Conference, Instituto de Empresa Business School, Madrid, Spain (September 14-19, 2006).

Credit Derivatives & The Future of Chapter 11, at Summer Faculty Scholarship Workshop, Seton Hall University School of Law, Newark, N.J. (June 7, 2005).

The Microeconomics of Chapter 11, at Harvard-University of Texas Conference on Commercial Law Realities, Harvard Law School, Cambridge, Massachusetts (April 28, 2006).

Professional Compensation in the Post-BAPCPA Environment, at American Bankruptcy Institute Annual Meeting, Washington, D.C. (April 22, 2006).

The Microeconomics of Chapter 11 and the Irrelevance of Ex Ante Costs, at Law and Economics Seminar, Boston University Law School, Boston, Massachusetts ((January 23, 2006).

Real Options and the Other Liquidation Decision, at Faculty Colloquium, Seton Hall University School of Law, Newark, N.J. (November 14, 2005).

The Microeconomics of Chapter 11, at New York Junior Faculty Forum, Fordham Law School, New York, New York (October 21, 2005).

Real Options and the Other Liquidation Decision, at the 2005 Meetings of The Canadian Law and Economics Association, University of Toronto, Toronto, Ontario. (September 24, 2005).

The Microeconomics of Chapter 11, at Summer Faculty Scholarship Workshop, Seton Hall University School of Law, Newark, N.J. (July 12, 2005)

Real Options and the Other Liquidation Decision, at the 4th Annual Conference of the Israeli Law and Economics Association, University of Haifa, Haifa, Israel. (May 26, 2005).

Real Options and the Other Liquidation Decision, at the Harvard-University of Texas Conference on Commercial Law Realities, University of Texas School of Law, Austin, Texas (April 8, 2005).

The “New and Improved” Chapter 11, at the AALS Section on Creditors' and Debtors' Rights, American Association of Law Schools Annual Meeting, San Francisco, C.A. (January 8, 2005). Responses presented by Profs. Douglas G. Baird, Robert K. Rasmussen, and Jay Lawrence Westbrook.

Out of the Past: Railroads & Sovereign Debt Restructuring, at Sovereign Debt Restructuring: The View From the Legal Academy symposium, Georgetown University Law Center, Washington, D.C. (February 26, 2004).

Railroad Receiverships and Modern Bankruptcy Theory, at the Sloan Interdisciplinary Workshop, Georgetown University Law Center, Washington, D.C. (November 21, 2003).