

NATIONAL BANKRUPTCY CONFERENCE

A non-profit, non-partisan, self-supporting organization of approximately sixty lawyers, law professors and bankruptcy judges who are leading scholars and practitioners in the field of bankruptcy law. Its primary purpose is to advise Congress on the operation of bankruptcy and related laws and any proposed changes to those laws.

History. The National Bankruptcy Conference (NBC) was formed from a nucleus of the nation's leading bankruptcy scholars and practitioners, who gathered informally in the 1930's at the request of Congress to assist in the drafting of major Depression-era bankruptcy law amendments, ultimately resulting in the Chandler Act of 1938. The NBC was formalized in the 1940's and has been a resource to Congress on every significant piece of bankruptcy legislation since that time. Members of the NBC formed the core of the Commission on the Bankruptcy Laws of the United States, which in 1973 proposed the overhaul of our bankruptcy laws that led to enactment of the Bankruptcy Code in 1978, and were heavily involved in the work of the National Bankruptcy Review Commission (NBRC), whose 1997 report initiated the process that led to significant amendments to the Bankruptcy Code in 2005. Most recently, the Conference played a leading role in developing the Small Business Reorganization Act of 2019, Pub. L. 116-54.

Current Members. Membership in the NBC is by invitation only. Among the NBC's 60 active members are leading bankruptcy scholars at major law schools, as well as current and former judges from eleven different judicial districts and practitioners from leading law firms throughout the country who have been involved in most of the major corporate reorganization cases of the last three decades. The NBC includes leading consumer bankruptcy experts and experts on commercial, employment, pension, mass tort, and tax-related bankruptcy issues. It also includes former members of the congressional staff who participated in drafting the Bankruptcy Code as originally passed in 1978 and former members and staff of the NBRC. The current members of the NBC and their affiliations are set forth on the second page of this fact sheet.

Policy Positions. The Conference regularly takes substantive positions on issues implicating bankruptcy law and policy. It does not, however, take positions on behalf of any organization or interest group. Instead, the NBC seeks to reach a consensus of its members - who represent a broad spectrum of political and economic perspectives - based on their knowledge and experience as practitioners, judges, and scholars. The Conference's positions are considered in light of the stated goals of our bankruptcy system: debtor rehabilitation, equal treatment of similarly situated creditors, preservation of jobs, prevention of fraud and abuse, and economical insolvency administration. Conferees are always mindful of their mutual pledge to "leave their clients at the door" when they participate in the deliberations of the Conference.

Technical and Advisory Services to Congress. To facilitate the work of Congress, the NBC offers members of Congress, Congressional Committees and their staffs the services of its Conferees as non-partisan technical advisors. These services are offered without regard to any substantive positions the NBC may take on matters of bankruptcy law and policy.

National Bankruptcy Conference

P.O. Box 249 • Stanardsville, VA 22973

434-939-6008 Fax: 434-939-6030 • Email: sbedker@nbconf.org • Web: www.nbconf.org

NATIONAL BANKRUPTCY CONFERENCE

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University of Chicago Law School
Chicago, IL

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Wachtell, Lipton, Rosen & Katz
New York, NY

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New York, NY

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Wilmington, DE

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Weil, Gotshal & Manges LLP
New York, NY

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Davis Polk & Wardwell
New York, NY

Prof. Ralph Brubaker

University of Illinois College of Law
Champaign, IL

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Retired
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San Antonio, TX

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U.S. Bankruptcy Court
Harrisonburg, VA

H. David Cox, Esq.

Cox Law Group, PLLC
Lynchburg, VA

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U.S. Bankruptcy Court
Kansas City, MO

Dennis F. Dunne, Esq.

Milbank, Tweed, Hadley & McCloy
New York, NY

Susan M. Freeman, Esq.

Lewis Roca Rothberger Christie
Phoenix, AZ

Daniel M. Glosband, Esq.

Goodwin Procter LLP
Boston, MA

Marcia L. Goldstein, Esq.

New York, NY

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New York, NY

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U.S. Bankruptcy Court
Dallas, TX

Marshall S. Huebner

Davis Polk & Wardwell
New York, NY

Chad J. Husnick, Esq.

Kirkland & Ellis LLP
Chicago, IL

Prof. Melissa B. Jacoby

Univ. of North Carolina Law School
Chapel Hill, NC

Hon. Benjamin A. Kahn

U.S. Bankruptcy Court
Greensboro, NC

Richardo I. Kilpatrick, Esq.

Kilpatrick and Associates, P.C.
Auburn Hills, MI

Susheel Kirpalani

Quinn Emanuel Urquhart &
Sullivan LLP
New York, NY

Emil A. Kleinhaus

Wachtell, Lipton, Rosen & Katz
New York, NY

Alan W. Kornberg, Esq.

Paul, Weiss, Rifkind, Wharton &
Garrison LLP
New York, NY

Colleen E. Laduzinski, Esq.

Jones Day
Boston, MA

Jonathan M. Landers, Esq.

Scarola Malone & Zubatov LLP
New York, NY

Prof. Robert Lawless

University of Illinois College of Law
Champaign, IL

Heather Lennox, Esq.

Jones Day
Cleveland, OH

Stephen D. Lerner

Squire Patton Boggs (US) LLP
Cincinnati, OH

Richard Levin, Esq.

Jenner & Block LLP
New York, NY

Marc A. Levinson, Esq.

Orrick, Herington & Sutcliffe LLP
San Francisco, CA

Hon. Christopher M. Lopez

U.S. Bankruptcy Court
Houston, TX

Hon. Keith Lundin

U.S. Bankruptcy Court
Nashville, TN

Prof. Bruce A. Markell

Northwestern School of Law
Chicago, IL

Thomas Moers Mayer, Esq.

Kramer Levin Naftalis &
Frankel LLP
New York, NY

Todd F. Maynes, Esq.

Kirkland & Ellis LLP
Chicago, IL

Prof. Edward R. Morrison

Columbia Law School
New York, NY

Harold S. Novikoff, Esq.

Wachtell, Lipton, Rosen & Katz
New York, NY

Isaac M. Pachulski, Esq.

Pachulski Stang Ziehl & Jones LLP
Los Angeles, CA

Prof. Randal C. Picker

University of Chicago Law School
Chicago, IL

John Rao, Esq.

National Consumer Law Center
Boston, MA

K. John Shaffer, Esq.

Quinn Emanuel Urquhart &
Sullivan LLP
Los Angeles, CA

Hon. Brendan L. Shannon

U.S. Bankruptcy Court
Wilmington, DE

*Raymond L. Shapiro, Esq.

Blank Rome, LLP
Philadelphia, PA

Henry J. Sommer, Esq.

Retired
Philadelphia, PA

Danielle Spinelli

WilmerHale
Washington, D.C.

James H.M. Sprayregen, Esq.

Kirkland & Ellis LLP
Chicago, IL

Catherine Steege, Esq.

Jenner & Block LLP
Chicago, IL

*J. Ronald Trost, Esq.

Retired
New York, NY

Tara Twomey, Esq.

National Consumer Bankruptcy
Rights Center
Carmel, CA

R. Patrick Vance, Esq.

Jones Walker LLP
New Orleans, LA

Jane L. Vris, Esq.

Retired
New York, NY

Prof. Jay Lawrence Westbrook

University of Texas School of Law
Austin, TX

Brady C. Williamson, Esq.

Godfrey & Kahn, S.C.
Madison, WI