Bankruptcy Litigation

Yankwitt LLP represents parties in complex bankruptcy-related litigation, with a focus on adversary proceedings arising in Chapter 11 and other business bankruptcies. We are litigators first and foremost. Bankruptcy attorneys turn to us when a case shifts from restructuring and administration to a litigation posture that requires courtroom experience, strategic rigor, and trial readiness.

A Litigation Partner for Bankruptcy Counsel

Disputes that arise in the context of bankruptcy proceedings look and feel like traditionalcommercial litigation, but must be litigated within the bankruptcy court framework. These disputes demand fluency in bankruptcy procedures paired with real litigation depth.

Yankwitt LLP steps in as outside litigation counsel to handle those matters seamlessly. We collaborate closely with referring bankruptcy attorneys, fighting for their clients' interests as an extension of the bankruptcy team. We do not file bankruptcies or prepare reorganization plans. Our role begins when a dispute needs to be resolved.

Types of Adversary Proceedings We Handle

Our commercial bankruptcy litigation experience mirrors the kinds of disputes we handle as high-stakes litigators. We routinely handle the following matters within the context of a bankruptcy:

Contract and Lease Disputes

Challenges to the validity, enforceability, or interpretation of contracts asserted in bankruptcy, includingcontract disputes arising from commercial real estate and operating leases.

Fraudulent and Preferential Transfer Actions

Litigation seeking to avoid or recover transfers alleged to be fraudulent or preferential, often involving contested factual records, valuation disputes, and insolvency analyses.

Objections to Claims, Dischargeability, and Settlements

Proceedings contesting creditor claims, challenging the dischargeability of specific debts, or objecting to proposed settlements and distributions within the bankruptcy case.

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Directors and Officers Liability Claims

Actions asserting breaches of fiduciary duty, mismanagement, or improper conduct bydirectors and officers, including claims pursued by debtors, committees, or litigation trusts.

Professional Malpractice Claims

Adversary proceedings against accountants, attorneys, financial advisors, and other professionals whose conduct is alleged to have harmed the debtor or his estate.

Successor Liability and Related Business Tort Claims

Disputes involving successor liability, asset sales, alter ego theories, and efforts to impose liability on post-bankruptcy entities or transaction counterparties.

Business and Commercial Disputes Embedded in Bankruptcy

Partnership and shareholder disputes, lender liability claims, tortious interference, and other business disputes that surface once a company enters bankruptcy.

Defense of Non-Debtor Parties

Representation of companies and individuals drawn into adversary proceedings despite not being debtors themselves, often requiring an aggressive and efficient defense strategy.

Why Bankruptcy Attorneys Refer Yankwitt LLP

When a dispute arises within a bankruptcy, it is critical to have experienced litigation representation to protect client interests. Referring counsel look to us for litigation assistance because:

- We are seasoned trial lawyers experienced in federal court. All of our senior attorneys are former federal law clerks and/or federal prosecutors.
- We understand bankruptcy court procedure and pacing.
- We take a collaborative approach to litigation, working hand-in-hand with bankruptcy counsel to serve the client's best interests.
- We can step in on discrete disputes or manage an adversary proceeding from start to finish.
- We bring clarity and momentum to cases that risk stalling in protracted litigation.

Our matters often originate through referrals from boutique and mid-sized bankruptcy practices, though we are also engaged when larger firms encounter conflicts or staffing considerations that make outside litigation counsel the practical choice.

Focused on Business Bankruptcies, Not Consumer Filings

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Yankwitt LLP's bankruptcy litigation attorneys exclusively handle business and commercial matters. We do not represent individual debtors in consumer bankruptcies, and we do not position ourselves as bankruptcy counsel of record. This focus enables us to deliver sophisticated litigation support to attorneys and clients in high-stakes business disputes involving bankruptcy proceedings.

A Practical Litigation-First Approach

Adversary proceedings are called adversarial for a reason. They require the same strategic thinking, discovery discipline, motion practice, and trial preparation as any other commercial lawsuit – all things for whichYankwitt LLP is known.