

CASE STUDY

DRAFTING AND LEGAL RESEARCH IN A
BANKRUPTCY LITIGATION



A circular inset image in the top left corner showing a person in a light blue shirt sitting at a desk, looking at a document and holding a pen. A coffee cup is also visible on the desk.

ABSTRACT

SKJ Juris provided a bankruptcy law firm in Oregon ("law firm client") in projecting a transformation road map by providing litigation and legal research support in a couple of bankruptcy matters.

INTRODUCTION OF THE PARTIES

- The Law Firm Client

Oregon based law firm client is a mid-size law firm specializing in bankruptcy litigation. The Law Firm Client represents creditors in bankruptcy matters.

- Background – A Set of Facts

In connection with Chapter 11 bankruptcy matters, the Law Firm Client instructed us to carry out legal research on the following queries and draft an objection to dismiss the bankruptcy case:

1. Is the statute of limitations tolled during the pendency of a bankruptcy case?
2. What grounds does a creditor have to object to the dismissal of a Chapter 11 bankruptcy case?



3. Can a creditor demand an agreement waiving a statute of limitations defense as a bargaining chip for withdrawing an objection to dismissal? The same Law Firm Client in a different matter approached us to carry out legal research and submit a Memorandum of Law on the following queries:

1. What happens when a bankrupt debtor lists an asset ("Contested Asset") in his or her Bankruptcy Schedules that a third-party believes he/she/it rightfully owns as the beneficial owner?

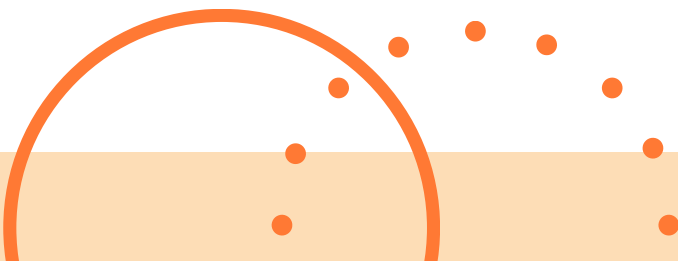
2. What is the mechanism, process or procedure by which the third-party beneficial owner can/should assert his/her/its rights in the Contested Asset (e.g., adversary proceeding, contested case proceeding, other)?

3. What if the Contested Asset could be claimed by more than one third party (i.e., how are the competing interests resolved)?

4. Do either the analysis or the conclusion changes if one competing third-party owner is the title owner according to real estate records and the other competing third-party owner is not listed as a title owner in the real estate records?

THE SOLUTION

SKJ Juris appointed 2 (two) project managers for the aforesaid projects who acted as single point of contacts for the law firm client. The project managers used to coordinate with the IT Manager in transitioning the project with the latest technology as well as coordinate with the team leaders for executing the projects.



The team leaders of the legal research team and the litigation drafting team used to work in close coordination with each other.

With the limited resources, short deadline and requirement of cost saving, at the same time, requirement to maintain the quality of work, the law firm client approached us with great expectations. Not only did we provide our back-office support to the law firm but also reached a comfort level with them so as to work as partners on all subsequent projects.

THE RESULT

SKJ Juris carried out legal research (in LexisNexis) in both the projects. SKJ Juris also drafted Objection to dismiss Chapter 11 bankruptcy case and Memorandum of Law in both the said projects respectively.

The Client is satisfied with the work, the costs, and the turnaround time.

