



AMERICAN
BANKRUPTCY
INSTITUTE

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UT LAW CLE
Continuing Legal Education

VALCON2017

EMERGING VALUATION ISSUES IN BANKRUPTCY AND BEYOND

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FOUR SEASONS LAS VEGAS · LAS VEGAS

Defending Your Expert Report in a *Daubert* Challenge

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Role of Experts in Bankruptcy

- Avoidance of Preferential Transfers
- Avoidance of Constructive Fraudulent Transfers
- Enterprise Value of the Reorganized Debtor
- Valuations of income-producing commercial real estate projects
- Valuations of specific types of personal property
- Substantive consolidation of affiliated corporations or other business entities
- Feasibility of plans of reorganization
- Ordinary vs. extraordinary administrative expenses in operating chapter 11 cases
- Market rates of professional compensation

Role of Experts (cont'd)

- Comparable compensation levels for key employee retention plans
- Estimations of contingent liabilities, including under- funding of pension liabilities
- The sufficiency of funding for post-confirmation claims trusts in mass tort cases
- Damages arising from the rejection of executory contracts and unexpired leases
- Damages arising from breaches of prepetition contracts, including franchise agreements
- Damages from business torts, including intentional interference with third party contractual relationships

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