INTRODUCTION

After The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (P.L. 109-8, 119 Stat. 23) ("BAPCPA" or the "Revised Code") was passed in April 2005, I wondered who would be the unfortunate lawyers who filed the first cases under the Revised Code and would have to deal with all the ambiguity and uncertainty of a new statute that had been broadly criticized for its traps for the unwary, the poor drafting, and the draconian provisions.

On the night of October 17, 2005, I was still in my office as the clock approached midnight, waiting for a report from my colleagues who had been dispatched to file Chapter 11 petitions for a new case. I then realized that in fact, I was one of these "unfortunate lawyers.

Many lawyers had done their best to avoid being in my shoes and as a result, the court's electronic filing system had crashed from the massive numbers of filings the day before. Therefore, we found that we needed to stuff the courthouse’s night deposit boxes with the filing papers.

The opportunity, however, to immediately begin working with the Revised Code turned out to be a very interesting and very fortunate experience. In short order, I had the opportunity to address some of the Revised Code provisions regarding committee dissemination of information, the interpretation of Chapter 15, the appointment of trustees, and various other conditions of the new Code. When the ABA asked me to write a book as follow-up to The New Bankruptcy Code, I concluded it would be an excellent opportunity to share some of that good fortune with other practitioners.

In writing this book, I have been fortunate to have the assistance of a number of outstanding, hardworking lawyers, including Shana A. Elberg and Miriam H. Marton, who headed up the team working with me, and who were assisted by Jamie B. Eichinger, Elizabeth
Fiechter, Raquelle L. Kaye, Eamonn O'Hagan, Teddy Schwarzman, David M. Turetsky, and law student Francis A. Cavanagh, among others.

Finally, without the team efforts of all my partners at Skadden, Arps, Slate, Meagher & Flom LLP, where I have practiced for my entire legal career, and without the constant help of my wonderful assistant, Maria Cipriano and my astute and careful editor, Joani Orr Taylor, this book would not have been possible. We hope it serves as a practical, efficient resource for all of you as you make your way through this new law.

Sally McDonald Henry
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