David L. Bruck is Published in ABA RPTE Section's Probate & Property Magazine on the Rights of Real Estate Borrowers to File for Bankruptcy to Protect Their Assets

Announcement

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David L. Bruck, a partner in the firm's **Litigation Department** and Chair of the **Bankruptcy & Financial Restructuring Practice Group**, has been published in the November/December 2020 issue of *Probate & Property*, a bi-monthly magazine published by the American Bar Association's Real Property, Trust and Estate Law Section (RPTE).

Mr. Bruck's article is titled "Is the Right to File Bankruptcy for Real Estate Borrowers Truly Protected?" and traces the developments that have affected the rights of real estate borrowers to file for bankruptcy to protect their assets. In his introduction, Mr. Bruck explains, "The right to file bankruptcy is protected by federal case law upholding the policy that all parties have a right to avail themselves with the fresh start afforded by the U.S. Bankruptcy Code, and the right cannot be waived ... Yet, in reviewing the evolution of the law during the 1990s through the present date, that right, especially for real estate borrowers, seems to have been diminished as a result of innovative lenders, creative financing documents, and also changes to the Bankruptcy Code that limit real estate borrowers' access to and reliance on the benefits of the Bankruptcy Code."

Mr. Bruck's practice focuses primarily in the areas of bankruptcy, reorganization and insolvency. He represents debtors and other stakeholders in out of court arrangements, restructurings, state court receiverships and Chapter 11 bankruptcy proceedings. He is an approved mediator for the U.S. Bankruptcy Court, District of New Jersey. With a background that includes commercial foreclosures and real estate related transactions, Mr. Bruck brings a broad understanding of the interaction between borrowers, guarantors and lenders to his representation of clients in commercial matters, counseling the firm's clients in partnership and shareholder disputes, and on issues related to financial planning.

The article can be viewed here: Is the Right to File Bankruptcy for Real Estate Borrowers Truly Protected?