

The Ethical Receiver: Balancing the Demands as a Neutral Party

Location

Ritz-Carlton
4375 Admiralty Way, Marina Del Rey, CA 90292

Date & Time

Start Date: 10/22/2021
Start Time: 04:00 pm
End Time: 05:00 pm (CST)

Ira Bodenstein will present on a panel titled "The Ethical Receiver: Balancing the Demands as a Neutral Party" at The National Association of Federal Equity Receivers (NAFER) 2021 Annual Conference. The fiduciary duty of a federal equity receiver is to serve the receivership estate and all of its beneficiaries, including the nominating agency, unsecured creditors, and equity holders. But the interests of the various beneficiaries of the estate often conflict. One of the trickiest obligations a receiver has is to balance these conflicting interests. This is particularly true when the agency which appointed the receiver or an interested party to the proceeding is the party pushing for the receiver to take action.

This panel will explore, discuss, and debate how to address these issues:

- Should the receiver agree to waive the attorney-client privilege? If so, should the waiver be limited in some way?
- Should the receiver agree to a judgment in favor of the agency?
- What about a preliminary injunction?
- What if equity wants the receiver to file a lawsuit, but the unsecured creditors believe it would be a waste of estate resources?
- Or if unsecured creditors want the receiver to use estate resources to increase the value of an asset before selling it, and the agency wants to asset liquidated immediately?

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National Association of Federal Equity Receivers

ATTORNEYS



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