



JAMES E. BAILEY III

Member, Executive Committee

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As a member and former Practice Group Leader of the firm's Finance, Real Estate & Restructuring Group, Jeb works with companies and individuals in business reorganizations, litigation, workouts and bankruptcy proceedings

PRACTICE AREAS AND INDUSTRY TEAMS

- Bankruptcy and Restructuring
- Financial Services Litigation

EXPERIENCE

- *In re Diabetes America, Inc.* (Bankr. S.D. Tex.) Lead counsel to Official Committee of Unsecured Creditors. Successfully negotiated subordination of over \$5 million in claims prior to filing of complaint for avoidance of preferential transfers and breach of fiduciary duty and subordination/recharacterization claims.
- *In re Trailer Source, Inc.*, 555 F.3d 231 (6th Cir. 2009) Counsel to international manufacturer in involuntary Chapter 7 case against distributor. Successfully obtained ruling from Sixth Circuit Court of Appeals on issue of derivative standing for creditor to pursue \$20 million in fraudulent transfer claims on behalf of Chapter 7 estate.
- *In re Meridian Corporation, (a/k/a Medshares, Inc.)* (Bankr. W.D. Tenn.) Counsel for then-3rd largest U.S. home health care provider with over \$500 million in annual revenues, 15,000 employees and \$3.8 Billion in claims filed. Represented 128 related corporate debtors in jointly administered Chapter 11 cases and assisted in successfully orchestrating sale of business to strategic buyer in \$40 million dollar court approved asset sale.

BAR ADMISSIONS

- Tennessee, 1993
- Arkansas, 1994
- Alabama, 1997
- U.S. District Courts
 - Tennessee: Middle and Western Districts

- U.S. Court of Appeals
 - 6th Circuit
 - 8th Circuit
 - 11th Circuit
- U.S. Supreme Court

DISTINCTIONS

- Fellow, American College of Bankruptcy (Class XXVIII)
- Lifetime Achievement Selection, *America's Top 100 Attorneys*®, 2016
- *Martindale-Hubbell*®
 - AV®- Preeminent™ Peer Review Rated
- *Best Lawyers in America*®
 - Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, 2008-2020
 - Lawyer of the Year, Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law (Memphis), 2015, 2019
- *Super Lawyers*®
 - Mid-South Super Lawyers, Bankruptcy: Business, 2008-2018

ASSOCIATIONS

- Tennessee Bar Association
 - Bankruptcy Section
 - Chair, 2005-2006, 2011-2012
 - Executive Committee, 2002-2018
- Arkansas Bar Association
- Alabama State Bar
- United States Bankruptcy Court, Western District of Tennessee
 - Chair, Local Rules and Forms Revision Committee
- Memphis Bar Association
 - Bankruptcy Section
 - Director, 2003-2006
- Mid-South Commercial Law Institute
 - Director, 2006-2011
- Turnaround Management Association (TMA)
- American Bar Association

EDUCATION & HONORS

- University of Memphis, J.D., 1993
- Auburn University, B.A., Political Science, 1990
- Clerkship, Chief U.S. Bankruptcy Judge David S. Kennedy, U.S. Bankruptcy Court, Western District of Tennessee
- Clerkship, Chancellor D.J. Alissandratos, Chancery Court of Tennessee for the 30th Judicial District

PAPERS, PRESENTATIONS AND PUBLICATIONS

- Presenter, "A Primer on Chapter 9 Bankruptcy Issues," 21st Annual Mid-South Conference on Bankruptcy Law, The University of Mississippi Center for Continuing Legal Education, February 6, 2015.
- Co-Author, "The Involuntary Bankruptcy Process: A Study of the Relevant Statutory and Procedural Provisions and Related Matters," 31 *U. Mem. L. Rev.* 1, (2000).
- Co-Author, "Gambling and the Bankruptcy Discharge: A Historical Exegesis and Case Survey," 11 *Bkrptcy Dev. J.* 49, (1995).
- Author, "Legislative Procedure in the Bankruptcy System," 24 *Mem. St. U.L. Rev.* 717, (1994).
- Editorial Assistance, Model Pattern Jury Instructions (1997) (Administrative Office of the United States Courts).
- Editorial Assistance, Case Management Manual for United States Bankruptcy Judges (1995) (Administrative Office of the United States Courts and the Federal Judicial Center).
- Presenter, "Individual Chapter 11 Cases: Desert Sanctuary or Prickly Pear Trap for the Debtor (and Counsel)?" 82nd Annual National Conference of Bankruptcy Judges Annual Meeting, Scottsdale, Arizona, August 2008.
- Presenter, "Frequent Issues in Real Property Transactions", Chicago Title West Tennessee Agency Training Seminar, October 2009.
- Presenter, "TOUSA and Clawback Claims", American Bankruptcy Institute Southeast Bankruptcy Workshop, Amelia Island, Florida, July 2010.
- Presenter, "Bankruptcy for High Net Worth Individuals", Mid-South Financial Planners Association, May 2010.
- Presenter, "Recent Developments in Chapter 11", Mississippi Bankruptcy Conference, December 2010.
- Presenter, "First Day Orders, Asset Sales and Absolute Priority Rule in Chapter 11", Mississippi Bankruptcy Conference, December 2010.
- Presenter, "The Great Debate Resolved: The *Till* Rate of Interest is Applicable in Chapter 11 Cases", University of Mississippi Conference on Bankruptcy Law, February 2011.
- Presenter, "Fraudulent Transfers and Preferences", American Bankruptcy Institute Memphis Consumer Bankruptcy Conference, May 2011.

- Presenter, “Issues to Avoid in Selling Assets in Bankruptcy – Due Diligence, Attacks on Sale Orders and the *Barton* Doctrine”, United States Trustee Chapter 7 Trustee Training Seminar, August 2011.
- Presenter, “Bankruptcy for Non-Bankruptcy Lawyers”, Federal Bar Association (W.D. Tenn.) Annual Federal Practice Seminar, October 2011.
- Presenter, “Court Approvals in Bankruptcy – Permission v. Pardon”, Memphis Bar Association Annual Bankruptcy Seminar, October 2011.