Publications:

Books

(Author)


COMPARATIVE CONSUMER BANKRUPTCY (Durham: Carolina Academic Press 2007)


(Editor)

RANKING AND PRIORITY OF CREDITORS (Dennis Faber, Niels Vermunt, Jason Kilborn, Ignacio Tirado & Tomáš Richter, eds., Oxford: Oxford University Press 2016) [Oxford International and Comparative Insolvency Law series, vol. 3]

TREATMENT OF CONTRACTS IN INSOLVENCY (Dennis Faber, Niels Vermunt, Jason Kilborn & Kathleen van der Linde, eds., Oxford: Oxford University Press 2013) [Oxford International and Comparative Insolvency Law series, vol. 2]


THE CHALLENGES OF INSOLVENCY LAW REFORM IN THE 21ST CENTURY – FACILITATING INVESTMENT AND RECOVERY TO ENHANCE ECONOMIC GROWTH (Henry Peter, Nicolas Jeandin & Jason Kilborn, eds., Zurich: Schulthess Verlag, 2006)

Articles & Book Chapters

Determinants of Failure ... and Success in Personal Debt Mediation, 2017 TRANSNAT’L DISP. MGMT. ___ (forthcoming Winter 2017), transnational-dispute-management.com [peer reviewed]


A venture investor’s guide to the advantages and dangers of ABCs versus bankruptcy, CAYMAN FIN. REV. 40-41 (forthcoming issue 47, 2nd Quarter 2017)

Make-whole premiums and “cram-up”: A glass half full?, CAYMAN FIN. REV. 40-41 (issue 46, 1st Quarter 2017)

USA: Schuldenfrei nach maximal fünf Jahren, DAS BUDGET, No. 78, Dec. 2016, at 19 (Gabriele Horak-Böck, ASB Schuldnerberatungen GmbH, trans.)

Submerged dangers in the safe harbor for securities settlement payments, CAYMAN FIN. REV. 38-39 (issue 45, 4th Quarter 2016)

A Deposit Account Is Not a Box of Money, THE TRANSACTIONAL LAWYER, Aug. 2016, at 1-3

Phantom partnerships expose private equity funds to unlimited pension liabilities of insolvent portfolio companies, CAYMAN FIN. REV. 34-35 (issue 44, 3rd Quarter 2016)

Started from the bottom now we’re here: Much ado about structured dismissals, CAYMAN FIN. REV. 68 (issue 43, 2d Quarter 2016)

If a Fraudulent Scheme Occurs in a Forest, and No One Hears It, Is It Still Fraud? The Meaning of “Actual Fraud” in the Bankruptcy Code’s Exception to Discharge, 43 PREVIEW OF U.S. SUPREME COURT CASES 161-64 (2016)

Delaware’s double standard for defending IP rights and devaluing debtors, CAYMAN FIN. REV. 77 (issue 42, 1st Quarter 2016)

Appreciating the remaining risks of bankruptcy strip-off of home mortgages, CAYMAN FIN. REV. 80 (issue 41, 4th Quarter 2015)

Dueling venues and the (almost) futility of involuntary bankruptcy, CAYMAN FIN. REV. 62-63 (issue 40, 3rd Quarter 2015)


Reform, counter-reform, and transatlantic rapprochement in the law of personal insolvency, 3 NOTTINGHAM INSOLVENCY & BUSINESS LAW E-JOURNAL 12 (2015)

Delaware decisively ousts New York as friendliest US cross-border insolvency venue, CAYMAN FIN. REV. 70-71 (issue 39, 2nd Quarter 2015)
Extraterritorial limits of the long arm of US bankruptcy law, CAYMAN FIN. REV. 76-77 (issue 37, 4th Quarter 2014)

Like Diamonds, Affidavits of Support Are (Almost) Forever, VOICE: AN IMMIGRATION DIALOGUE 6-7 (issue 5.6, Sept. 2014) (with Cheryl Kilborn)

Shifting sources of law on recharacterizing debt as equity, CAYMAN FIN. REV. 88-89 (issue 36, 3rd Quarter 2014)


New evidence of hedge funds’ positive impact on Chapter 11 reorganization, CAYMAN FIN. REV. 61 (issue 35, 2nd Quarter 2014)

Limitations on the Authority of Bankruptcy Courts: Waiver by Implied Party Consent and Recommendations in Lieu of Final Orders, 41 PREVIEW OF U.S. SUPREME COURT CASES 156-60 (2014)

Commercial debt buyers, latent defects and aggravated insolvency risk, CAYMAN FIN. REV. 74-75 (issue 34, 1st Quarter 2014)

Assessing bond risks in municipal bankruptcy: Detroit and beyond, CAYMAN FIN. REV. 80-81 (issue 33, 4th Quarter 2013)

Timing is everything: Cross-border recognition and Bear Stearns reprised, CAYMAN FIN. REV. 59 (issue 32, 3rd Quarter 2013)

Distressed LBOs and fraudulent conveyances: From bad to worse?, CAYMAN FIN. REV. 78-79 (issue 31, 2nd Quarter 2013)

Vitro: A roadmap for resisting third-party releases in cross-border insolvency cases, CAYMAN FIN. REV. 60-61 (issue 30, 1st Quarter 2013)


Increasing volatility at the intersection of intellectual property and restructuring law, CAYMAN FIN. REV. 72 (issue 29, 4th Quarter 2012)

Leveraging confusion over power allocation in the US bankruptcy system, CAYMAN FIN. REV. 74-75 (issue 28, 3rd Quarter 2012)

Easing pension and healthcare burdens in Chapter 11, CAYMAN FIN. REV. 60-61 (issue 27, 2nd Quarter 2012)

Perversion of securities safe harbors for Ponzi schemes in bankruptcy, CAYMAN FIN. REV. 88-89 (issue 26, 1st Quarter 2012)

Heads I win, tails you lose: Discovery disputes in Euro-US cross-border bankruptcy, CAYMAN FIN. REV. 88-89 (issue 25, 4th Qtr 2011)

Pitfalls and promises of pre-pack restructuring in Mexico, Brazil, UK, and US, CAYMAN FIN. REV. 78-79 (issue 24, 3rd Quarter 2011)

Bankruptcy and Islam: An explicit tradition of compassion and forgiveness, CAYMAN FIN. REV. 34-35 (issue 23, 2nd Quarter 2011)

The alternative to bankruptcy is not payment, but uncertainty and chaos, CAYMAN FIN. REV. 54-55 (issue 22, 1st Quarter 2011)

Sui generis maximus: power over UK persons for “special” U.S. bankruptcy claims, CAYMAN FIN. REV. 86-87 (issue 21, 4th Quarter 2010)

Cayman hedge fund liquidators welcome in Delaware, if not New York, CAYMAN FIN. REV. 74-75 (issue 20, 3rd Quarter 2010)

Cayman hedge fund liquidators not welcome in U.S.?, CAYMAN FIN. REV. 56-57 (issue 17, 4th Quarter 2009)


Electronic

Special Projects:
World Bank Short-Term Consultant, Micro, Small, and Medium Enterprise Insolvency (May 2017 – present)
World Bank Short-Term Consultant, Personal Insolvency Expert, South Africa Financial Sector Development and Reform Program (Oct. 2014 – April 2016)
Member, World Bank Insolvency and Creditor/Debtor Regimes Task Force (Jan. 2011 - present)
Advise Legal Affairs Committee, Parliament of Estonia, on debt relief law reform (Aug. 2010)
Advise Hungarian Ministry of Justice on development of individual debt relief law (2008 - 2010)

Appointments: University of Michigan Law School, Ann Arbor, MI
Visiting Professor of Law, Fall 2017 (Bankruptcy)

The John Marshall Law School, Chicago, IL
Professor of Law, Aug. 2010 to present
- Civil Procedure, Corporations, Bankruptcy, Secured Transactions, Payment Systems
- Radboud University Nijmegen, Nijmegen, The Netherlands
  Van der Grinten Chair in International and Comparative Insolvency Law (Sept. 2010 – present)
  working with Onderzoekcentrum Onderneming & Recht [Business & Law Research Center]
- Bar/Bri Bar Review program
  Louisiana - Civil Law Security Rights, UCC Article 9, Negotiable Instruments (2001-2016)
- Southeastern Bankruptcy Law Institute Distinguished Visiting Professor, Atlanta, GA
  Georgia State Univ. College of Law (calendar year 2012)
- American Bankruptcy Institute, Alexandria, VA
  Robert M. Zinman Scholar in Residence, fall semester 2011

University of North Dakota School of Law, Grand Forks, ND
Visiting Ass’t Professor of Law, 2006-07 (Bus. Assoc. I & II, Conflict of Laws, Comparative Law)

Chapman University School of Law, Orange, CA
Visiting Ass’t Professor of Law, Spring 2006 (Secured Transactions and Commercial Paper)

University of Texas at Austin, School of Law, Austin, TX
Visiting Ass’t Professor of Law, Spring 2005 (Secured Credit)

Louisiana State University, Paul M. Hebert Law Center, Baton Rouge, LA
Assistant Professor of Law (August 2000 – June 2006)
**Wilmer, Cutler & Pickering**, Washington, DC
Associate (June 1999 – July 2000)

**Cleary, Gottlieb, Steen & Hamilton**, New York, NY, and Washington, DC
Associate (September 1998 - June 1999)

**Clerkship:** Hon. Walter K. Stapleton, U.S. Ct. Appeals, 3d Circuit, Wilmington, DE (June 1997 - June 1998)

**Education:**
- **University of Michigan Law School**, Ann Arbor, MI
  - J.D. *magna cum laude*, Order of the Coif, December 1996
  - Note Editor, Michigan Law Review
- **Moscow State University**, Moscow, Russia, Summer 1995 Touro Law Center Russian law program
- **University of Northern Iowa**, Cedar Falls, IA
  - B.A. *summa cum laude*, double major in French and Russian, May 1994
  - Presidential Scholar
- **Russian State Pedagogical University named for A. I. Herzen**, St. Petersburg, Russia
  - Summer 1992, spring 1993 study abroad; summer 1993 thesis research, Kuibyshev Regional Court
- **Centre International des Etudes Françaises**, Angers, France
  - Independent study summer abroad, 1990

**Presentations:**
- Chicago Bar Association, Bankruptcy & Reorganization Committee seminar, “Comparative Foreign Bankruptcies: A discussion about personal bankruptcies in other countries and appointment of bankruptcy trustee in China,” Chicago, IL, presenter (Apr. 20, 2016)
- JMLS Faculty Works-In-Progress Roundtable, Chicago, IL, “Reflections of the World Bank’s Report on the Treatment of the Insolvency of Natural Persons in the Newest Consumer Bankruptcy Laws: Colombia, Italy, Ireland” (Apr. 17, 2014)
- Valparaiso Univ. Law School, Regional Faculty Workshop, Chicago, IL, presenter/commentator for Asst. Prof. Kara Bruce paper, “The Debtor Class” (Feb. 22, 2013)
- **American Bankruptcy Institute Podcast Interview** on World Bank natural person insolvency project (Jan. 8, 2013)
- **Comparative Law course**, Chicago-Kent College of Law, Chicago, IL, guest lecture, “Introduction to Islamic Finance” (Nov. 29, 2012)
- **Southeastern Bankruptcy Law Institute Luncheon**, Atlanta, GA, presentation, “For Better or For Worse: US Influence on Developing Global Consumer Bankruptcy Policy” (Oct. 16, 2012)
- **Chicago-Kent College of Law**, Chicago, IL, paper presentation, “Foundations of Forgiveness in Islamic Bankruptcy Law: Sources, Methodology, Diversity” (Sept. 11, 2012)
JMLS Faculty Works-In-Progress Roundtable, Chicago, IL, “Involuntary Bankruptcy As Debt Collection: Multi-Jurisdictional Lessons In Choosing the Right Tool for the Job” (Sept. 4, 2012)

INSOL International Annual Regional Conference, Miami, FL, panel chair and presenter, “Reform and re-evaluation of consumer bankruptcy for the new economy,” (May 21, 2012)

INSOL International Academics Group, Miami Colloquium, Miami, FL, paper presentation (with Adrian Walters), “Involuntary Bankruptcy as Debt Collection: Some Thoughts on an Anglo-American Puzzle” (May 19, 2012)


Media coverage:
• **Today with Pat Kenny**, RTE [Irish National Public Broadcasting], Fri., Apr. 20, 2012
• **Debt Bill will fail over bank veto, says US expert**, IRISH TIMES, Fri., April 20, 2012
• **Minister left to ponder ‘Kilborn ultimatum’ on debt**, IRISH EXAMINER, Fri., April 20, 2012
• **Expert warns insolvency proposals will not be enough**, SUNDAY BUSINESS POST, April 22, 2012
• **Bankruptcy expert calls for legislation on debt forgiveness**, IRISH TIMES, Mon., April 23, 2012
• **Statement by Minister Joan Burton in the Seanad (Irish Senate)**, 30 Apr. 2012
• **Professor delivers ‘Kilborn ultimatum’**, CHICAGO DAILY LAW BULLETIN, Weds., May 2, 2012

Southeastern Bankruptcy Law Institute Luncheon, Georgia State Univ. College of Law, Atlanta, GA, faculty presentation, Intro to Islamic Law and Bankruptcy (Apr. 5, 2012)

DePaul Bus. & Commercial L. J. Symposium: Recent Developments in UCC Article 9, Chicago, IL, panelist, Perfecting and Maintaining Perfection in Article 9 Security Interests Under the 2010 Amendments: New Sections 9-503 and 9-316 (Feb. 17, 2012); transcript published at 10 DEPAUL BUS. & COMM. L.J. 461 (2012)

Michigan State Univ. College of Law, Lansing, MI, paper presentation, Intro to Islamic Law and Bankruptcy (Feb. 1, 2012)

23rd Annual ABI Winter Leadership Conference, La Quinta, CA, panel moderator, consumer fraud (Dec. 2, 2011)

World Bank Working Group on the Treatment of the Insolvency of Natural Persons, meeting on Draft Report on the Treatment of Insolvency of Natural Persons, conference organizer and chair of drafting committee (Nov. 17-18, 2011)

World Bank Law, Justice and Development Week 2011, Washington, DC, organizer and speaker for morning sessions on Regulation of the Insolvency of Natural Persons, Nov. 17, 2011

ABI 7th Annual Detroit Consumer Bankruptcy Conference, Detroit, MI, keynote presentation, “The Worldwide Reach of U.S. Consumer Bankruptcy Law” (Nov. 11, 2011)

JMLS Faculty Works-In-Progress Scholarship Roundtable, Chicago, IL, Paper: Foundations of Forgiveness in Islamic Bankruptcy Law: Sources, Methodology, Diversity (Sept. 26, 2011)

INSOL Europe Eastern European Countries Committee Conf., Tallinn, Estonia, presentation, “Insolvency in the Virtual World Influencing the Real World and Society” (May 28, 2011)

Radboud Universiteit Nijmegen, Nijmegen, the Netherlands, special guest class on comparative consumer bankruptcy (Apr. 21, 2011)

Univ. of Alabama-DePaul University School of Law class, “Offshore Financial Centers: Cayman Islands,” invited lecture on cross-border bankruptcy and U.S. cooperation with Cayman hedge fund insolvency administration (Mar. 12, 2011)

Radboud University Nijmegen, Nijmegen, the Netherlands, Inaugural Lecture upon assumption of the Van der Grinten Chair in International and Comparative Insolvency Law, “Expert Recommendations and the Evolution of European Best Practices for the Treatment of Overindebtedness, 1984-2010” (Nov. 22, 2010)


Illinois Institute of Technology, Chicago, IL, invited guest lecture in class History of Middle East, Part I, “Introduction to Shari’a and Islamic Finance,” (Nov. 17, 2010)


Thomas Jefferson School of Law online LL.M. course, “International and Comparative Bankruptcy,” invited guest lecture, overview of world business bankruptcy laws and consumer insolvency emergence and development in Europe/U.S. (June 27, 2010)

JMLS Center for Int’l Law CLE lecture, Chicago, IL: Unraveling Misperceptions and Building Understanding: A Basic Introduction to Islamic Law and Islamic Finance (April 14, 2010)

Univ. of Illinois-DePaul University School of Law class, “Offshore Financial Centers: Cayman Islands,” invited lecture on cross-border bankruptcy and U.S. cooperation with Cayman hedge fund insolvency administration (Mar. 13, 2010)


INSOL International 8th World Congress, Vancouver, Canada, Panel: How Poor Are You? Means Testing for Insolvent Individuals (June 24, 2009)


JMLS Faculty Works-In-Progress Scholarship Roundtable, Chicago, IL, Paper: Territorial and Universal Perspectives on Value Sharing in International Insolvency Cases (Sept. 18, 2008)

University of Houston Center for Consumer Law Conference, Teaching Consumer Law, Houston, TX, Presentation: Bankruptcy Update (May 23, 2008)


JMLS Faculty Works-In-Progress Scholarship Roundtable, Chicago, IL, Paper: Comparative Cause and Effect: Consumer Insolvency and the Eroding Social Safety Net (Jan. 31, 2008)


AALS Section on Creditors’ and Debtors’ Rights Meeting, Orlando, FL, Panel Presentation: Learning and Teaching International and Comparative Insolvency Law (Oct. 13, 2007)

Third Annual Consumer Bankruptcy Practice Seminar, Galveston, TX, Presentation: Chapter 13: What Works and What Doesn’t—What do the Numbers Show (June 28, 2007)


Law & Society Association Annual Meeting, Baltimore, MD, Roundtable Participant: Comparative Perspectives on Prevention and Treatment of Overindebtedness (July 9, 2006)


University of Houston Center for Consumer Law Conf., Teaching Consumer Law, Houston, TX, Panel: Classroom Benefits of a Comparative Perspective on Consumer Bankruptcy (May 19, 2006)


Working paper presentation, University of San Diego School of Law: Consumer Bankruptcy Reform in the U.S. and the Netherlands (Sept. 16, 2005)


Cegla Center Conference “Personal Bankruptcy in the 21st Century: Emerging Trends and New Challenges,” Tel-Aviv University, Tel-Aviv, Israel, Paper: Behavioral Economics and Comparative Consumer Bankruptcy (June 5-8, 2005)

Presentation by teleconference to graduate-level course, Univ. de los Andes, Bogotá, Colombia: Developments in consumer bankruptcy in Europe, U.S., and South America (May 20, 2005)

Presentation to litigation group, McGlinchey Stafford PLLC, Baton Rouge, LA: Bankruptcy Reform Act issues of interest to litigators (May 13, 2005)

International Association of Consumer Law Annual Conference, Lima, Peru, Paper: Consumer Bankruptcy in Belgium and Luxembourg (May 6, 2005)

Joint University of Texas-Harvard University Conference “Commercial Law Realities,” Austin, TX, Paper: Consumer Bankruptcy in Belgium and Luxembourg (April 8, 2005)


Presentation to the Baton Rouge Bankruptcy Bar Association: “Means Testing” and other current bankruptcy reform developments (April 1, 2003)

Professional Associations: International Insolvency Institute (elected member, http://www.iiiglobal.org/user/488)

INSOL International

American Bankruptcy Institute

Ass’n of American Law Schools, Section on Creditors’ and Debtors’ Rights
Chair 2009 (coordinated junior scholars call-for-papers panel at annual meeting, 8 Jan. 2010)
Chair Elect 2008; Secretary/Treasurer 2006-07; Treasurer 2005

Louisiana State Law Institute, UCC Committee, member, 2001-2007

Admitted in New York (retired), District of Columbia (inactive), U.S. Court of Appeals 3rd Cir., U.S. District Courts for Southern and Eastern Districts of New York and District of Maryland
Languages:  
Native: English  
Fluent: Russian, French  
Basic Speaking, Listening, and Reading: Arabic (MSA and North Levantine dialect)  
Reading Knowledge: German, Dutch, Swedish, Norwegian, Danish, Spanish, Italian  
Rudimentary: Portuguese, Latin, Czech, Japanese, Mandarin Chinese