



Debtor-in-Possession Financing: Funding a Chapter 11 Case

Jr. Henry P. Baer, Ingrid Bagby, Eric Carlson, Richard J. Corbi, Scott Farnsworth, Henry Kevane, Steve Krause, Matthew Kriegel, John W. Lucas, Michele Maman

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The Bankruptcy Code provides a variety of mechanisms designed to facilitate a chapter 11 debtor's access to new credit to fund its reorganization or sale efforts. DIP financing, or credit extended to a chapter 11 debtor, offers unique benefits-and challenges-for those that take on the risk of providing secured credit to troubled businesses. Debtor-in-Possession Financing: Funding a Chapter 11 Case details the real-world application of this part of the Code, particularly § 364, and explains common lending practices, including the critical financial analyses that lenders should complete before entering into a DIP agreement. Concluding with a detailed analysis of a "Model DIP Financing Order," this manual provides practitioners, lenders and debtors with an understanding of the history behind DIP financing and a practical explanation of its often-complex mechanics.

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