

# **Creditors' guide to make-whole enforceability in bankruptcy**

June 16, 2022 | [Client Update](#)

Few topics generate as much attention and commentary within the restructuring community as the treatment of make-wholes in bankruptcy. During the past decade, several prominent judicial decisions revealed marked differences in the ways that courts interpret contractual and Bankruptcy Code provisions related to make-wholes. This comprehensive guide is intended to be a user-friendly resource that provides an overview of the current state of the law on make-wholes in bankruptcy.

*If you have any questions regarding the matters covered in this publication, please reach out to any of the lawyers listed below or your usual Davis Polk contact.*

**Donald S. Bernstein**

+1 212 450 4092

donald.bernstein@davispolk.com

**Timothy Graulich**

+1 212 450 4639

timothy.graulich@davispolk.com

**Marshall S. Huebner**

+1 212 450 4099

marshall.huebner@davispolk.com

**Darren S. Klein**

+1 212 450 4725

darren.klein@davispolk.com

**Angela M. Libby**

+1 212 450 4433

angela.libby@davispolk.com

**Brian M. Resnick**

+1 212 450 4213

brian.resnick@davispolk.com

**Damian S. Schaible**

+1 212 450 4580

damian.schaible@davispolk.com

**Adam L. Shpeen**

+1 212 450 4169

adam.shpeen@davispolk.com

**Natasha Tsiouris**

+1 212 450 4361

natasha.tsiouris@davispolk.com

**Eli J. Vonnegut**

+1 212 450 4331

eli.vonnegut@davispolk.com

**James M. Millerman**

+1 212 450 4912

james.millerman@davispolk.com

**Eric Hwang**

+1 212 450 4759

eric.hwang@davispolk.com

---

*This communication, which we believe may be of interest to our clients and friends of the firm, is for general information only. It is not a full analysis of the matters presented and should not be relied upon as legal advice. This may be considered attorney advertising in some jurisdictions. Please refer to the firm's [privacy notice](#) for further details.*