

PUBLICATIONS

Inconvenient Bankruptcy Appeals

Harvard Law School Bankruptcy Roundtable

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Schulte Roth and Zabel of counsel Michael L. Cook's article titled "Inconvenient Bankruptcy Appeals" was recently published on the *Harvard Law School Bankruptcy Roundtable*. In this piece, Michael explores how some district courts and bankruptcy appellate panels ("BAPs") abuse their discretion when declining to review nonfinal bankruptcy court orders.

Too many district courts and BAPs have been refusing to review non-final (i.e., interlocutory) bankruptcy court orders for questionable reasons, according to this article by an experienced business bankruptcy litigator. These courts, though, have the requisite jurisdiction under 28 U.S.C. §158(a)(3) and (b) ("...jurisdiction ... with leave of the court, from interlocutory orders ..."). Some courts for example, claim to lack discretion to review "certain interlocutory orders." They have devised a test for their discretion that effectively makes their review a matter of their own convenience.

[Read the article.](#)

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