

CRA

CRA Quarterly

S...U...C...C...E...S...S... that's the way we spell SUCCESS!

What incredible growth the Commercial Receivers Association has seen in its first 20 months- as evidenced by the conference that showcased how the CRA continues to fulfill its key tenants of education, networking and resources. The following are some highlights:

- Membership
 - Reached 55 members in first year
 - Reached 100 members by mid-June this year
 - Reached 155 members prior to end of September
- Hosted first in-person conference
 - 106 registrants
 - 35 speakers
 - Three keynotes
- Growth in awareness
 - Over 2,000 subscribers to the digital newsletter
 - 215+ followers on LinkedIn
- New Opportunities for Members
 - Meet Our Members (interviews at the conference)
 - Launch of the Banker's Education Series - including a partnership with the Washington Bankers Association where CRA spoke at their Credit & Lending Conference

None of this would be possible without the members. You make the association valuable by providing your presence, your experience, and your engagement. This week across the CRA's social channels the Association focus is on you, our members, and why the CRA cares about you all being a part the impactful growth. Enjoy all the posts and don't forget to subscribe to our social channels: [CRA LinkedIn](#)

The CRA is proud of what has been accomplished so far, but knows there is an opportunity for more. More education... More networking... More resources. The CRA needs your help. The Association needs to hear from you on who else would be interested in becoming a member, what panels you would like to hear about or be a part of, new partnerships and any other ways the CRA experience can be made better. Send a note today at info@commercialreceiver.org and share your thoughts.

Upcoming Events



Opportunities

The CRA offers countless opportunities for exposure - with more being added every day. Please find the following opportunities. In addition an up to date list may be found here: [Speaking/Publishing Opportunities](#)

- Publishing
 - DailyDAC - Through the CRA's partnership with DailyDAC, members have an opportunity to be published and highlighted on one of the premier insolvency websites.
 - CRA Website - The CRA website ensures you hit the right target audience.
- Speaking
 - Banker's Education Series - Over the coming months, the CRA will be reaching out to the ABA (American Banker's Association), as well as all the State Bankers Associations where the CRA has members, to establish regular educational content.
 - [CRA Conference](#) - The CRA has an open call for proposals that closes on 10/31.
- Webinars/Recorded Sessions
 - [Receivership 101](#) - While this was launched earlier this year, the CRA still has several opportunities to be a part of this educational series.
 - [Upcoming Webinars](#) - The CRA is in stages for 2024 and welcomes your ideas.
- Leadership
 - State Directors - We currently have state directors in 12 states, but have opportunities open in the remaining 38. Contact the CRA today if you have an interest in taking more of a leadership role as a State Director.
 - Committees - In the coming months/years the CRA will be adding committees designed to help in areas like conference planning, judges education, bankers education, and more. If you have an interest in any of these, please contact the CRA. Stay tuned for additional announcements.
- Highlight Credentials
 - Highlight who you are in the [State Court Receiver Directory](#) exclusively available to CRA members.
 - Please fill out and share up to date information at [Directory Information](#)

2024 CRA Annual Conference



The CRA conference is always the biggest event of the year and the 2023 conference was one for the books. Don't miss 2024 and the chance at sponsorship opportunities that put your brand in front of the right people.

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What an Incredible Conference



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Alternatives to Bankruptcy for Cannabis Companies

BY: YUEFAN WANG & BRENT SALMONS | [HUSCH BLACKWELL](#)

The problems facing the cannabis industry arising from its ongoing status as a federally illegal enterprise are numerous and well documented: 280E tax burdens, limited access to banking, exclusion from capital markets, uneven access to federal intellectual property right protections, and the inability to access the stream of interstate commerce. The recent woes faced by cannabis companies operating in mature markets reveal another key legal hurdle for cannabis companies, their investors, and their creditors: the inability to access federal bankruptcy protection. However, cannabis companies may have access to a number of contractual and state law remedies to deal with insolvency and other financial woes.

Background

Bankruptcy laws in the United States are unique in the world; nowhere else is access to bankruptcy so available, or forgiving, for ordinary citizens and companies alike, allowing debtors a fresh start by either liquidating their assets or reorganizing their debt. Commentators have observed that such favorable bankruptcy laws encourage entrepreneurship and have been at least partially responsible for American innovation. Indeed, the ability of Congress to enact bankruptcy laws is enshrined in the United States Constitution. Like almost all laws in the U.S. at the time, bankruptcy was originally the domain of the various states; it was not until the late 18th century that Congress saw the importance of a uniform set of protections for debtors and passed the first federal bankruptcy law in 1800; since then, bankruptcy has been exclusively the purview of federal law, with current bankruptcy law governed by the United States Bankruptcy Code.

This exclusivity, however, poses a problem for state-regulated cannabis businesses: because cannabis is federally illegal, in the eyes of the United States Trustee Program, a division of the United States Department of Justice responsible for overseeing the administration of bankruptcy proceedings, the reorganization of any cannabis business amounts to “supervis[ing] an ongoing criminal enterprise regardless of its status under state law”. Therefore, since there is no such thing as state law bankruptcy, even cannabis companies operating in full compliance with state laws do not have access to any bankruptcy protections.^[1]

All financing transactions, whether debt or equity, occur in the shadow of bankruptcy. The basic distinction between debt and equity is predicated on the favorable treatment of holders of the former compared to holders of the latter (and, within debt, the favorable treatment of secured debt over unsecured debt), and this is true, especially in bankruptcy. Even beyond distribution priorities, the Bankruptcy Code’s provisions on automatic stays, avoiding powers, and discharge fundamentally shape the relationship between debtors and creditors: a bankruptcy judge has the power to impose the Bankruptcy Code on the relationship between a debtor and its creditors, no matter their previous contractual relationships. Just as the possibility of litigation is a Sword of Damocles hanging over any legal disputes, the prospect of a bankruptcy filing affects any negotiations between a debtor and its creditors ab initio. Therefore, when financial problems arise and a cannabis company must begin the difficult task of approaching its lenders for relief, it does so without an effective incentive for creditors to come to the table available to other companies in otherwise similar situations.

Alternatives to Bankruptcy

Just as disputants often prefer the contractual certainty of a settlement agreement to the capriciousness of a jury, debtors and creditors may choose extra-judicial solutions for insolvency. The downward trend in bankruptcies over the last few decades may partially be the product of such out-of-court arrangements, and debtors and creditors are increasingly comfortable with them as an alternative to voluntary or involuntary bankruptcy filing. While the effectiveness of these solutions is, in industries other than cannabis, ultimately evaluated with bankruptcy in mind, these solutions may also be preferable for a creditor of a cannabis company that is defaulting on its obligations. [Continue Reading](#)

This article is part of a series, links below will take you to each part of the ongoing series:

[Part I](#) | [Part II](#) | [Part III](#)

Welcome New Members

Name	Title	Company	Location
Ben Struby	Partner	Lathrop GPM	Kansas City, MO
Stephen Dexter	Counsel	Lathrop GPM	Denver, CO
Jaime Angarita	Founder	ALTA Collaborative	Miami, FL
Matthew Brash	Sr. Managing Director	Newpoint Advisors	Chicago, IL
Jim Stark	CTO	Regency Hotel Management	Sioux Falls, SD
Claudia Springer	Principal	Novo Advisors	Philadelphia, PA
Alex Porter	Associate	Lathrop GPM	Chicago, IL
Gary Seitz	Partner	Gellert Scali Busenkell & Brown	Philadelphia, PA
Camber Jones	Associate	Spencer Fane	Springfield, MO
Kevin Hamernik	Partner	Forvis	Indianapolis, IN
John Mitchell	Principal & Founder	Resolute	Scottsdale, AZ
Tom Goldblatt	Founder	Ravinia Capital	Chicago, IL
Blake Hauk	Managing Director	Finley Group	Knoxville, TN
Paul Dubuque	Managing Director	Harney Partners	Chicago, IL
Liz Fried	Consultant	RubinBrown	Denver, CO
David Payne	Firm Managing Director	D.R. Payne & Associates	Oklahoma City, OK
David Elkins	President	NBS Real Estate Consulting	Lake Oswego, OR
Michael Johnson	Shareholder	Ray Quinney & Nebeker	Salt Lake City, UT
David Leigh	Shareholder	Ray Quinney & Nebeker	Salt Lake City, UT
Gavin Gaukroger	Partner	Berger Singerman	Fort Lauderdale, FL
Paul Singerman	Partner	Berger Singerman	Miami, FL
Jeff Brandlin	President & Founder	Brandlin & Associates	Los Angeles, CA
Ryan Cochran	Member	Epstein Becker Green	Nashville, TN
Steven Victor	Sr Managing Director	Development Specialists, Inc.	Chicago, IL
Kendria Lewis	Associate	Epstein Becker Green	Nashville, TN

Welcome New Members

Dan Flanigan	Shareholder	Polsinelli	New York, NY
Geoff Groshong	Founder	Groshong Law	Seattle, WA
Gregory Yurovsky	President	HyperAMS	Buffalo Grove, IL
Faith Cockrum	Owner	BCL Auction	St. Louis, MO
Brent Adams	Project Manager	BCL Auction	St. Louis, MO
Ryan Barnes		BCL Auction	St. Louis, MO
RJ Regan		BCL Auction	St. Louis, MO
T. Hunter Brown	Associate	Lewis Rice	St. Louis, MO
Jacqueline Graves	Member	Lewis Rice	St. Louis, MO
Ryan Hayes	Senior Consultant	Rally Capital Advisors	Chicago, IL
Jeff Samuels	Senior Consultant	Rally Capital Advisors	Chicago, IL
Howard Samuels	Founding Member	Rally Capital Advisors	Chicago, IL
Daniel Lee	Managing Member	Rally Capital Advisors	Chicago, IL
Andy Cameron	Managing Director	Rally Capital Advisors	Chicago, IL
Michael Brandess	Partner	Husch Blackwell	Chicago, IL
Linda Emmenegger	President	Midas Hospitality	St. Louis, MO
Carrie Van Nest	Director of Business Development	Midas Hospitality	St. Louis, MO
Paul Swanson	Partner	Steinhilber Swantson	Oshkosh, WI
Steve Mitnick	Founder	S. Mitnick Law	Oldwick, NJ
Amalia Sax-Bolder	Shareholder	Brownstein	Denver, CO
Robert Bayer	Director of CREST	KW Commercial	Apple Valley, MN
Gary Schwartz	Managing Partner	Betzer Call Lausten Schwartz	Denver, CO

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