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GLOBAL COMPETITION AND PUBLIC POLICY
IN AN ERA OF TECHNOLOGICAL INTEGRATION

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In this Note, Mr. Carson examines the scope and application of Bankruptcy Code section 550. A controversial split exists among bankruptcy courts regarding the extent to which recovery of avoidable transfers can be pursued in light of the requirement that recovery must be “for the benefit of the estate.” This Note concludes that courts adopting a narrow interpretation of the requirements imposed by section 550 fail to recognize the importance of the debtor’s ability to maximize the success of its reorganization. While an extremely broad construction of the Code’s recovery provision is overreaching and impractical, a “honest liberal” approach is required to equip debtors with the necessary tools to attain a successful reorganization.