



Janet Smith Holbrook

Partner
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Janet represents regional and national banks and financial institutions, and creditors in a variety of industries. Her experience spans virtually every facet of bankruptcy and debtor/creditor law, including: adversary proceedings, valuation disputes, receivership, foreclosure, attachment, workouts, collections, relief from the automatic stay and assignments for the benefit of creditors. Janet's creative thinking process and unique way of looking at problems give her an advantage when negotiating on behalf of her clients. Often, she is able to uncover clever solutions to ensure her clients receive the best outcome for their specific needs.

Formerly the director of banking for the Kentucky Department of Financial Institutions, Janet has significant experience representing banks and financial institutions in all areas of banking law including regulatory compliance and drafting complicated loan documents.

For many years, she has been named to the *Best Lawyers* in the areas of bankruptcy litigation and bankruptcy/creditor rights/insolvency and reorganization. Janet is also a Chapter 7 panel trustee for the Bankruptcy Court for the Southern District of West Virginia and a member of the National Association of Bankruptcy Trustees. As a panel trustee, she has handled over 20,000 bankruptcy matters involving an array of issues. She practices in West Virginia and Kentucky.

Services

- Corporate & Transactional
- Bankruptcy & Restructuring
- Banking & Financial Services

Education

- University of Kentucky College of Law (J.D., 1984)
- University of Kentucky (B.B.A., 1981)

Bar Admissions

- Kentucky

- West Virginia

Court Admissions

- U.S. District Court for the Southern District of West Virginia
- U.S. District Court for the Northern District of West Virginia
- U.S. District Court for the Eastern District of Kentucky
- U.S. District Court for the Western District of Kentucky

Affiliations/Memberships

- International Women's Insolvency and Restructuring Federation
- National Association of Bankruptcy Trustees
- American Bankruptcy Institute
- Huntington Regional Chamber of Commerce, Women to Women Working Professional's Group
- Ashland, KY Cycling Enthusiasts, Inc.
- INSOL International
- Energy and Mineral Law Foundation

Distinctions

- *Best Lawyers*®
 - "Lawyer of the Year" in Charleston for Litigation - Bankruptcy (2018, 2021)
 - Bankruptcy & Creditor Debtor Rights/Insolvency & Reorganization Law, Litigation - Bankruptcy (2021-2022, 2024)
 - Litigation - Bankruptcy (2023-2024)
 - Commercial Transaction/UCC Law (2024)
- Peer Review Rated AV in *Martindale-Hubbell*

Experience

Client is paid after golf course files Chapter 11 Bankruptcy

A golf course filed a Chapter 11 Bankruptcy. Our client, a financial institution, had liens on all of the debtor's assets. We fiercely litigated over whether the automatic stay should be modified so the bank could either start receiving monthly payments or foreclose on the property. Through litigation and negotiation, we were able to obtain a resolution which paid off the loan and benefitted our client.

Bankruptcy workout resolution allows client to be paid 100%

We were able to negotiate a settlement of a multi-faceted bankruptcy that allowed the borrower to get out of bankruptcy. The deal also turned non-performing loans into performing ones. This allowed our client, a financial institution, to be paid 100% on the loans over a mutually agreed upon period of time.

Liens on partially developed subdivision lead to reduction in client's loss

Our client, a financial institution, had liens on a very partially developed subdivision. Most of the land was hilly with little access. There were significant disagreements about the valuation of the property, and there were two guarantors. Through creative problem solving and negotiations with the guarantors and debtor, we were able to negotiate the best possible result for our client, which reduced their potential loss by 60%.

Collection matter turns into criminal case due to our discovery work

In the course of enforcing a judgment from another state for our client, a motor sports company, we discovered hidden assets of the defendant. The discovery forced the defendant into bankruptcy, and we successfully objected to dischargability of the debts due to fraud. We established the defendant had obtained funds for race cars and racing purposes but had used the money for everything but the intended purposes. We also were able to uncover and recover a race car, and we worked with government investigators prosecuting the defendant. As a result, we were able to creatively achieve our client's goals.

Creative discovery and defenses achieve successful settlement for client

Our client, a mining goods manufacturer, was sued for significant alleged preferential transfers. We defended the preference action using creative discovery and legal research to craft numerous defenses, which helped achieve a favorable settlement.