

# ROBERT W. MILLER

Robert.W.Miller@usd.edu/605-658-3539  
University of South Dakota Knudson School of Law  
414 E. Clark Street, Vermillion, South Dakota 57069

---

## EXPERIENCE

### University of South Dakota Knudson School of Law

Assistant Professor

Vermillion, SD

July 2022 – Present

- Teaching: *Debtor-Creditor, Secured Transactions, Law of Financial Regulation, and Advanced Bankruptcy Practicum*
- School of Law Committees: Disciplinary and AALS

### Manier & Herod, P.C.

Bankruptcy and Restructuring Partner

Nashville, TN

March 2013 – July 2022

- Counsel for the Chapter 11 Trustee of large behavioral health clinic network, including multiple appeals to the U.S. Court of Appeals for the Eighth Circuit, culminating in confirmed plan of reorganization providing 100% distribution to unsecured creditors
- Counsel for Chapter 11 Trustee for security and alarm services provider culminating in successful going concern sale
- Counsel for Chapter 11 Trustee of real estate investment company culminating in confirmed plan of reorganization providing 100% distribution to unsecured creditors and return to equity holders
- Counsel for Chapter 11 Trustee of individual debtor who was sole holder of membership interests in multiple LLCs, including successful resolution of five appeals and going concern sale of substantially all assets
- Counsel for Chapter 11 Trustee of individual debtor, who is sole holder of membership interests in multiple LLCs, as well as affiliate debtor entities culminating in confirmed plan of reorganization providing 100% distribution to unsecured creditors and return to equity holders
- Counsel for Chapter 11 Trustee and Chapter 7 Trustee in liquidation of network of sleep clinics
- Counsel for Receiver of Automasters LLC culminating in successful \$70 million asset sale
- Counsel for Official Committee of Unsecured Creditors of MTPC, LLC and Curae Healthcare, Inc.
- Counsel for issuers of surety bonds in bankruptcy cases (chapter 7, 9, 11, and 15 cases) including Katerra Inc., Fieldwood Energy, LLC, Exide Holdings, Inc., Hertz Corporation, Blackjewel, LLC, California Resources Corp., Chesapeake Energy Corp., Specialty Retail Shops Holding Corp., Payless Holdings LLC (I & II), ITT Educational Services, Inc., SunEdison, Inc., Peabody Energy Corporation, Abengoa S.A., Patriot Coal Corp., and Alpha Natural Resources, Inc.
- Selected decisions: *Alpha Visions Learning Academy, Inc. v. Carranza (In re James Jerry Skefos)*, Adv. No. 20-00071, 2020 WL 2893413 (Bankr. W.D. Tenn. June 2, 2020); *In re William H. Thomas, Jr.*, No. 16-27850-L, 2020 WL 2569993; (Bankr. W.D. Tenn. May 8, 2020); *Collins v. Tennessee Dep't of Revenue*, 555 B.R. 670 (W.D. Tenn. 2016); *Hanover Ins. Co. v. Cape Fear Paving, LLC*, 531 B.R. 573 (E.D.N.C. 2015); *In re Acor*, 510 B.R. 588 (Bankr. W.D. Tenn. 2014); *In re Living Hope Southeast, LLC*, 509 B.R. 649 (Bankr. E.D. Ark. 2014); *In re Living Hope Southeast, LLC*, 505 B.R. 237 (Bankr. E.D. Ark. 2014)

### Nashville School of Law

Adjunct Professor

Nashville, TN

August 2020-May 2022

- Teaching: *Business Associations*

## U.S. Bankruptcy Court for the Middle District of North Carolina

Law Clerk, Hon. William L. Stocks

Greensboro, NC

August 2011 – January 2013

- Authored first drafts of selected opinions, drafted memoranda, and researched legal issues
- 

## PUBLICATIONS

- *A New Bankruptcy Subchapter for Institutions of Higher Education: A Path but not a Destiny*, AM. BANKR. L.J. (forthcoming 2023).
    - Peer-reviewed by United States Bankruptcy Judges.
  - *A Comprehensive Framework for Conflict Preemption in Federal Insolvency Proceedings*, 123 W. VA. L. REV. 423 (2020).
  - *Equitable Mootness: Ignorance is Bliss and Unconstitutional*, 107 KY L.J. 269 (2019).
    - Cited in *Official Comm. of Unsecured Creditors v. Walker Cnty Hosp. Corp. (In re Walker Cnty Hosp. Corp.)*, No. 4:20-CV-00911, 2020 WL 6482016 (S.D. Tex. Sept. 30, 2020).
  - *Nothing New: Consent, Forfeiture, and Bankruptcy Court Final Judgments*, 65 DRAKE L. REV. 89 (2017).
  - *Everything Old Is New Again: Why the In Rem Summary Jurisdiction of the 1898 Bankruptcy Act Still Limits the Constitutional Authority of Bankruptcy Judges*, 89 AM. BANKR. L.J. 1 (2015).
    - Peer-reviewed by United States Bankruptcy Judges.
  - *Fleshing Out the Skeleton: Defining the Prongs of Stern v. Marshall*, 11 DEPAUL BUS. & COM. L.J. (2012).
  - With Alexandra E. Dugan, *Rebuilding the Fallen House of Cards: The Bankruptcy Courts Should Require a Discounted Cash Flow Analysis as a Floor in Valuation Hearings to Value Mortgage Portfolios in Dysfunctional Markets*, 21 J. BANKR. L. & PRAC. 3 Art. 3 (2012).
  - *Economic Integration: An American Solution to the Multinational Enterprise Group Conundrum*, 11 RICH J. GLOBAL L. & BUS. 185 (2012).
  - *Vicious Cycle: How Lawyers Perpetuate Delaware's Dominance and Indeterminacy*, 44 BUS. L. REV. 185 (2011).
- 

## EDUCATION

### Emory University School of Law

*Juris Doctor with Honors*

Atlanta, GA

May 2011

- GPA: 3.559 (Top 20%)
- Symposium Editor, *Emory Bankruptcy Developments Journal*
- Dean's List (Spring 2009, Fall 2009, Spring 2010, Fall 2010); Dean's Award (highest grade): Banking Law, Seminar in Corporate Governance Reform, and Doing Deals: Complex Restructuring

**University of Rochester**

*Bachelor of Arts Degree, cum laude, in Political Science*

*Bachelor of Arts Degree, cum laude, with Highest Distinction in History*

Minor: **Economics**

- GPA: 3.79
- 

**Rochester, NY**

May 2008

May 2008

**ADDITIONAL INFORMATION****Professional Licenses:**

- Member – North Carolina State (inactive) and Tennessee State Bar (inactive)
- Admitted to all federal and state courts in Tennessee and North Carolina as well as the United States Courts of Appeals for the Eighth Circuit and Sixth Circuit

**Professional Service and Honors:**

- Selected for 2017 *Next Generation Program* for the National Conference of Bankruptcy Judges
- Chair of Subcommittee for Individual Chapter 11 Bankruptcy Cases for the Business Bankruptcy Committee of the American Bar Association
- CLE Coordinator for Nashville Bankruptcy Bar Committee

**CLE Presentations:**

- Panel Speaker: 21st Biennial Judge Joe Lee Bankruptcy Institute: *Private Equity Sponsors and 363 Sales: Too Many Hats or Just a Reflection of the New Era* (June 2023).
- Moderator and Panel Speaker: American Bar Association Business Section Spring Meeting: *Time is Money: How a Chapter 11 Case is Filed and Confirmed in a Single Day* (Apr. 2023).
- Panel Speaker, National Conference of Bankruptcy Judges: *Even the Circuits Can't Agree* (Oct. 2021).
- Panel Speaker, American Bar Association Business Section Spring Meeting: *Emerging Issues in Individual Chapter 11 Cases* (Feb. 2020).

**Scholarly Presentations:**

- Presenter: National Business Law Scholars Conference: *Loan-to-Own 2.0* (June 2023)

**Media Appearances:**

- Quoted in: *FTX customers could have a hard time getting their money back while prosecutors go after Sam Bankman-Fried*, Business Insider (Feb. 2, 2023)
- Quoted in: *'Sky Is the Limit': What 2nd Circuit's Broad View of Bankruptcy Code Means Beyond Purdue Pharma*, National Law Journal (June 1, 2023).
- Quoted in: *Appellate Ruling Underscores Divide on Limits of Bankruptcy Protections*, National Law Journal (June 23, 2023).