

Judith Elkin

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Fee structure: hourly

Expense Reimbursement: out of NY metropolitan area travel, meals and lodging

I.	Profession	Accrediting Agency or Jurisdiction	Date of Admission
Attorney		New York	2004
		Texas	1981

Education

JD *cum laude* University of Wisconsin 1981

BA *summa cum laude* Binghamton University (Harpur College - SUNY) 1978

II.	Professional Organizations	Date of Admission	Active/Inactive
	American Bar Association (ABA)	1981	
	Litigation Section		
	Bankruptcy & Insolvency Litigation Committee		
	Business Law Section		
	Business Bankruptcy Committee		
	International Section		
	International Animal Law Committee		
	Secured Transactions and Insolvency Committee		
	American Bankruptcy Institute (ABI)	1982	Active
	Mediation Committee		
	International Committee		
	Turnaround Management Assn. (TMA)	2005	
	International Women's Insolvency and Restructuring Confederation (IWIRC)	1993	Active
	International Bar Association (IBA)	1995	Active
	Insolvency Section		
	International Insolvency Institute (III)	2002	Active
	Bar of the City of New York	2005	Active
	Animal Law Committee		
	Bankruptcy Law Committee		
	State Bar of Texas	1981	

Leadership Roles

- International Insolvency Institute: Board member (2018 – 2022); Co-Chair, Membership Committee, (2016 – present); Co-Chair Organizing Committee – 2021 NY Conference
- American Bankruptcy Institute: Co-Chair, Mediation Committee (2020-2022), Director Programming Subcommittee (2018 – 2020).
- International Bar Association: Co-Chair, Insolvency Section (2011-2012); Vice-Chair, (2009-2010); Co-Chair of Creditors' Rights Committee (2007-2008)

- International Women's Insolvency and Restructuring Confederation (IWIRC): Chair (2010-2012), Vice-Chair (2006-2010), Secretary/Treasurer (2002-2006), Executive Committee Member, Founding Member of the organization; Member, New York Network and Founding Member, Dallas Network
- American Bar Association: Litigation Section, Co-Chair Bankruptcy and Insolvency Litigation Committee (1997-2001)
- American Bar Association: Business Law Section, Co-Chair Business Bankruptcy Committee, Legislation and Cross-Border Committee (mid 1990's)
- American Bar Association: International Section, Co-Chair Secured Transactions and Insolvency Committee (2015-2016), Vice Chair (2013-2015); member, April 2014 Spring Meeting planning committee

III. General Professional Experience

I have over 40 years of experience representing debtors, creditors, creditors' committees, lenders, trustees, acquirors and other parties in interest in reorganization proceedings and out of court restructurings in the U.S. and internationally. I am also a bankruptcy litigator, with experience through trial and appeal, of major issues in restructuring cases including, fraudulent transfer and lender liability litigation. I have extensive industry experience in banking, lender liability, retail, oil and gas, coal, healthcare, telecom, manufacturing and aviation. I speak frequently on insolvency issues both in the U.S. and internationally. I have represented foreign insolvency administrators in chapter 15 cases in the U.S., and U.S. clients in international insolvency proceedings.

My approach to mediation has been honed by these experiences. Whether as a creditor or prospective debtor, navigating the complexities of insolvency can be both challenging and stressful. I provide my clients with creative advice on restructurings and insolvencies in the U.S. and around the world, and I view mediation as the most practical and efficient way to resolve disputes.

IV. General Pertinent Experience

Mediation

As Mediator (selected matters)

Lehman Brothers Holdings Inc.: selected as one of a dozen official mediators; mediation of numerous mortgage indemnification claims. Mediated several disputes between post-confirmation estate and various mortgage companies who has bought and sold mortgages which were packaged by Lehman Brothers.

Firestar Diamond, Inc.: mediation of several disputes between chapter 11/post-confirmation trust trustee and major creditor and between trustee and certain potential multi-million dollar litigation targets, including certain officers and directors of debtor.

Various non-public dispute resolution of general commercial disputes including disputes relating to lender/borrower issues, allegations of lender liability, fraudulent transfer allegations.

As Participant (selected matters)

SemGroup: Represented senior secured lender and trading counterparty in court-ordered mediation of issues relating to lien priorities between senior secured lenders and oil and gas producers.

Adelphia Communications: Represented senior secured lender and agent bank in court-ordered mediation of plan issues and in court-ordered mediation of billion dollar lender liability litigation brought by Unsecured Creditors' Committee and, post-confirmation, by the Adelphia Recovery Trust.

Southmark: Represented defendant in mediation of disgorgement and malpractice litigation brought against major accounting firm by post-confirmation trustee.

PPMC: Represented senior lender in court-ordered mediation over wireless licenses with FCC.

Tailored Brand (Men's Wearhouse): Represented Creditors' Committee in mediation of negotiated plan with the secured lenders and the debtors.

Highland Capital Management: Represented debtor in mediation of numerous multi-million claims the resolution of which were critical to plan confirmation.

Diocese of Rockville Center: continued mediation of plan issues.

V. Mediation Training

Forty-Hour Bankruptcy Mediation Training program sponsored by the American Bankruptcy Institute and St. John's University (December 8-12, 2013)

Approved for bankruptcy mediation in the U.S. Bankruptcy Courts for the Southern and Eastern Districts of New York and the District of Delaware.

VI. Pertinent Bankruptcy Training

- Representation of Amyris Inc. as debtor in possession
- Representation of Unsecured Creditors Committee of Careismatic Brands
- Representation of post-confirmation Trust in Talen Energy
- Representation of Unsecured Creditors Committee and post-confirmation trust in Rochester Drug Cooperative case, an opioid distributor.
- Representation of Debtor in Highland Capital Management case.
- Representation of Unsecured Creditors' Committee in various retail cases including, Neiman Marcus, J Crew, and Tailored Brands.
- Representation of large Midwest real estate developer in out of court restructuring of several commercial real estate properties.
- Representation of senior secured/DIP lenders in cases of Alpha Natural Resources and Sabine Oil & Gas Corporation.
- Representation of pre-petition and DIP lender and agent in Chapter 11 case of Trinity Coal.
- Representation of large debtholder in multi-billion dollar litigation brought by the post-confirmation trust of Extended Stay Hotels for avoidance of alleged fraudulent transfers to holders of \$6 billion in mezzanine debt.
- Representation of major secured lender in out of court restructuring of a multi-billion dollar time share developer. Simultaneously prepared for potential involuntary chapter 11 filing while negotiating out of court restructuring.
- Representation of international bank as a multi-million dollar senior secured lender, DIP lender and exit lender in SemGroup's U.S. and Canadian restructuring cases.
- Representation of bank as agent for the \$2.6 billion Century Credit Facility in Adelphia Communications Corp. chapter 11 case and as defendant in multi-billion lender liability litigation.
- Representation of international bank as a project lender on an electricity generation facility in Missouri, in the Calpine Corp. chapter 11 case.
- Representation of international bank as lender and co-chair of the Unsecured Creditors' Committee in Enron Corp. chapter 11 case.
- Representation of Mirant Corp., one of the world's largest generators and marketers of electricity, in its chapter 11 restructuring.
- Representation of asset acquirors in numerous bankruptcy cases involving asbestos liability issues, including in the cases of National Gypsum Company and Federal-Mogul Corporation, including litigation of successor liability issues in the Fifth Circuit and negotiation of section 524(g) protections.
- Representation of Unsecured Creditors' Committee of El Paso Electric Co.

- Negotiation of settlement in excess of \$50 million of coverage litigation on behalf of major insurance company in conjunction with reorganization of United States Brass, manufacturer of polybutylene pipe.
- Obtained dismissal of \$30 million lawsuit against major accounting firm and successfully defended judgment through denial of petition for *writ of certiorari* to U.S. Supreme Court in relation to Southmark bankruptcy cases.
- Representation of major shareholder, bondholder and potential acquiror in Delphi reorganization case.
- Representation of senior secured lender in Fedders chapter 11 case and in defense of multi-million dollar lender liability litigation.

Other Misc. Case Involvement

American Airlines
 ASARCO
 ATA Airlines, Inc.
 Boy Scouts of America
 Diocese of New Orleans
 General Motors Corp.
 J Crew
 MF Global
 Mexicana Airlines (Chapter 15)
 Patriot Coal Corp.
 Ryan International
 Dr. Jurgen Toft (Chapter 15)
 TWA
 Vital Pharmaceuticals

Honors

- Recipient of the Melnik Award for Exceptional Contributions by an IWIRC Member, IWIRC April 2013
- Recognized in Best Lawyers in America - Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, 2005-2023, Litigation - Bankruptcy, 2012-2023
- Recognized as a Super Lawyer - Bankruptcy and Creditor/Debtor Rights Law (2007-2023)
- Martindale Hubbell® Law Directory with a Peer Review Rating of AV® Preeminent™

Other Legal Activities

UNCITRAL (United Nations Commission on International Trade Law) – working Group V (Insolvency) and Working Group II (Alternative Dispute Resolution)

Civic

Board of Directors, Humane Society of Westchester: 2012 – present; Treasurer, member of Capital Campaign Committee (2018-2021).
 Patron: Wildlife Conservation Society: 2004 - present
 University of Wisconsin Law School Board of Visitors (2004-2014)
 Binghamton University Alumni Assn. - Member Metro New York Chapter
 Board of Directors, Dallas Zoological Society: 2001-04; Treasurer 2003-04.
 Tina’s Wish Foundation – Women’s Leadership Council 2016–18