

**WILLIAM C. HEUER**

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<b>I.</b>	<b><u>Profession</u></b>	<b><u>Jurisdictions</u></b>	<b><u>Date of Admission</u></b>
	Attorney	New York State Bar	March 1998
		U.S. District Court for the Southern District of New York	April 1999
		U.S. District Court for the Eastern District of New York	March 1999
		U.S. District Court for the Southern District of Indiana	August 2004
		Connecticut State Bar (inactive)	October 2005
		U.S. Court of Appeals for the Second Circuit	October 2006
		Supreme Court of the United States	January 2006

**II. Professional Organizations**

- American Law Institute. Elected to Membership 2014. Active.
- American Bankruptcy Institute. Member since 1997. Active.
- National Association of Consumer Bankruptcy Attorneys. Inactive.
- Association of Restructuring and Insolvency Advisors. Member since 2016. Active.
- Suffolk County Bar Association. Member since 2014. Active.
- Nassau County Bar Association. Inactive.
- New York City Bar Association. Member since 2015. Active.
- New York State Bar Association. Member since 1998. Active.

**III. Professional Experience**

I am a Partner in Westerman Ball's Bankruptcy, Workout, and Restructuring Department. I have more than 20 years' experience acting on behalf of both debtor and creditor clients and constituencies in bankruptcy and pre-bankruptcy litigation in matters relating to distressed or insolvent businesses. My experience spans a wide range of industries, including landlord/tenant, real estate, shipping, satellite and telecommunications, golf and entertainment, print media, intellectual property, consumer goods, consumer mortgages and consumer mortgage servicing, finance, chemical manufacturing and distribution,

insurance, retail merchandise, air travel (domestic and international), health care and long-term health management facilities. I have also been retained as counsel to an Estate Fiduciary overseeing the investigation and prosecution of claims for the benefit of creditors in a massive Ponzi scheme and fraud case. I have been retained in bankruptcy cases under chapters 7, 9, and 11 of the bankruptcy code, have represented creditors' committees, and have been retained in international proceedings under chapter 15.

I am a member of the Editorial Advisory Board of the *Norton Journal of Bankruptcy Law and Practice*, and have authored numerous articles on bankruptcy law. I am an adjunct professor in the LL.M. in Bankruptcy program at the St. John's Univ. School of Law, teaching courses on both Bankruptcy Jurisdiction and Bankruptcy Procedure, and am a member of the Bankruptcy Program Advisory Board at St. John's. I am often invited to be a speaker on matters of bankruptcy law, and have had speaking engagements with the American Bankruptcy Institute and the Assoc. of Insolvency and Restructuring Advisors.

I believe in serving my community through *pro bono* service, including *pro bono amicus* representations in matters before the U.S. Supreme Court. In 2017 I became a member of the Bankruptcy Committee of the Association of the Bar of the City of New York, and serve on the *Pro Bono* Subcommittee, in addition to volunteering in the City Bar Justice Center's *Consumer Bankruptcy Project*. I am a member of a committee advising the United States Bankruptcy Court for the Eastern District of New York regarding its local rules, and am an elected member of the American Law Institute.

I am a 1997 graduate of St. John's University School of Law, where I was both an articles editor and staff member of the *American Bankruptcy Institute Law Review*, and am a graduate of the State University of New York at Buffalo.

#### IV. **Mediation Training**

American Bankruptcy Institute and St. John's University School of Law, Hugh L. Carey Center for Dispute Resolution, *Bankruptcy Mediation Training Program*, December 2016. 40 hours (one full week) of training with focus on matters arising in bankruptcy.

#### V. **Mediation Experience**

I have participated in a number of mediations as a party representative. I often serve in the role of informal mediator in matters in which I have served as counsel.

#### VI. **Areas of Expertise**

I have considerable expertise in commercial bankruptcy and insolvency matters with issues relating to bankruptcy jurisdiction and the authority of bankruptcy courts to exercise the judicial power of the United States. I also have considerable expertise advising parties of the risks and potential outcomes of bankruptcy appeals.

## VII. Other Pertinent Information

### Publications

- Co-author, "Discharge Exception for Fraud by Corporate Insider Is More Broad Than Circuit Court of Appeals Had Thought," *Duane Morris Alert*, May 16, 2016
- Author, "U.S. Supreme Court Addresses Authority of Federal Bankruptcy Courts to Enter Final Orders and Judgments," *Duane Morris Alert*, May 27, 2015
- Co-editor, "Optimize: The Need for Speed," *Duane Morris*, Fall 2014
- Co-author, "Second Circuit's Significant Decision Could Impact Liquidating Trustees," *Duane Morris Alert*, August 28, 2014
- Quoted in "Justices Say Inherited IRAs Not Exempt From Being Included in Bankruptcy Estate" by D. Davis and P. Gregory, *Bloomberg Law*, June 12, 2014
- Quoted in "Plain Meaning Collides with Equity: Arguments Before the Supreme Court in *Law v. Siegal*," *ABI World*, January 13, 2014
- "Second Circuit Ruling Appears to Limit Ability of U.S. Bankruptcy Courts to Assist Foreign Debtors," *Duane Morris Alert*, December 17, 2013
- "Second Circuit Establishes Relevant Time Period for "Center of Main Interests" Determination Under Chapter 15 of the Bankruptcy Code," *Duane Morris Alert*, April 29, 2013
- Quoted in "Tabloids Aside, What Does Ruling in *Stern v. Marshall* Mean?" by Sheri Qualters, *The National Law Journal*, July 18, 2011
- Quoted in "Mexicana Wins Legal Shield to Aid Mexican Bankruptcy" by Tiffany Kary, *Bloomberg Businessweek*, November 8, 2010
- Mentioned in "Duane Morris Battles to Block Mexicana Nosedive," *AmLawDaily*, August 4, 2010
- Quoted in "Mexicana Agrees to Return Eight Leased Airplanes" by Tiffany Kary, *Bloomberg News*, August 16, 2010
- "The Effect of Confirmation Upon Liens: 11 U.S.C.A. § 1141(c)," *Norton Journal of Bankruptcy Law & Practice*, 19 J. Bankr. L. & Prac. 699 (2010)
- "The Meaning of 'Property Dealt With by the Plan' in 11 U.S.C.A. § 1141(c)," *Norton Journal of Bankruptcy Law & Practice*, 19 J. Bankr. L. & Prac. 375 (2010)
- Co-Author, "Cross-Border Insolvencies & Chapter 15: Recent U.S. Case Law Determining Whether Foreign Proceeding is Main, Nonmain or Neither," New York State Bar Association *International Law Practicum*, Spring 2010
- Quoted in "Supreme Court Set To Weigh In On Pair Of Bankruptcy Cases" by Rachel Feintzeig, *Dow Jones Daily Bankruptcy Review*, January 4, 2010
- Co-Author, "Cross-Border Insolvencies and Chapter 15: Recent U.S. Case Law Determining Whether a Foreign Proceeding is Main, Nonmain or Neither," presented at AIRA Conference, Shanghai, China, Sept. 2008 (reprinted in *Norton Journal of Bankruptcy Law & Practice*, 17 J. Bankr. L. & Prac. 5, p. 651 (2008))
- Co-Author, "New Adventures in Fee Collection: Drafting and Enforcing Attorneys' Fee Clauses after Travelers," *State Bar of Cal. Business Law News*, Issue 1, 2008
- Co-Author, "Emerging Case Law Under Chapter 15," presented at Association of Insolvency and Restructuring Advisors Restructuring and Investing Conference, Shanghai, China, October 2007

- "Qmect Inc.: Picking Up Where Travelers Left Off," *American Bankruptcy Institute Journal*, August 2007
- "*Marrama v. Citizens Bank of Massachusetts*: Bad Faith Forfeits Right to Convert to Chapter 13," *American Bankruptcy Institute Journal*, April 2007

### **Selected Speaking Engagements**

- Speaker, *Business Track: The Implications of Czyzewski v. Jevic to Business Bankruptcies*, 37<sup>th</sup> Annual ABI Midwestern Bankruptcy Institute, October 2017.
- Speaker, *Jevic - Analysis and Potential Outcomes*, New York City Bar Association Bankruptcy & Reorganization Committee Meeting, January 18, 2017
- Panel Moderator, *When a Reorganization Derails: Alternatives and Landmines*, AIRA's 15th Annual Advanced Restructuring & Plan of Reorganization Conference, November 14, 2016
- Panelist, *Discussion of Chapter 11 and Chapter 15*, Terralex Global Meeting Bankruptcy and Insolvency Section Meeting, New York, September 2016
- Speaker, *Constitutional/Jurisdictional/Standing Issues*, 20th Annual ABI Rocky Mountain Bankruptcy Conference, Denver, Colorado, January 22, 2015
- Speaker, *Wellness -- The Supreme Court Revisits Bankruptcy Jurisdiction*, NYCLA Lawyers' Association, New York, November 20, 2014
- Speaker, *Bankruptcy and the U.S. Supreme Court: An Insider's View of 2014 Decisions*, 21st Annual Northeast Bankruptcy Conference and the 9th Annual Northeast Consumer Bankruptcy Forum, ABI, Vermont, July 17-20, 2014
- Panelist, *International Bondholders and Insolvency Proceedings in Brazil*, Brazilian American Chamber of Commerce and Duane Morris Program 2013, New York
- Panelist, *State of Play in Bankruptcy and Insolvencies*, 2013 Duane Morris Seminar Series, New York
- Speaker, *Stern v. Marshall*, Constitutional Implications, Mid-South Commercial Law Institute, 2012 Commercial Law Seminar, Nashville, Tennessee
- Speaker, *Risk and Recovery*, 2012 Duane Morris Seminar Series, New York
- Speaker, *Stern v. Marshall*, mock argument and panel discussion, ABI Rocky Mountain Conference 2012, Denver, Colorado

### **VIII. Fee Structure (Compensation and Expense Reimbursement)**

My hourly rate for mediation engagements is expected to be the same as my normal hourly rate at Westerman Ball, which for 2017 is \$585/hour, plus reimbursement of my firm's customary costs and disbursements. I am happy to consider mediation engagements on either an hourly or flat fee basis. To the extent that multiple cases or matters are involved, I am happy to consider discounts on a case-by-case basis.

### **IX. Pro Bono Preference: Brooklyn and/or Central Islip**

I am happy to consider *pro bono* appointments at either Courthouse.