

Biographical Sketch and Fee Structure for Mediation Program, United States
Bankruptcy Court, Eastern District of New York

Date: May 23, 2017

Susan Power Johnston
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I. Profession, Accrediting Agency or Jurisdiction, Date of Admission

New York, Southern and Eastern Districts of New York: 1980, Western and Northern
Districts of New York: 2013

Second Circuit Court of Appeals: 1986

Third Circuit Court of Appeals: 2013

Massachusetts: January 2015; District of Massachusetts: May 2015

Connecticut: May 2015; District of Connecticut October 2016

Ohio: June 2015; SD Ohio February 2016; ND Ohio June 2016

II. Professional Organizations, Date of Admission, Active/Inactive

I am an active member of:

American Law Institute –Elected to membership in 2010

American Bar Association – member for many years.

International Insolvency Institute, Reporter, Committee on International Jurisdiction
and Coordination; member of III delegation to UNCITRAL Working Group V on
Cross-Border Insolvency for [] years. Elected to membership in []

New York State Bar Association-member for many years.

III. **General Professional Experience:**

I have practiced law as a litigator and a bankruptcy litigator for nearly 38 years. I have represented large Chapter 11 debtors, and a variety of creditors in Chapter 11 cases. I have also represented financial creditors in consumer bankruptcy cases. I have been appointed as a Chapter 11 Trustee in a single asset real estate case, and I have represented several different examiners and creditors' committees. I have represented creditors on creditors' committees.

IV. **Experience and Familiarity with Bankruptcy Law:**

For 31 years my practice has been almost exclusively devoted to bankruptcy law. I have written articles on a variety of bankruptcy issues.

I practiced law for approximately 34 years in several NYC law firms (as an associate at Davis Polk & Wardwell and Shearman & Sterling, a partner at Robinson Silverman Pearce Aronsohn & Berman [now Bryan Cave], and counsel at Covington & Burling and Carter Ledyard & Milburn).

I was an Assistant United States Attorney in the Civil Division of the US Attorney's Office for the Southern District of New York for 3.5 years, where I represented federal agencies as creditors in bankruptcy cases (including Texaco, Allis Chalmers and Manville).

I was a member and Chief Compliance Officer of a firm that represents creditors in the consumer space for the four years before I opened my own firm in March 2017.

V. **Mediation Training:**

I have received mediation training from the Bankruptcy Court for the Southern District of New York and from the District Court for the Southern District of New York. Both training sessions were multi-day programs, with opportunities to practice the skills learned.

VI. **Mediation Experience:**

I have mediated matters on a pro bono basis for both the District Court and the Bankruptcy Court of the Southern District of New York.

VII. **Area of Expertise:**

As discussed in response to III, IV and VIII, general bankruptcy and litigation matters, including matters arising under Chapters 7, 11, 13 and 15 of the Bankruptcy Code.

VIII. **General Pertinent Business or Legal Experience:**

I have broad experience generally with bankruptcy litigation on many matters and for all manner of parties in interest in bankruptcy cases.

I have considerable recent experience in litigating non-dischargeability claims under section 523(a)(2) of the Bankruptcy Code, in defending against claim objections on a wide variety of grounds, and in litigating claims under the Fair Debt Collection Practices Act.

I am familiar with Chapter 15 of the Bankruptcy Code, about which I have written an annual update for the Norton Annual Survey for most of the last 10 years.

I have been involved with litigating preference and fraudulent conveyance claims, objections to financing proposals and plan confirmation, and many other bankruptcy related matters.

IX. **Other Pertinent Information:**

I am not aware of other pertinent information, but would be happy to respond to any questions that may arise.

X. **Fee Structure (Compensation and Expense Reimbursement)**

My normal hourly rate for work of this sort is \$400 but I am able to be flexible about the rate in appropriate cases. I would not expect to seek reimbursement of the kind of expenses I would anticipate incurring in a typical mediation, but if any extraordinary expenses arose that might change.

XI. **Pro Bono Preference:**

I prefer Brooklyn, because I live in Mamaroneck and traveling to Central Islip for a pro bono mediation would be inconvenient.