□ PEOPLE



Michael L. Cook
Of Counsel

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Served as a partner in the New York office for 16 years, devoting his practice to business reorganization and creditors' rights litigation, including mediation and arbitration.

Michaels' clients include professional firms, lenders, acquirers, trustees, creditors' committees, troubled companies and other parties. Michael's representative engagements include the following:

- Counsel to founding law firm partner on successful appeal after trial in dissolution action, preserving his capital account and profit share in <u>Arkin Kaplan Rice LLP v. Kaplan</u>, 199 App. Div. 3d 480 (1st Dept. 2021);
- Counsel to prevailing group of lenders in <u>Eddystone Rail Co. v. Bank of</u> <u>America. N.A.</u>, 2021 WL 4443391 (S.D.N.Y. Sept. 28, 2021) (dismissed fraudulent transfer suit);
- Counsel to prevailing lender in <u>Nitel, Inc. v. Cerberus Bus, Finance</u>, LLC,2021 WL 5770933 (S.D.N.Y .2021) (withdrawal of state law

conversion action from bankruptcy court);

- Counsel to five law professors (Illinois, Columbia, Pennsylvania and Tennessee) as amici curiae supporting prevailing party in <u>City of</u> <u>Chicago v. Fulton</u>, 141 S.Ct. 585 (Jan. 14, 2021);
- Counsel to prevailing secured lender and reorganized debtor in <u>In re</u>
 <u>Patriot National, Inc.</u>,2020 WL 5821754(D. Del. Sept. 30, 2020) (affirmed bankruptcy court's confirmation of reorganization plan on jurisdictional and good faith grounds);
- Counsel to prevailing law firm in <u>In re Renaissance Radio, Inc.</u>,805 Fed. Appx. 319 (5th Cir. May 18, 2020), <u>denied</u>, _U.S._ (Dec. 7, 2020) (affirmed denial of former shareholder's motion to revoke reorganization plan confirmation order and to reopen closed case for purpose of disallowing lender's legal fees; also affirmed enjoining of shareholder's further filings as "vexatious litigant.");
- Counsel to prevailing law firm defendants in <u>Kaplan v. Ladenburg</u> <u>Thalmann & Co., Inc.</u>, 2019 N.Y. App. Div. Lexis 2157 (1st Dept. March 21, 2019) (affirmed dismissal of lease breach, fraudulent transfer, conversion and breach of fiduciary duty claims);
- Counsel to prevailing defendant in <u>Enron Creditors Recovery Corp. v.</u> <u>Alfa SAB</u>, 651 F.3d 329 (2d Cir. 2011) (reversed bankruptcy court; fraudulent transfer and preference complaint dismissed); counsel to prevailing law firm in <u>In re Quigley Co.</u>, 500 B.R. 344 (Bankr. S.D.N.Y. 2013) (fee application granted over U.S. Trustee objection);
- Counsel for prevailing debtor in <u>In re Quigley Co.</u>, 676 F.3d 45 (2d Cir. 2012) (affirmed propriety of injunction staying litigation against insurance assets);
- Counsel for prevailing law firm in <u>In re United Merchs. & Mfrs., Inc.</u>,198
 F.3d 235 (2d Cir. 1999) (affirmed denial of sanctions and of creditor's application for fees and costs);
- Counsel for prevailing debtor in <u>Dalkon Shield Claimants v. A.H. Robins</u> <u>Co.</u>, 828 F.2d 239 (4th Cir. 1987) (affirmed denial of motion for reorganization trustee); counsel for prevailing debtor in <u>Grady v. A.H. Robins Co.</u>, 839 F.2d 198 (4th Cir. 1988) (affirmed judgment that creditor's claim subject to automatic stay);

- Counsel for prevailing acquiror in <u>In re Chicago</u>, <u>Milwaukee</u>, <u>St. Paul and Pacific R. Co.</u>, 756 F.2d 508 (7th Cir. 1985) (affirmed judgment that acquiror could bid for assets months after bidding deadline); counsel for prevailing defendants in fraudulent transfer suit, <u>Scherling v. Ehrenkranz</u>, 121 B.R. 961 (S.D.N.Y. 1991) (affirmed judgment dismissing complaint after trial);
- Counsel to prevailing creditor in <u>Andy Warhol Foundation v. Hayes</u>, 183
 F.3d 162 (2d. Cir. 1999) (reversed lower court; held creditor's claim for debtor's breach of fiduciary duty survived debtor's bankruptcy discharge);
- Counsel to prevailing law firm in <u>In re Ames Dept. Stores. Inc.</u>, 76 F.3d
 66 (2d Cir. 1996) (fee application granted, reversing district court);
- Counsel to prevailing lenders in <u>Flushing Savings Bank v. Parr</u>, 81 A.D.2d 655 (2d Dept. 1981) (reversed lower court and granted summary judgment, finding fraudulent transfer by borrower with actual intent to hinder and delay);
- Counsel to prevailing debtor in <u>Fidelity Mortg. Investors v. Camelia</u>
 <u>Builders</u>, 550 F.2d 47 (2d Cir. 1976) (affirmed contempt judgment and awarded attorneys' fees for prosecuting contempt proceeding and other defense costs);
- Counsel to prevailing creditor in <u>Columbia Pictures Inds., Inc. v. D.H.</u> <u>Overmeyer Telecasting Co., Inc.</u>, 470 F.Supp. 1250 (S.D.N.Y. 1979) (reversed bankruptcy court's denial of attorney-client privilege; struck compelled responses from record).

Michael received the 2022 Lexology Client Choice Award for restructuring and insolvency with over 2,000 nominations from clients, with no involvement from law firms during the process. According to one nominating client, Michael "knows everything there is to know and is an invaluable asset to his clients." *Chambers USA* listed Michael as a "leading individual" in bankruptcy/restructuring and interviewees praise him for his "tremendous experience and vision in bankruptcy matters." He has also been recognized by *Benchmark Litigation: The Definitive Guide to America's Leading Litigation Firms and Attorneys, The Best Lawyers in America, Expert Guide to the World's Leading Banking, Finance and Transactional Law Lawyers, The K&A Restructuring Register, The Legal*

500 US, New York Super Lawyers, PLC Cross-border Restructuring and Insolvency Handbook and Who's Who in American Law.

He is a past chair of the American College of Bankruptcy, which has established the "Michael L. Cook Extraordinary Grant" for legal services organizations that provide pro bono bankruptcy services for indigent consumer debtors; a past chair of Lawyers Alliance for New York; and a past chair of the New York Bankruptcy Assistance Project. He is also a fellow of the American and New York Bar Foundations and a former chair of the American Bar Association's Creditors' Rights Litigation Committee.

A frequent contributor to major publications, Michael serves as lead editor and contributing author of *Bankruptcy Litigation Manual* (rev. ed., Aspen Law & Business, 2023), is on the editorial boards of *Pratt's Journal of Bankruptcy Law* and *The Bankruptcy Strategist*, was a contributing author to *Collier Bankruptcy Guide* (rev. ed., Matthew Bender, 2022) and *Collier on Bankruptcy* (15th rev. ed., 2003), and he coauthored *Creditors' Rights, Debtors' Protection and Bankruptcy* (3rd ed., Matthew Bender, 1997) (with NYU School of Law Professor Lawrence P. King).

Michael served for 26 years as an Adjunct Professor at New York University School of Law, teaching courses on creditors' rights, debtors' protection and bankruptcy. He also served for two years as Lecturer at Herbert Lehman College of the City University of New York, teaching business law.

Practices

BUSINESS REORGANIZATION

SPECIAL SITUATIONS AND BANKRUPTCY LITIGATION

Bar Admissions

New York

Court Admissions

US Court of Appeals, Third Circuit, 2001

US District Court, Northern District of New York, 1996

US Court of Appeals, Fourth Circuit, 1986

US Court of Appeals, Seventh Circuit, 1984

US Supreme Court, 1973

US Court of Appeals, Second Circuit, 1972

US District Court, Southern District of New York, 1970

US District Court, Eastern District of New York, 1970

Education

New York University School of Law, J.D.

Columbia College, A.B.

Representations

Reorganizations (Debtor Representations)

• Quigley Company Inc., American Banknote Corp., Lenox Health Care Inc., United Merchants & Manufacturers, Victoria Creations Inc., Wang Laboratories Inc., Doe-Spun Inc., Ames Department Stores, Carter Hawley Hale Stores, A.H. Robins Company Inc.

Investors/Acquirors

 Leucadia National Corp., Cerberus Capital Management LLP, Soo Line Railroad Co., Cyclops Industries Inc.

Reorganization Trustees

Cardinal Industries Inc.

Secured Creditors and Lessors

Fir Tree Partners, Columbia Pacific Opportunity Fund LP, Alcentra Limited, Babson Capital Europe Limited, Elliott Associates, L.P., European Credit Management Limited, Goldman Sachs Capital Markets, Intermediate Capital Management Limited; N.M. Rothschild & Sons Ltd., Permira Debt Managers Ltd., Dai Ichi Kangyo Bank, Blackacre Bridge Capital LLC, Cerberus Partners, Ableco Finance, Foothill Capital, CIT Group, Hilco Consumer Capital, Credit Suisse First Boston, Tishman Speyer Properties, Unicredito Italiano, Midlantic National Bank, General Electric Capital Corporation, Polaris Aircraft Income Funds, Continental Illinois Bank, Bank of Boston, Bankers Federal Savings Bank FSB, Extebank, Banco Santander, Citibank NA, The Chase Manhattan Bank, Morgan Guaranty, Fuji Bank, Japan Leasing (USA) Inc., Atari Inc., Bear Stearns Asset Management, Northwestern Mutual Capital Limited; Pramerica, Wachovia Bank.

Creditors' Committees

 Union Pacific Resources Company, counsel to committee chair in Columbia Gas reorganization; McCall Pattern Company, counsel to committee; New York Life Insurance Company, counsel to committee chair in Kaiser Steel reorganization.

Professional Firms

• Duff & Phelps Securities LLC, Oppenheimer & Co. Inc., PriceWaterhouse Coopers, Deloitte & Touche LLP, KPMG LLP, Ernst & Young LLP, Arthur Andersen LLP, Blank Rome Tenzer Greenblatt LLP, Boies, Schiller & Flexner LLP, McDermott Will & Emery LLP, Chanin Capital LLC, Goldin Associates LLC, Arkin Kaplan Rice LLP.

Mediation and Arbitration

 Mediator and arbitrator in bankruptcy cases for Combustion Engineering, Bethlehem Steel Corp., Greate Bay Casino, 20 Bayard Views LLC, Actrade Capital, Inc., Allou Distributors, Inc.

Publications

Books/Treatises

- Bankruptcy Litigation Manual (rev. ed., Aspen Law & Business, 2023) (lead editor and contributing author)
- Collier Bankruptcy Guide (rev. ed., Matthew Bender, 2022)
 (contributing author: "Appeals in Bankruptcy Cases")
- Collier on Bankruptcy (15th rev. ed., 2003) (contributing author: "Preferences" and "Fraudulent Transfers")
- Creditors' Rights, Debtors' Protection and Bankruptcy (3rd ed., Matthew Bender, 1997) (with NYU School of Law Professor Lawrence P. King)
- A Practical Guide to the Bankruptcy Reform Act (rev. ed., Harcourt Brace Jovanovich, 1984) (with Harvey R. Miller)

Articles

- "Seventh Circuit Applies Safe Harbor to Private Securities Transaction," The Bankruptcy Strategist, April 2024
- "Landmines in Bankruptcy Practice, Part III," The Bankruptcy Strategist, March 2024
- "Landmines in Bankruptcy Practice, Part II," The Bankruptcy Strategist, February 2024
- "Split Second Circuit Narrows Bankruptcy Code's Settlement Payments Safe Harbor," The Bankruptcy Strategist, January 2024
- "Key Win Likely for Commercial Shopping Center Lessor In Second Circuit," The Bankruptcy Strategist, December 2023
- "Landmines in Bankruptcy Appellate Practice," The Bankruptcy Strategist, November 2023
- "DIP Financing and Liens On Avoidance Actions," The Bankruptcy Strategist, October 2023

- "Purdue Pharma Ruling by U.S. Court of Appeals for the Second Circuit: Not the Last Word," Pratt's Journal of Bankruptcy Law, September 2023
- "Second Circuit Affirms Slashing of Unreasonable Fees In Dismissed Involuntary Bankruptcy Case," The Bankruptcy Strategist, July 2023
- "Second Circuit's Purdue Pharma Ruling: Third Party Releases
 Remain a Question of Geography," Schulte Alert, June 20, 2023
- "Third Circuit: Pre-Bankruptcy Commercial Lease Termination Not Fraudulent Transfer," Commercial Leasing Law & Strategy, June 2023
- "Innocent Business Partner's Fraud Liability Survives Bankruptcy," The Bankruptcy Strategist, March 2023
- "Eleventh Circuit Stops Plan Confirmation Stampede," The Bankruptcy Strategist, February 2023
- "Bankruptcy Court Slams U.S. Trustee's Attempted Disqualification of Investment Banker," *Journal of Bankruptcy Law*, January 2023
- "Appellate Review of a Bankruptcy Court's Preliminary Injunction," The Bankruptcy Strategist, January 2023
- "Another Appellate Court Vacates a Bankruptcy Court Contempt Judgement," The Bankruptcy Strategist, December 2022
- "Fifth Circuit Follows Ninth Circuit, Allows Post-Bankruptcy Contract Rate Interest In Solvent Debtor Case," The Bankruptcy Strategist, November 2022
- "Bankruptcy Court Slams U.S. Trustee's Attempted Disqualification of Investment Banker," Schulte Alert, Oct. 21, 2022; republished in Journal of Bankruptcy Law, January 2023
- "Fifth Circuit, Like Ninth Circuit, Allows Post-Bankruptcy Contract Rate Interest in Solvent Debtor Case," *Schulte Alert*, Oct. 17, 2022
- "Third Circuit Holds Ethical Screen Insulates Side-Switching Lawyer's New Firm," The Bankruptcy Strategist, October 2022

- "Update on Preference and Fraudulent Transfer Litigation," The Bankruptcy Strategist, September 2022
- "Ninth Circuit Holds Unimpaired Unsecured Creditors Entitled to PostBankruptcy Interest on Claims at Contractual Default Rate," Schulte Alert, Aug. 31, 2022
- "Second Circuit Insulates Innocent Friend from Corporate Debtor's Fraudulent Transfer Liability," The Bankruptcy Strategist, August 2022
- "Third Circuit Rejects Side-Switching Disqualification Claim," The Bankruptcy Strategist, July 2022
- "Seventh Circuit Bars Bad Faith Asset Buyer Protection," Schulte Alert, April 15, 2022; republished in The Bankruptcy Strategist, June 2022
- "Fifth and Sixth Circuits Reject Inexcusable Late Filings," Schulte Alert, Mar. 15, 2022; republished in Pratt's Journal of Bankruptcy Law, June 2022
- "Sixth Circuit Holds State Court Tax Foreclosure Subject to Fraudulent Transfer Attack," Schulte Alert, Jan. 6, 2022; republished in Pratt's Journal of Bankruptcy Law, April/May 2022
- "Fifth Circuit Gives Commercial Lessees Likely Protection in Bankruptcy Court Free and Clear Asset Sales," Commercial Leasing Law & Strategy, April 2022
- "Seventh Circuit Bars Bad Faith Asset Buyer Protection," Schulte Alert, April 15, 2022
- "Fifth Circuit Resolves 'Clash' Between FERC and Bankruptcy Courts," Schulte Alert, March 23, 2022
- "Fifth and Sixth Circuits Reject Inexcusable Late Filings," Schulte Alert, Mar. 15, 2022
- "Fifth Circuit Gives Commercial Lessees Likely Protection in Bankruptcy Court Free and Clear Asset Sales," Schulte Alert, Feb. 25, 2022

- "Update on Bankruptcy Appellate Practice: Part Three Finality," Feb. 2022
- "Update on Bankruptcy Appellate Practice: Part Two Equitable Mootness," The Bankruptcy Strategist, Jan. 2022
- "Sixth Circuit Holds State Court Tax Foreclosure Subject to Fraudulent Transfer Attack," Schulte Alert, Jan. 6, 2022
- "Update on Bankruptcy Appellate Practice: Part One Appellate Standing," The Bankruptcy Strategist, Dec. 2021
- "Business Bankruptcy Fees and Ethics," West Legal Education, Oct.
 2021
- "Sixth Circuit Insulates 'Arguably Bad Faith' Secured Lender from Fraudulent Transfer Attack," Schulte Alert, Sept. 20, 2021; reprinted in Westlaw Today, Oct. 2021
- "Appellate Court Holds FCC Penalty Claim Survives Chapter 11 Corporate Debtor's Discharge," Schulte Alert, Sept. 14, 2021; republished in The Bankruptcy Strategist, Nov.r 2021
- "Second Circuit Applies Federal Bankruptcy Law, Not Securities Law, in Madoff SIPA Liquidation," Schulte Alert, Sept. 2, 2021
- "Update on Business Bankruptcy Legal Fees and Professionalism,"
 Schulte Alert, June 2021
- "Third Circuit Holds Film Production Contract Was Not Executory in Bankruptcy Case," Schulte Alert, May 26, 2021; republished in The Journal of Bankruptcy Law, Sept. 2021
- "Appellate Courts Split on Bankruptcy Ownership of Malpractice Claims," The Bankruptcy Strategist, April 2021
- "State High Court Preserves Lenders' Tort Claims Against Debtors' Insiders," Schulte Alert, Jan. 2021
- "US Supreme Court Allows Repossessing Secured Lender to Hold Collateral Pending Bankruptcy Stay," Schulte Alert, Jan. 15, 2021; republished in The Bankruptcy Strategist, February 2021
- "State High Court Preserves Lenders' Tort Claims Against Debtors' Insiders," The Bankruptcy Strategist, January 2021

- "Update on Corporate Bankruptcy Tax Refund Litigation," Harvard Law School Bankruptcy Roundtable, Sept. 1, 2020
- "Tenth Circuit Applies State Law to Resolve Debtor's Claimed Ownership of Tax Refund," Schulte Alert, May 29, 2020; republished in The Bankruptcy Strategist, July 2020
- "Supreme Court Defers to State Law on Ownership of Tax Refund," Schulte Alert, March 4, 2020; republished in Law Journal Newsletters, April 2020; republished in Accounting and Financial Planning for Law Firms, April 2020
- "Bankruptcy Court Preliminary Injunction Held Not Appealable," Schulte Alert, Feb. 20, 2020; republished in The Bankruptcy Strategist, March 2020
- "Third and Seventh Circuits Preserve Secured Lenders' Rights," Schulte Alert, Feb. 18, 2020
- "Redeeming Repossession," Business Credit, February 2020
- "Ninth Circuit Affirms Sale of Trustee's Litigation Claims to Self-Interested Party," Schulte Alert, Jan. 22, 2020; republished in Pratt's Journal of Bankruptcy Law, April 2020
- "First Circuit Allows Bankruptcy Trustee to Recover College Tuition Payments," Schulte Alert, Nov. 15, 2019; republished in Westlaw Journal - Bankruptcy, Dec. 12, 2019
- "Third Circuit Allows Repossessing Secured Lender to Hold Collateral Pending Bankruptcy Stay," Schulte Alert, Oct. 31, 2019; republished in The Bankruptcy Strategist, December 2019
- "5th Circuit Subordinates Claim for Deemed Dividends," The Bankruptcy Strategist, October 2019
- "Lender Primes Trustee in Seventh Circuit," Schulte Alert, Sept. 25, 2019 (co-author); republished in Pratt's Journal of Bankruptcy Law, January 2020
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- "Ninth Circuit Limits Substantive Consolidation," Schulte Alert,
 Sept. 12, 2019; republished in Pratt's Journal of Bankruptcy Law,
 November/December 2019
- "May a Trustee Recover proceeds from Fraudulently Transferred property?" American Bankruptcy Institute – Rochelle's Daily Wire, Sept. 6, 2019 (quoted)
- "Fifth Circuit Subordinates Claim for Deemed Dividends," Schulte Alert, Sept. 6, 2019; republished in The Bankruptcy Strategist, October 2019
- "District Court Finds No Implied Assumption of Contract," Schulte Alert, July 16, 2019
- "Third Circuit Clarifies Appeal Process in Settlement and Reorganization Plan Disputes," Schulte Alert, July 3, 2019; republished in The Bankruptcy Strategist, September 2019
- "Safe Harbor Shields Shareholders in Tribune Fraudulent Transfer Litigation," The Bankruptcy Strategist, June 2019
- "Fraudulent Transfer Claims Against Shareholders," Harvard Law School Forum on Corporate Governance and Financial Regulation, May 19, 2019
- "Involuntary Bankruptcy: Limited Remedy and Strong Sanctions for Abuse," Schulte Alert, May 7, 2019; republished in Harvard Law School Bankruptcy Roundtable, July 23, 2019 and Law Journal Newsletters, July 2019
- "District Court Bars Fraudulent Transfer Claims Against Shareholders in Tribune Fraudulent Transfer Litigation," Schulte Alert, April 29, 2019
- "Appellate Court Reverses Disallowance of Lender's Post-Bankruptcy Legal Fees," The Banking Law Journal, March 2019
- "Fourth Circuit Reverses Disallowance of Lender's Post-Bankruptcy Legal Fees," The Banking Law Journal, February 2019
- "Fourth Circuit Reverses Disallowance of Lender's Post-Bankruptcy Legal Fees," Schulte Alert, Feb. 15, 2019

- "Fifth Circuit Blocks Fraudulent Transferee's Good Faith Defense," Schulte Alert, Jan. 16, 2019
- "Eighth Circuit Rejects Ponzi Scheme Presumption To Protect Legitimate Loan Repayments," The Bankruptcy Strategist, January 2019
- "Fifth Circuit Holds Lease to Be a Secured Loan," *Pratt's Journal of Bankruptcy Law*, January 2019
- "Schools Suffer When Debtor Tuition Payments Are Recovered," Law360, Dec. 20, 2018
- "In a Landlord Bankruptcy Sale, What Happens to the Lease?" Law360, Dec. 14, 2018
- "Lower Courts Wrestle with Debtors' Tuition Payments," Schulte Alert, Dec. 12, 2018
- "Third Circuit Protects Commercial Tenant with Rejected Lease from Bankruptcy Sale Purchaser," Schulte Alert, Dec. 6, 2018
- "Appellate Court Reverses Disallowance of Lender's Post-Bankruptcy Legal Fees," Schulte Alert, Dec. 4, 2018
- "Appellate Court Reverses Disallowance of Lender's Post-Bankruptcy Legal Fees," Schulte Alert, Dec. 3, 2018
- "Fifth Circuit Holds Asset Purchaser Unable To Acquire Rejected License Agreement," The Bankruptcy Strategist, December 2018
- "Eighth Circuit Rejects Ponzi Scheme Presumption To Protect Legitimate Loan Repayments," Schulte Alert, Nov. 29, 2018
- "Fifth Circuit Holds Asset Purchaser Unable To Acquire Rejected License Agreement," Schulte Alert, Nov. 2, 2018
- "Two Circuits Limit Creditors' Setoff Rights in Bankruptcy Cases," Westlaw Journal – Bankruptcy, Nov. 1, 2018
- "Two Circuits Limit Creditors' Setoff Rights in Bankruptcy Cases," Schulte Alert, Oct. 18, 2018
- "Eleventh Circuit Strengthens Creditor's Defense to Preference Claim," The Bankruptcy Strategist, October 2018

- "Eleventh Circuit Strengthens Creditor's Defense to Preference Claim," Schulte Alert, Aug. 30, 2018
- "Second Circuit Rejects Use of Involuntary Bankruptcy Petition as Collection Tool," Schulte Alert, Aug. 22, 2018
- "Fifth Circuit Holds Lease To Be a Secured Loan," Schulte Alert, Aug. 14, 2018
- "Three Provocative Business Bankruptcy Decisions of 2018," Harvard Law School Bankruptcy Roundtable, Aug. 7, 2018
- "Fifth Circuit Affirms Shareholder Veto of Chapter 11 Petition," The Bankruptcy Strategist, July 2018
- "Three Provocative Business Bankruptcy Decisions of 2018," Schulte Alert, June 25, 2018
- "Ninth Circuit Rejects Disqualification of Secured Lender's Vote on Plan," Schulte Alert, June 11, 2018
- "Second Circuit Rejects Arbitration of Debtor's Asserted Discharge Violation," The Bankruptcy Strategist, June 2018
- "Fifth Circuit Affirms Shareholder Veto of Chapter 11 Petition," Schulte Alert, May 30, 2018
- "Split First Circuit Prevents Non-Debtor Licensee From Using Rejected Trademark License," LexisNexis® Emerging Issues Analysis, May 2018
- "First Circuit Rejects Fraudulent Transfer Attack on Lender's Transfer of Asset Sales Proceeds," Schulte Alert, April 24, 2018
- "Split First Circuit Prevents Non-Debtor Licensee From Using Rejected Trademark License," Pratt's Journal of Bankruptcy Law, April/May 2018
- "Second Circuit Rejects Arbitration of Debtor's Asserted Discharge Violation," Schulte Alert, April 3, 2018
- "First Circuit Affirms Dismissal of Fraudulent Transfer and Fiduciary Duty Claims," The Banking Law Journal, March 2018

- "Fifth Circuit Rejects Breach of Fiduciary Duty and Fraudulent Transfer Claims," Pratt's Journal of Bankruptcy Law, February/March, 2018
- "US Supreme Court Limits Securities Safe Harbor Protection From Bankruptcy Clawback Suits," Schulte Alert, March 1, 2018; cited in Harvard Law School Bankruptcy Roundtable, March 6, 2018
- "Split First Circuit Prevents Non-Debtor Licensee From Using Rejected Trademark License," Schulte Alert, Jan. 25, 2018
- "Seventh Circuit Affirms Lessor's Priming of DIP Lender's Lien," Schulte Alert, Jan. 19, 2018
- "Connecticut Supreme Court Defines Bankruptcy Effect on Contracts," The Bankruptcy Strategist, January 2018
- "First Circuit Affirms Dismissal of Fraudulent Transfer and Fiduciary Duty Claims," Schulte Alert, Dec. 12, 2017
- "Court Wrongly Disallows Lender's Post-Bankruptcy Legal Fee," Law360, Dec. 8, 2017
- "District Court Affirms Disallowance of Lender's Legal Fee Claim," Schulte Alert, Dec. 5, 2017
- "Connecticut Supreme Court Defines Bankruptcy Effect on Contracts," Schulte Alert, Nov. 28, 2017
- "Fifth Circuit Rejects Breach of Fiduciary Duty and Fraudulent Transfer Claims," Schulte Alert, Nov. 27, 2017
- "Third Circuit Sidesteps Ruling on Validity of Avoidance Claim Sale," Schulte Alert, Oct. 31, 2017
- "Second Circuit Affirms Refusal to Approve Foreign Debtor's Asset Sale," Pratt's Journal of Bankruptcy Law, July/August 2017
- "Second Circuit Affirms Mandatory Subordination of Employees' Securities Claims," Pratt's Journal of Bankruptcy Law, July/August 2017
- "Court Guts Lyondell Trustee's Bankruptcy-Related Claims," The Banking Law Journal, July 5, 2017

- "Sixth Circuit Trims Bank's Good Faith Defense to Fraudulent Transfer Claims (Part 2 of 2)," The Bankruptcy Strategist, June 2017
- "Split Ninth Circuit Refines Cramdown Valuation Rule," Schulte Alert, June 23, 2017
- "Sixth Circuit Upholds Assignment of Rents to Secured Lender," Thomson Reuters, June 15, 2017
- "Second Circuit Affirms Refusal to Approve Foreign Debtor's Asset Sale," Schulte Alert, May 31, 2017
- "Sixth Circuit Upholds Assignment of Rents to Secured Lender," Schulte Alert, May 23, 2017
- "Second Circuit Affirms Mandatory Subordination of Employees' Securities Claims," Schulte Alert, May 19, 2017
- "Court Guts Lyondell Trustee's Bankruptcy-Related Claims," Schulte Alert, May 8, 2017
- "Sixth Circuit Trims Bank's Good Faith Defense to Fraudulent Transfer Claims (Part 1 of 2)," The Bankruptcy Strategist, May 2017
- "Ninth Circuit Holds Bank Liable for Preference, Applying Hypothetical Liquidation Analysis," Westlaw Journal - Bankruptcy, March 23, 2017 (co-author)
- "Ninth Circuit Gives Creditors' Committee Members Limited Litigation Protection," The Banking Law Journal, April 2017
- "Ninth Circuit Holds Bank Liable for Preference, Applying Hypothetical Liquidation Analysis," Schulte Alert, March 20, 2017 (co-author)
- "Sixth Circuit Trims Bank's Good Faith Defense to Fraudulent Transfer Claims," Schulte Alert, March 8, 2017
- "Third Circuit Enforces Post-Acceleration Make-Whole Premium,"
 Pratt's Journal of Bankruptcy Law, February/March 2017 (co-author)
- "Split Sixth Circuit Dismisses Appeal from Detroit's Confirmed Plan," Pratt's Journal of Bankruptcy Law, February/March 2017

- "Split Ninth Circuit Requires Default Interest To Cure Default," The Bankruptcy Strategist, February 2017
- "Bankruptcy Judge Requires Investment Funds to Disclose Major Investors," Westlaw Journal – Bankruptcy, January 2017 (co-author)
- "Arbitration Denied In Bankruptcy Priority Fight," The Bankruptcy Strategist, January 2017
- "Court's Sensible Analysis Saves Banker Fees in Bankruptcy," Law360, Jan. 4, 2017
- "New York Bankruptcy Court Saves Investment Bankers' Transaction Fees," Schulte Alert, Dec. 23, 2016
- "Tenth Circuit Quashes Fraudulent Transfer Suit Against Asset Buyer," *Schulte Alert*, Dec. 19, 2016
- "Bankruptcy Judge Requires Investment Funds to Disclose Major Investors," Schulte Alert, Dec. 16, 2016 (co-author)
- "Split Ninth Circuit Requires Default Interest to Cure Default,"
 Schulte Alert, Dec. 2, 2016 (co-author)
- "Third Circuit Enforces Post-Acceleration Make-Whole Premium," Schulte Alert, Nov. 18, 2016 (co-author)
- "Second Circuit Affirms Denial of Arbitration in Bankruptcy Priority Fight," Schulte Alert, Nov. 2, 2016
- "Ninth Circuit Affirms Mandatory Subordination of Investor's Securities Claim in Individual Debtor's Reorganization Case," Pratt's Journal of Bankruptcy Law, November/December 2016
- "Split Sixth Circuit Dismisses Appeal from Detroit's Confirmed Plan," Schulte Alert, Oct. 13, 2016
- "Notice Requirement Clarified for Successor Liability Protection in Chapter 11 Asset Sale Orders," The Bankruptcy Strategist, October 2016
- "Seventh Circuit Limits Bankruptcy Safe Harbor Protection,"
 Westlaw Journal Bankruptcy, Sept. 22, 2016

- "Ninth Circuit Affirms Mandatory Subordination of Investor's Securities Claim in Individual Debtor's Reorganization Case," Schulte Alert, Sept. 14, 2016
- "Successor Liability in § 363 Sales," Harvard Law School Bankruptcy Roundtable, Sept. 13, 2016
- "Fifth Circuit Narrowly Accepts Texas Supreme Court's Reading of Fraudulent Transfer Value Defense," Westlaw Journal - Bankruptcy, Sept. 9, 2016
- "Seventh Circuit Limits Bankruptcy Safe Harbor Protection," Schulte Alert, Sept. 8, 2016 (co-author)
- "Fifth Circuit Narrowly Accepts Texas Supreme Court's Reading of Fraudulent Transfer Value Defense," Schulte Alert, Aug. 30, 2016
- "Second Circuit Defines Adequate Capitalization," The Bankruptcy Strategist, August 2016
- "Split Fifth Circuit Affirms Success Fee for Financial Advisers,"
 Schulte Alert, Aug. 2, 2016
- "Texas Supreme Court Resolves Fraudulent Transfer Value Defense for Fifth Circuit," *Pratt's Journal of Bankruptcy Law*, July/August 2016
- "Eleventh Circuit Permits Lower Court Judgment to Be Vacated After Settlement," Schulte Alert, July 26, 2016
- "Second Circuit Clarifies Notice Requirement for Successor Liability Protection in Chapter 11 Asset Sale Orders," Schulte Alert, July 20, 2016
- "First Circuit Affirms Conversion of Reorganization Case to Liquidation," Schulte Alert, July 13, 2016
- "Lender's Derivative Breach of Fiduciary Duty Claim Not Time-Barred Because of Its Knowledge," Schulte Alert, July 8, 2016
- "Split Ninth Circuit Narrows Definition of Bad Faith Insider in Cramdown Case," The Banking Law Journal, July 2016
- "Second Circuit Defines Adequate Capitalization in Fraudulent Transfer Case," Schulte Alert, June 21, 2016

- "Supreme Court Holds Puerto Rico Recovery Act Preempted by Bankruptcy Code," Schulte Alert, June 15, 2016
- "Safe Harbor Defense Bars Creditors' State Law Fraudulent Transfer Claims," The Bankruptcy Strategist, June 2016
- "Fifth Circuit Affirms Secured Lender Surcharge," Harvard Law School Bankruptcy Roundtable, May 3, 2016
- "Texas Supreme Court Resolves Fraudulent Transfer Value Defense for Fifth Circuit," Schulte Alert, April 6, 2016
- "Seventh Circuit Voids Lien-Securing Rescue Loan," The Bankruptcy Strategist, April 2016
- "Seventh Circuit Holds Diversion of Asset Sale Proceeds to Be Fraudulent," Schulte Alert, March 30, 2016
- "Second Circuit Holds Safe Harbor Defense Bars Creditors' State Law Fraudulent Transfer Claims," Schulte Alert, March 29, 2016
- "Second Circuit Affirms Mandatory Subordination of Underwriters' Contribution and Reimbursement Claims," The Banking Law Journal, March 2016
- "Fifth Circuit Reverses Officer's Release in Chapter 11 Reorganization Plan," Schulte Alert, March 1, 2016
- "Split Ninth Circuit Narrows Definition of Bad Faith Insider in Cramdown Case," Schulte Alert, Feb. 23, 2016
- "6th Circ. Rejects Transparently Artificial Chapter 11 Plan," *Law360*, Feb. 16, 2016
- "Sixth Circuit Affirms Rejection of Bad Faith Chapter 11 Plan," Schulte Alert, Feb. 12, 2016
- "Fourth Circuit Affirms Priority of Tax Lien over Failed Chapter 11
 Professional Fees," Schulte Alert, Feb. 2, 2016
- "5th Circ. Affirms Secured Lender Surcharge," *Law360*, Jan. 21, 2016
- "Seventh Circuit Voids Lien Securing Rescue Loan but Rejects Equitable Subordination Claim," Schulte Alert, Jan. 14, 2016

- "Update on Bankruptcy Fee Shifting," The Bankruptcy Strategist, January 2016
- "Fifth Circuit Affirms Secured Lender Surcharge," Schulte Alert, Jan. 5, 2016
- "Tenth Circuit Saves Insider's Severance Payments," Employee Benefit Plan Review, January 2016
- "Third Circuit Affirms Dismissal of Good Involuntary Petition for Bad Faith," Real Estate Finance Journal, Fall/Winter 2015
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Speaking Engagements

- "Business Bankruptcy Process," 33rd Annual High Yield Bond Conference, June 2023
- "Bankruptcy Financing Issues," Practising Law Institute Bankruptcy
 & Reorganizations 2023: Current Developments, April 2023
- "Bankruptcy Financing Issues," Practising Law Institute Bankruptcy
 & Reorganizations 2022: Current Developments, May 2022
- "Business Bankruptcy Fees and Ethics," Celesq, Nov. 2021
- "The Automatic Stay" and "DIP Financing & The Trustee's Avoiding Powers," Practising Law Institute Bankruptcy & Reorganizations 2018: Current Developments, April 2019
- "The Automatic Stay" and "DIP Financing & The Trustee's Avoiding Powers," Practising Law Institute Bankruptcy & Reorganizations 2018: Current Developments, April 2018
- "DIP Financing and Other Lending Issues; First Day Orders" and
 "The Automatic Stay and Avoiding Powers," Practising Law Institute
 Bankruptcy & Reorganizations 2017: Current Developments, April
 2017
- "DIP Financing and Other Lending Issues; First Day Orders" and
 "The Automatic Stay and Avoiding Powers," Practising Law Institute
 Bankruptcy & Reorganizations 2016: Current Developments, April
 2016
- "Current Topics Discussion: 'Fee Shifting,' 'Equitable Mootness' and 'Preemption," American College of Bankruptcy Education Session, March 2016
- "DIP Financing and Other Lending Issues" and "The Automatic Stay and Avoiding Powers," Practising Law Institute Bankruptcy & Reorganizations 2015: Current Developments, April 2015
- "Recent Developments: Leading Bankruptcy Opinions from 2014,"
 ABI Webinar, March 2015

- "Application of the Delaware Business Judgment Case Law in Reorganization Cases," American College of Bankruptcy Class 26 Induction Ceremony & Events, March 2015
- "DIP Financing and Other Lending Issues; First Day Orders" and
 "The Automatic Stay and Avoiding Powers," Practising Law Institute
 Bankruptcy & Reorganizations 2014: Current Developments, April
 2014
- "The 11th Circuit's *Tousa* Opinion" and "Recent Developments in Chapter 11 Bankruptcy," SBLI 40th Annual Seminar on Bankruptcy Law and Rules, March 2014
- "When Is an Appeal from a Reorganization Plan Confirmation Order Equitably Moot?" "Should Lenders Be Required to Investigate the Source of a Borrower's Loan Repayment?" and "Are 'Rescue Loans' Still Possible After the 11th Circuit's 2012 *Tousa* Decision?" American College of Bankruptcy Class 25 Induction Ceremony and Events, March 2014
- "DIP Financing and Other Lending Issues," "The Automatic Stay and Avoiding Powers" and "Treatment of Claims: Allowance and Priority," Practising Law Institute Bankruptcy & Reorganizations 2013: Current Developments, April 2013
- "Circuit Split on Bankruptcy Judges' Power After Supreme Court Ruling," "Limits on Corporate Directors' Indemnification in Reorganization Cases" and "Circuit Split on Standing of Post-Reorganization Trustees to Sue Third Parties," American College of Bankruptcy Class 24 Induction Ceremony and Events, March 2013
- "Evaluating Litigation for Purposes of Valuing Distressed Securities,"
 Schulte Distressed Investing Conference: Reflections on 2012 and
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- "The Automatic Stay and Avoiding Powers," and "First Day Orders, DIP Operations and DIP Financing," Practising Law Institute
 Bankruptcy & Reorganizations 2012: Current Developments, April 2012
- American College of Bankruptcy Induction Ceremony, March 2012

- "Chapter 7-Eleven: The Increasing Use of Asset Sales as a Means of Effectuating a Reorganization," The 8th Annual Wharton Restructuring and Turnaround Conference, February 2012
- "Preparing for Bankruptcy Risks and Industry Issues: Dealing with the Lender's Potential Risks," Practising Law Institute Recent Developments in Distressed Debt, Restructurings & Workouts, January 2012
- "Overview of Recent Court Decisions Enron," Bloomberg Law CLE Bankruptcy Law Recent Developments — Section 546(e) Safe Harbor — Has the Second Circuit Taken Away a Bankruptcy's Court Traditional Ability to Consider Substance Over Form? October 2011
- "DIP Financing, Fraudulent Transfers and Preferences," Practising Law Institute Bankruptcy & Reorganizations: Current Developments, April 2011
- "Designation (Disqualification) of Creditors' Votes on a Reorganization Plan" and "The 'Gifting' Doctrine in Reorganization Cases," LSTA: DBSD vs. DISH: Designation and Gifting ... Did the Second Circuit Get It Right? March 2011
- Moderator, "Trends in Bankruptcy Litigation," ABI New York City Bankruptcy Conference, May 2010
- "Ethical Obligations in Bankruptcy and the Role of the U.S. Trustee" and "Preferences and Fraudulent Transfers," PLI: Nuts and Bolts of Corporate Bankruptcy, December 2009
- "Liquidate and Litigate: The End of Reorganization?," ABI's 11th
 Annual New York City Bankruptcy Conference, May 2009
- "Reform of the Reform? What the New Congress and Administration Will Mean for Bankruptcy Law," New York University School of Law, April 2009
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"The Latest Ethical Considerations for Your Bankruptcy Practice,"
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Memberships

- American College of Bankruptcy
 - Chair, 2014-2016
 - President, 2012-2014
 - Chair, Board of Regents, 2010-2012
 - Chair, Pro Bono Committee, 2008-2010
- Member, Columbia University Undergraduate Campaign Council
- Trustee, Board Secretary and Executive Committee Member, The Forman School
- Member, Bankruptcy Law Advisory Committee, Practising Law Institute
- Chair, New York City Bankruptcy Assistance Project, 2005-2008
- Chair, Creditors' Rights Litigation Committee, American Bar Association
 - Section of Litigation, 1976–1981
- Director, American College of Bankruptcy Foundation
- Former Director and Vice President, Columbia College Alumni Association, 1995-2011
- Chair and Director, Lawyers Alliance for New York, 1996-2003
- Former Director, Goddard Riverside Community Center
- Member, Lawyers Alliance for New York Board of Advisors
- Fellow, American Bar Foundation
- Fellow, New York Bar Foundation

Distinctions

- Recipient, 2015 President's Cup, Columbia College Alumni Association, for Distinguished Service
- Honorary Hood Marshal, Columbia University Commencement Ceremony, 2015
- Recipient, 2010 Lawrence P. King Award for Excellence in Bankruptcy, UJA Federation
- Recipient, 2022 Lexology Client Choice Award, Restructuring & Insolvency
- Benchmark Litigation: The Definitive Guide to America's Leading Litigation Firms and Attorneys
- The Best Lawyers in America
- Chambers USA
- Expert Guide to the World's Leading Banking, Finance and Transactional Law
 - Lawyers (Restructuring and Insolvency)
- The International Who's Who of Business Lawyers
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- The K&A Restructuring Register
 - Peer group listing of the top 67 attorneys who practice in restructuring, reorganization, insolvency and bankruptcy
 - "America's Top 100" Lawyers
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- Martindale-Hubbell Law Directory, AV rating
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 - Top Rated Lawyer in Corporate Restructuring and Bankruptcy, 2013-2016

- New York Super Lawyers
- PLC Cross-border Restructuring and Insolvency Handbook
- Who's Who in American Law
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