



C. Edward Dobbs
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Education

- Davidson College (A.B., 1971)
- Vanderbilt University School of Law (J.D., 1974); Order of the Coif; Articles Editor, Vanderbilt Law Review, 1973-1974

Admitted to Practice

- All Georgia Courts
- United States Supreme Court
- 11th Circuit Court of Appeals
- 5th Circuit Court of Appeals
- U.S. District Courts for Northern and Middle Districts of Georgia
- U.S. District Court for Eastern District of Michigan

Overview

Mr. Dobbs' practice for more than 38 years has been concentrated in documenting and closing commercial loans for banks and other financial institutions, including asset-based lending arrangements; representing financial institutions in debt restructurings, workouts and forbearance arrangements; defending financial institutions in litigation involving alleged fraudulent conveyances, preferences and lender liability claims; representing financial institutions as secured and unsecured creditors in Chapter 11 bankruptcy cases; and representing unsecured creditors, creditors' committees and debtors in Chapter 11 reorganization cases.

Mr. Dobbs has been involved in large Chapter 11 cases in bankruptcy courts throughout the southeast, as well as in Delaware, Louisiana, Michigan, New York, Oklahoma and Texas. In addition to his experience representing both debtors and creditors in bankruptcy cases and in representing financial institutions in large commercial loan transactions, Mr. Dobbs is also called upon to advise boards of directors regarding fiduciary duty issues.

A long-time participant in the alternative dispute resolution arena, Mr. Dobbs is on the panel of neutrals maintained by the American Arbitration Association for complex commercial cases and the mediation panel of the Bankruptcy Court for the District of Delaware. He frequently serves as a mediator in commercial disputes, including controversies arising out of or related to corporate bankruptcy cases and other commercial disputes.

Arbitration and Mediation Experience

Arbitration: For more than 15 years, Mr. Dobbs has served as an arbitrator in numerous complex commercial disputes, including disputes under Articles 2 and 9 of the Uniform Commercial Code, construction litigation disputes, cases involving brokerage commissions and other breach of contract matters, accounting and auditor malpractice cases, intellectual property cases, disputes under partnership agreements, lender liability matters, disputes involving change of control provisions in investment banking agreements, and various cases involving conversion, fraud and breach of fiduciary duty.

Mediation: For more than 12 years, Mr. Dobbs has served as a mediator in numerous complex commercial disputes in Georgia, Alabama, Connecticut, Florida, North Carolina and Tennessee, including (i) commercial litigation arising out of or related to bankruptcy cases, fraudulent transfer claims (including claims arising from Ponzi schemes), professional fee disgorgement disputes in administratively insolvent bankruptcy cases, voidable preference claims, and suits against officers and directors for breach of fiduciary duty, and (ii) disputes under commercial leases, lender liability claims, inter-bank disputes (including disputes under participation and syndication agency agreements), claims asserted under various types of contracts (including sales and distribution agreements, construction contracts and joint venture agreements), suits on guaranties, and claims by banks and insurers regarding scope and coverage of mortgage credit insurance.

Alternative Dispute Resolution Training: Arbitration Institute, Institute of Continuing Legal Education In Georgia, 2012; Alternative Dispute Resolution Training AAA Webinar, Drafting Mediation Settlements that Stick, 2011; AAA Webinar, What's a Respondent Like You Doing in a Place Like This? Confronting Arbitrability and Jurisdiction Issues in Arbitration, 2011; AAA Webinar, How Are Your (Negotiation) Table Manners?, 2011; AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics (ACE005), 2006; ABA Program, Code of Ethics for Arbitrators, 2004; AAA Commercial Arbitrator II Training, 2002; AAA Arbitrator Update 2001; AAA Commercial Arbitrator Training, 1999; AAA Commercial Mediator Training, 1997.

Professional and Civic Involvement

- Fellow, American College of Bankruptcy (since 1993)
- Fellow, American College of Commercial Finance Lawyers (since 1991; President, 1996-1998)
- Fellow, Lawyers Foundation of Georgia (1983-)
- Fellow, American Bar Foundation (2011-)
- Atlanta Chapter of Turnaround Management Association (Board member, 2002-; President 2007 - 2009)
- American Judicature Society (Member, Board of Directors, 1981-1982)
- Board of Directors, CFA Education Foundation, Inc.
- Past Faculty Member, Association of Certified Turnaround Professionals

- Adjunct Professor of Law, Emory University School of Law (1987-1992)
- American Bar Association (ABA Young Lawyers Division, Chairman 1981-1982; Member, House of Delegates, 1982-1984; Creditors' Rights Subcommittee, Chair, 1994-1995; Syndications and Participations Subcommittee, Chair, 1996-1997, Member of Section of Business Law and Member, Section of Dispute Resolution)
- Atlanta Bar Association (Member, Corporate and Banking, Bankruptcy and ADR Sections)
- Board of Directors, Southeastern Bankruptcy Law Institute, Inc., 1979-2009 (President, 1991-1992, 2005-2006 and Chairman, 1992-1993, 2006-2007)
- Member of the National Roster of Neutrals (arbitrations and mediations)
- Member, Delaware Bankruptcy Court Mediation Panel
- Alumni Council, Vanderbilt University School of Law (1997-1999)
- Member, Association of Commercial Finance Attorneys
- Board of Trustees, Davidson College (2009-2011)
- Board of Visitors, Davidson College (2005-); Chairman (2009-2010)
- Board of Directors, Trees Atlanta, Inc. (2002-), President (2009-)
- Board of Trustees, Trinity School (1992-1996)
- Board of Trustees, Georgia Conservancy (2012)
- State Bar of Georgia (Chairman, Section of Bankruptcy Law, 1978-1979; Member, Authors' Court, 1980-)
- Advisory Board, Department of Urology, Emory Medical School (2009-)

Representative Engagements

- Represented numerous financial institutions in syndicated loan transactions from \$100 million to in excess of \$1 billion, many of which have involved multi-currency loans to affiliated borrowers in Canada, the United Kingdom, Italy, France, Germany, Denmark and Belgium.
- Represented The Colonial BancGroup, Inc., a bank holding company, as debtor, in a Chapter 11 case in Montgomery, Alabama
- Represented numerous financial institutions in connection with investigation and prosecution of claims arising from fraud perpetrated on the financial institutions by third parties.
- Represented Bank of America as agent bank with respect to \$350 million credit facility in Chapter 11 case of Kellstrom Industries in Delaware
- Represented agent and bank group in debtor-in-possession financing in favor of Cone Mills and exit financing for WLR Cone Mills
- Represented Enstar Group as debtor in in Chapter 11 case, which resulted in full payment of more than \$175,000,000 in debt, together with a distribution to equity security holders and subsequent listing of the reorganized debtor on the New York Stock Exchange
- Represented Bank of America as syndicate agent with respect to \$120 million credit facility in Chapter 11 bankruptcy case of Plastech Engineered Products, Inc. and affiliates in Detroit, Michigan, and in connection with debtor-in-possession financing for those debtors.
- Represented Regions Bank as prepetition lender and DIP lender in Chapter 11 case of Bruno's Inc. in Birmingham, Alabama

- Represented Barclays Bank in Chapter 11 case of Murray Industries (manufacturer of Chris Craft boats) in Tampa, Florida
- Represented Vesta Insurance Group, Inc., a publicly traded insurance holding company, and its wholly owned management subsidiary, J. Gordon Gaines, Inc., as Chapter 11 debtors in Birmingham, Alabama.
- Represented Currahee and affiliates, owners of resort and golf course development, as debtors in Chapter 11 cases in Atlanta, Georgia.
- Represented agent and bank group in \$350 million debtor-in-possession financing for WestPoint Stevens.
- Represented Ames Taping & Tooling and affiliates, as debtors, in Chapter 11 cases in Delaware
- Represented Standard Chartered Bank and Lloyd's Bank as secured creditors in Chapter 11 bankruptcy case of General Development Corporation in Miami, Florida.

Publications and Presentations

- Numerous presentations at seminars on lending and bankruptcy sponsored by bar and banking associations and other CLE providers, including the Atlanta Bar Association, the State Bar of Georgia, Alabama Bar, Texas Bar, Tennessee Bar, Oklahoma Bar, Florida Bar, West Virginia Bar, the Bankruptcy Judges Conference, the Practicing Law Institute, the American Bankruptcy Institute, the Commercial Finance Association, the Turnaround Management Association and Commercial Law League of America
- Faculty leader, American Bankruptcy Institute and St. John's University School of Law Bankruptcy Mediation Training Program (December 2011 and 2012)
- Presented "Emerging and Complex Issues in Chapter 11: Part One" as a panelist at the National Conference of Bankruptcy Judges in Tampa, Florida (October 2011)
- Presenter and Author: "Mediation in Bankruptcy Cases -- A Mediator's Perspective," at ABI 2011 Annual Meeting (April 2011)
- Presenter and Co-Author: "Commercial Law -- Year in Review," Atlanta Bar Association (December 1989 - present)
- Co-author, "Georgia Commercial Lending Law" in Commercial Lending Law: A State-by-State Guide (American Bar Association 2009)
- Editor and co-author, "Georgia State Law of Guaranties and Suretyship," part of a state-by-state guide (American Bar Association 2012, publication pending)
- Presenter: "Workouts and Forbearance Agreements - Due Diligence and Documentation" at the Turnaround Management Association (Atlanta Chapter) series of Interdisciplinary Programs (June 2009)
- Panel Member: "Negotiating Intercreditor Agreements as Bankruptcy Filings Soar," teleconference by Strafford Publications (June 2008, December 2008 and May 2009)
- Panel Member: "The Bankruptcy Boom is Here: Are You Prepared for the Exponential Growth of Bankruptcy Mediation and Alternative Dispute Resolution," at the ABI Annual Meeting (April 2009)
- Panel Member and Co-Author: "In Transit Inventory: Loan Documentation and Practical Considerations" Seminar at the ABA Spring Business Law Section Meeting (April 2009)
- "Business Bankruptcy Panel Call on the Brave New World of Finance," 23 *Emory Bankruptcy Developments Journal*, 549 (2007)

- "Negotiating Points in Second Lien Financing Transactions," 4 *DePaul & Commercial Law Journal* 189 (2006)
- Co-author: "Bankruptcy Law Changes Will Affect Business Cases Too: The Bankruptcy Abuse Prevention and Consumer Act of 2005," 11 *Georgia Bar Journal* 32 (2005).
- "Negotiating and Documenting a 'Defensive' Debtor-in-Possession Financing," *The Review of Banking & Financial Services* (October 2003)
- Co-author: "Bulk Transfers: Protecting the Banks' Security Interest," *Commercial Lending Review* (1997)
- "Enforcement of Article 9 Security Interests-Why So Much Deference to the Junior Secured Party?" 28 *Loyola of Los Angeles Law Review* 131 (1994)
- Co-author: "Protecting Collateral Assignments of Partnership Interests," 9 *Commercial Lending Review* 31 (1994)
- Co-author: "Commitment Letters: Uses and Pitfalls," - *Commercial Lending Review* 10 (1993)
- Co-author: "Labor Act Jeopardizes Liens on Accounts Receivable of Service Companies," 6 *Commercial Lending Review* 40 (1991)
- "Taking Warrants in Loan Transactions: Legal Risks and Remedies," 3 *Commercial Lending Review* 67 (1988)
- Co-author: "New Requirements for Financing Statements and Continuation Statements Filed in Georgia," 22 *Georgia Bar Journal* (August 1985)
- "Debt Subordinations," in Asset Based Financing, Matthew Bender (1985)
- Co-author: "Bankruptcy Preference Concerns in Industrial Development Bond Financing," 84 *West Virginia State Law Review* 573 (1982)
- Enforcement of Security Interests in Personal Property, Harrison Company (1979)
- Reorganization Under Chapter 11 of the Bankruptcy Code, Harrison Company (1980)
- "Bankruptcy Reform Act of 1978 -- An Overview," 15 *Georgia State Bar Journal* (1979)