



### Judith Elkin

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MEDIATION RATE: \$750/hour

Recent Employment (6/84 - 6/16):

Haynes and Boone, LLP

Partner

New York, New York

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### Practices and Industries

- Bankruptcy and Business Restructuring
- Bankruptcy and Insolvency Litigation
- Banking and Finance
- Private Equity
- Distressed Assets
- Aviation
- Oil and Gas
- Energy and Natural Resources
- International

### Education and Clerkships

- J.D., University of Wisconsin, 1981, *cum laude*
- B.A., Binghamton University, State University of New York, 1978, *summa cum laude*

### Bar Admissions

- New York
- Texas

### Court Admissions

- New York Court of Appeals
- Texas Supreme Court
- United States Supreme Court
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court for the Northern District of Texas
- U.S. District Court for the Southern District of Texas
- U.S. District Court for the Eastern

After 35 years of private practice, I retired as a partner in the Bankruptcy and Business Restructuring section of Haynes and Boone, LLP, where I served in several leadership roles, including as chair of the section for five years. I have 35 years of experience representing debtors, creditors, creditors' committees, lenders, trustees, acquirors and other parties-in-interest in reorganization proceedings and out-of-court financial restructurings. I speak frequently on insolvency issues both in the U.S. and internationally. I am a regular faculty member of the Practicing Law Institute on programs relating to domestic and cross-border insolvencies.

I have worked on some of the largest, most contentious and complex insolvency cases. I am one of 18 people approved by the bankruptcy court to mediate significant mortgage indemnification claims of Lehman Brothers. I have represented major financial institutions in cases such as Alpha Natural Resources, Adelphia, Enron, Calpine, MF Global and SemGroup. In Enron, I was responsible for coordinating Credit Agricole's claims in the proceedings pending in the U.S. and Europe, as well as representing the bank as co-chair of the Unsecured Creditors' Committee. In SemGroup, I negotiated Credit Agricole's participation as a debtor in possession lender, participated in the mediation of collateral priority disputes with oil and gas producers, and successfully defended the bank in litigation challenging its position as a swap lender, resulting in a global settlement as part of a confirmation hearing conducted simultaneously in the U.S. and Canada. I have defended major avoidance litigation brought against Goldman Sachs arising from the Extended Stay bankruptcy and Highland Capital Management in the bankruptcy of Fedders. I have also represented the foreign representatives of foreign debtors seeking the protections of Chapter 15 in the U.S.

- District of Texas
- U.S. District Court for the Western District of Texas
- U.S. District Court for the Southern District of New York

I recognize that even the largest corporate client is made of up people who have a vested interest in the successful, practical and cost-effective resolution of financial problems. My global view and experience in the trenches on cross-border insolvency matters has led me to be both a prolific writer and a sought after speaker internationally. I have spoken on lender liability issues in Tokyo, the insolvency of hedge funds in Dublin and distressed M&A in Sao Paulo. I have served as co-chair of the International Bar Association's Insolvency Section, chair of the International Women's Insolvency & Restructuring Confederation (IWIRC), chair of the ABA Litigation Section Bankruptcy & Insolvency Committee and co-chair of the ABA International Section Secured Transaction & Insolvency Committee. I also serve as a delegate for several non-governmental organizations to the United Nations Commission on International Trade Law (UNCITRAL).

I am most proud of my work with IWIRC, a global mentoring and networking organization for women in the insolvency professions. As a founding member in 1993, I contributed to the growth of the organization from 30 women meeting in a basement conference room in a Toronto hotel to nearly 1500 members with more than 45 networks worldwide. In 2013, I was the recipient of IWIRC's Melnik Award for Outstanding IWIRC Member.

When not working on behalf of her human clients, I am an advocate for the rights of animals. I have worked with the NYS Bar Association Animal Law Committee preparing analyses of proposed legislation for submission to the NYS legislature, am on the board of directors of the Humane Society of Westchester and am a Patron of the Wildlife Conservation Society, as well as a former board member and officer of the Dallas Zoological Society. My work and love of travel have taken me to over 100 countries and all seven continents. I believe that through travel we develop a better appreciation and understanding of our shared values, which is vital to successful cross border insolvency dispute resolution.

#### **Selected Client Representations**

- Representation of Credit Agricole Corporate and Investment Bank, pre-petition and DIP lender in Chapter 11 case of Alpha Natural Resources
- Representation of Credit Agricole Corporate and Investment Bank, pre-petition and DIP lender in Chapter 11 case of Trinity Coal.
- Representation of Archon/Goldman Sachs in multi-billion dollar litigation brought by the post-confirmation trust of Extended Stay Hotels.
- Representation of RIM in Kodak restructuring case.
- Representation of various landlords in the Borders' bankruptcy case.
- Representation of major secured lender in out of court

- restructuring of a multi-billion dollar time-share developer.
- Representation of Credit Agricole Corporate and Investment Bank as a multi-million dollar senior secured lender, DIP lender and exit lender to various SemGroup entities. SemGroup is a multi-billion dollar global gatherer, distributor, storer, transporter and marketer of crude oil and refined petroleum products.
  - Representation of Bank of America as agent for the \$2.6 billion Century Credit Facility in Adelphia Communications Corp. Chapter 11 case.
  - Representation of Credit Agricole Corporate and Investment Bank as a project lender on an electricity generation facility in Missouri, in the Calpine Corp. Chapter 11 case.
  - Representation of Credit Agricole Corporate and Investment Bank as lender and co-chair of the Unsecured Creditors' Committee in Enron Corp. Chapter 11 case.
  - Representation of Mirant Corporation, 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.
  - Negotiation of settlement in excess of \$50 million of coverage litigation on behalf of Travelers 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.
  - Representation of Highland Capital, a major shareholder and potential acquiror, in Delphi reorganization case.

### **Professional Recognition**

- Certified for mediation in the United States Bankruptcy Courts for the Southern and Eastern Districts of New York
- Recipient of the Melnik Award for exceptional contributions, International Women's Insolvency and Restructuring Confederation (IWIRC), 2013
- Recognized in *Who's Who Legal* for Insolvency & Restructuring, Law Business Research Ltd., 2014-2015
- Recognized for Insolvency and Restructuring in *Expert Guides*, Euromoney Institutional Investor PLC, 2014-2015
- Recognized in *The Best Lawyers in America*, Woodward/White, Inc., for Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, 2005-2016; Litigation - Bankruptcy, 2012-2016
- Recognized in *Super Lawyers*, Thomson Reuters, for

- Bankruptcy and Creditor/Debtor Rights Law, 2007-2015
- *Martindale Hubbell® Law Directory* with a Peer Review Rating of AV® Preeminent™

### **Professional and Community Activities**

- Co-Chair, American Bar Association International Section, International Secured Transaction and Insolvency Committee, 2015-2016; Vice-Chair, 2013-2015
- Co-Chair, International Bar Association Insolvency Section, 2011-2012
- Chair, International Women's Insolvency and Restructuring Confederation (IWIRC), 2010-2012, Vice Chair, 2006-2010, Secretary/Treasurer, 2002-2006, Executive Committee Member, Member, New York Network and Founding Member, Dallas Network
- Vice-Chair, International Bar Association Insolvency, Section, 2009-2010, Co-Chair of SIRC Creditors' Rights Committee, 2007-2008
- Co-Chair, American Bar Association, Bankruptcy and Insolvency Litigation Committee, Litigation Section, 1997-2001
- Board of Directors and Executive Committee Member, Dallas Zoological Society, 2000-2004
- Board of Directors, Humane Society of Westchester
- Patron, Wildlife Conservation Society
- Turnaround Management Association (TMA)
- International Insolvency Institute (III)
- American Bankruptcy Institute
- Bar Association of the City of New York
- Association for Corporate Growth
- 100 Women in Hedge Funds

### **Firm Leadership**

- Member: Women's Practice Committee
- Member: Partnership Admission Committee
- Chair: Bankruptcy Practice Group
- Chair: Finance Section (Bankruptcy, Banking, Real Estate and Energy Practice Groups)