



HOWARD N. GORNEY | Mediator and Arbitrator

MWI Bankruptcy Panel

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Dispute Resolution Experience

Howard Gorney combines thirty five years as a commercial attorney with his mediation and arbitration skills to assist parties in reaching resolution of financial disputes. He has mediated over 150 commercial matters since becoming a mediator in 2006. In addition, he has arbitrated over 50 business disputes since that time. His mediation and arbitration experience ranges from resolution of complex business issues to franchise, bankruptcy and construction matters in amounts extending into multi-millions of dollars. Drawing upon his vast experience as a commercial and bankruptcy attorney, Howard also mediates many matters involving complex Chapter 11 cases in both the New York and Delaware bankruptcy courts, as well as the recently-formed mediation program in the Massachusetts bankruptcy court, which Howard helped to formulate. He also regularly mediates disputes arising between General Motors dealers and the factory involving all aspects of the dealer/factory relationship. In addition, Howard arbitrates construction cases for the Commonwealth of Massachusetts and arbitrates and mediates matters for the financial services industry pertaining to allegations of broker misconduct.

Representative Matters

- In re BRAC, United States Bankruptcy Court, District of Delaware. Mediator of Preference Litigation Cases.
- In re Oakwood Homes, United States Bankruptcy Court, District of Delaware. Mediator of Preference Litigation Cases.
- In re Corbin, United States Bankruptcy Court, Southern District of NY. Mediator of Three-Party Adversary Proceeding involving Labor Union Dispute with Debtor.
- In re Verestar, United States Bankruptcy Court, Southern District of NY. Mediator of Three-Party Adversary Proceeding and Counter Claim involving Sale of Assets of Debtor.
- Mediator, General Motors Dealer/Factory Disputes involving, among other issues SFE, bonus disputes, sale for resale and franchise termination.
- Arbitrator, Construction Disputes, Commonwealth of Massachusetts, Office of Consumer Affairs and Business Regulation. Disputes include allegations of faulty construction, change orders and overcharges.
- Arbitrator, FINRA (formerly known as NASD), disputes include allegations of broker misconduct, churning of accounts and unauthorized investment.

Honors, Memberships, and Professional Activities

- Boston Magazine Best Lawyer - 2004
- Law Firm of Nixon Peabody LLP, Boston, MA 1988-2006
- Partner 1988-2003
- Senior Counsel 2003-2006
- Chairman of Commercial Law Dept. 1996-1998
- Chairman and Member of Executive Committee 1992-1999
- Partner, Law Firm of Seder & Chandler, Worcester, MA 1981-1988
- Associate and Partner, Law Firm of Scheier, Scheier & Graham, P.C., Acton, MA 1976-1981
- Executive Director, Home Builders Assoc. of Greater Lowell, Lowell, MA 1974-1976
- Publication: "BAPCPA Impact on Preference Mediation," American Bankruptcy Institute Journal, Vol. XXIV, No. 6, July/August 2005.
- Publication: "The Ordinary Course Defense to a Preference Payment: A Trade Creditor's Impossible Dream," 21 Emory Bankruptcy Developments Journal 163, 2004
- Publication: "Creditors: Not All Post-Petition Extraordinary Transfers Are Prohibited," Andrews Litigation Reporter, Vol. 1, Issue 13; October 22, 2004
- Publication: "The Importance of Good Faith in Fraudulent Transfer Analysis," American Bankruptcy Institute Journal, Vol. XXII, No. 2, March, 2003
- Publication: "Supreme Court Tips Balance in Creditors Favor," Boston Business Journal, July 16-22, 1999 (Co-Author)
- Publication: "Compliance May Not Protect Validity of Foreclosure Sales," Banker & Tradesman, February 3, 1997 (Co-Author)
- Publication: "Enjoining Payment of Letters of Credit Under the Bankruptcy Code," 66 American Bankruptcy Law Journal 333
- Publication: "Elimination of 45-Day Rule of Section 547(c)(2) Requires a New Look at Preferences," 91 Commercial Law Journal No. 3

Lectures and ADR Trainings Conducted

- Lecturer on Mediation of Claims in Bankruptcy, American Bankruptcy Institute Northeast Bankruptcy Conference, July, 2011
- Lecturer in Business Law and Real Property Law, Assumption College Center for Continuing Education, Worcester, MA 1983-1987

Background and Education

- Member, Mediation Panels: U. S. Bankruptcy Court, Southern District of NY,
- U.S. Bankruptcy Court, District of Delaware.
- Trained mediator. Completed 40 hours of mediation training with MWI, Boston, MA, in accordance with Mass. General Laws, Ch. 233 §23C.

- Panel Mediator, Financial Industry Regulatory Authority (FINRA)
- Panel Arbitrator, FINRA.
- Member, Commercial Mediation Panel, MWI, Boston, MA.
- Panel Arbitrator, Mass. Office of Consumer Affairs and Business Regulation
- Suffolk University, Boston, MA, Juris Doctor 1974
- University of Pennsylvania, Philadelphia, PA, Master of Arts 1965
- University of Vermont, Burlington, VT, Bachelor of Arts 1964