

As of December 1, 2011

PETER L. BOROWITZ

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On December 31, 2007, after three decades at Debevoise & Plimpton, Peter Borowitz retired from the partnership, so that he could focus exclusively on acting as mediator in all types of commercial disputes, with particular emphasis on disputes arising in domestic and cross-border bankruptcies and out-of-court restructurings.

Education

- Harvard College, A.B. 1974 summa cum laude.
- Harvard Law School, J.D. 1978 magna cum laude. Harvard Law Review. Sears Prize

Law Firm Experience

Mr. Borowitz joined Debevoise & Plimpton in 1978, became a partner in 1986, and retired from the partnership as of December 31, 2007. While his career initially focused on the representation of debtors in bankruptcies and workouts (such as Chrysler, Western Union, and Baldwin United), in later years he primarily represented institutional lenders and other creditors in domestic and cross-border restructurings in and out of court.

His major cases in the United States include representation of creditors of Orion Pictures, TWA, Eastern Air Lines, Continental Airlines, Enron, USGen, Calpine, Kmart, Crown Pacific, Oregon Arena, Dulles Greenway, Massey Ferguson and Reading & Bates.

He has also been involved in numerous cross-border cases such as Sea Containers, Parnalat Canada, LI Hooker, AeroMexico, Mexicana, Kvaerner, and Burmeister and Wain.

He has often advised institutional lenders in connection with complex leveraged-lease and project-finance transactions.

Mediation Experience

As counsel in numerous complex corporate restructurings in and out of court, Mr. Borowitz has had substantial experience in negotiating settlements of debtor/creditor and intercreditor disputes. Prior to his retirement from Debevoise, he represented parties in bankruptcy mediations in the USGen and Lynx Chapter 11 cases.

Since his retirement from Debevoise, Mr. Borowitz has served as mediator in a number of major Chapter 11 cases. Recent matters include:

- Adelpia Chapter 11 case in the Southern District of New York— mediation of a major claims dispute between Adelpia and General Dynamics
- Bearing Point Chapter 11 case in the Southern District of New York— mediation of multiple complex preference claims asserted by the BearingPoint Liquidating Trustee against American Express
- 360networks Chapter 11 case in the Southern District of New York—mediation of disputes between the Postconfirmation Representative and 360networks
- Touse Chapter 11 case in the Southern District of Florida—mediation of more than fifty preference actions (100% of which were settled through mediation)
- Touse Chapter 11 case in the Southern District of Florida—mediation of Chapter 11 plan issues (including major fraudulent conveyance and preference claims) and claims against directors, officers and d&o insurers

Mediation Training

- 40-hour Mediation Certification course, sponsored by the Institute for Conflict Management in October 2006.

Member of Panel of Mediators

- U.S. Bankruptcy Court, District of Delaware
- U.S. Bankruptcy Court, Southern District of New York
- U.S. Bankruptcy Court, Eastern District of New York

Mediation Speeches

- “So You Can’t Agree on Plan Terms: Does Plan Mediation Work?”—On October 13, 2011 Mr. Borowitz appeared as a panelist at the ABA Chapter 11 Subcommittee program at the Annual Meeting in Tampa of the National Conference of Bankruptcy Judges.
- “Examiners and Mediators”—On May 6, 2011 Mr Borowitz appeared as moderator of this panel at the Annual Conference in New York of the American Bankruptcy Institute.
- “Three’s a Crowd: The Tough Task of Resolving Multi-Party Disputes”— On April 17, 2009, Mr Borowitz appeared as a panelist at the Spring Meeting in Vancouver of the ABA Business Law Section.
- “Bankruptcy Mediation” – On October 5, 2007, Mr. Borowitz presented this speech at the Fall Meeting in New York of the American College of Investment Counsel.

Professional Activities

- American Bar Association, Business Bankruptcy Committee — 1981 to Present.
- Chair, Avoiding Powers Subcommittee - 1989-1993.
- Chair, Executory Contracts Subcommittee - 1993-1995.

Selected Publications

- "Waiving Subrogation Rights and Conjuring Up Demons in Response to *Deprizio*," 45 *Business Lawyer* 2151 (1990).
- "A New Twist on Twist Cap: Invalidating a Preferential Letter of Credit in *In re Air Conditioning*," 103 *Banking Law Journal* 368 (1986).
- "Working Out with the Government: The Chrysler Loan Guarantee Program," *Journal of Law and Commerce* (1984).
- "Real Property Foreclosure as a Fraudulent Conveyance: "Proposals for Solving the *Durrett* Problem," 38 *Business Lawyer* 1605 (1983).