

## **PETER L. BOROWITZ**

C/O DEBEVOISE & PLIMPTON  
919 THIRD AVENUE  
NEW YORK, NY 10022  
Cell: (914) 720-1217  
Fax: (212) 521-7525  
Email: [plborowitz@debevoise.com](mailto:plborowitz@debevoise.com)



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), for the last two decades he has 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, Massey Ferguson and Reading & Bates.

He has also been involved in numerous cross-border cases such as Sea Containers, Parmalat Canada, LJ 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.

In January 2008 (several weeks after his retirement from Debevoise), Mr. Borowitz was appointed by the Bankruptcy Court for the Southern District of New York to act as mediator of a claims dispute between General Dynamics and Adelphia that had been pending for several years in the Adelphia Chapter 11 case. This mediation resulted in a prompt settlement of the claims dispute, which was approved by the Bankruptcy Court in May 2008.

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

### **Mediation Speeches**

- “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).