



Hon Randall J. Newsome (Ret.)

Hon. Randall Newsome (Ret.) successfully served as a mediator in more than 200 cases over the past 28 years during his experience as a bankruptcy and settlement judge. He has handled both local and national matters involving complex bankruptcy and commercial issues, including claims of breach of contract, nondischargeability, fraudulent transfer suits, mortgage fraud, employment discrimination, and lender liability. Judge Newsome has a unique ability to bring about appropriate resolution based on the nature of the parties' continuing relationship, if any. Most recently, before joining JAMS, he was chief judge of the United States Bankruptcy Court, Northern District of California.

Prior to becoming a neutral, Judge Newsome had a long and prestigious judicial career. He was appointed a United States Bankruptcy Judge for the Southern District of Ohio in Cincinnati on October 15, 1982 at the age of 32. Eleven months later, his name was drawn as the judge assigned to the chapter 11 proceedings of Baldwin-United Corp., which was then the largest Chapter 11 case ever filed in U.S. history. He was reappointed to a 14-year term as a bankruptcy judge in Cincinnati in 1986. He applied for and was appointed to another 14-year term in the Northern District of California in Oakland in June 1988, and was reappointed in June 2002. He became chief judge of the Northern District of California in January 2004. He has served as a visiting judge in the Central District of California, the Western District of Washington, the District of Nevada, and the District of Arizona. Between 2001 and 2003 he was a visiting judge in the District of Delaware, where among other chapter 11 cases, he presided over the asbestos-related bankruptcies of Federal-Mogul Global, Armstrong World Industries, USG, and AC&S.

Judge Newsome is best known for his intelligent and pragmatic approach to resolving complex matters and he is frequently sought out as a national speaker on topics related to bankruptcy.

ADR Experience and Qualifications

- Mediated more than 200 disputes acting as a settlement judge during the past 28 years
- Most notable mediation was in the Chapter 11 case of Pacific Gas & Electric Company. After three months of effort, the debtor and the California Public Utilities Commission reached a resolution of their disputes, thereby allowing the confirmation of a plan of reorganization.

Representative Matters

- Mediated to settlement a dispute over the issuance of a bankruptcy discharge to a well known music personality
- Mediated to settlement a dispute in a restaurant bankruptcy between the unsecured creditors committee and the debtor's lender involving lender liability (among other issues)
- Mediated to settlement a contract dispute between a convention center in a major metropolitan area and a telecommunications provider that was in a chapter 11 proceeding
- For an entertainment company, mediated hundreds of millions of dollars in disputes involving dozens of secured creditors, two creditors' committees and the debtor. The agreements reached provided the framework for a consensual chapter 11 plan that ultimately was confirmed.
- Handled a dispute involving allegations of fraudulent transfer arising out of an asset purchase agreement in which the trustee alleged that the defendant paid less than reasonably equivalent value
- Mediated contract negotiations resulting in a new collective bargaining agreement between the debtor and a union
- Mediated to settlement a dischargeability action involving a sexual harassment claim
- Mediated to settlement disputes between the California Public Utilities Commission and the debtor, a utility, which allowed confirmation of a Chapter 11 plan of reorganization. This mediation took place over a three-month period, and dealt with issues beyond bankruptcy law. The mediation not only enabled the debtor to exit bankruptcy, but established a new and much-improved working relationship between the parties.
- Mediated a dispute that arose out of the bankruptcy of a law firm involving allegations of

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fraudulent transfers against another law firm which had acquired all of the assets of some of the bankrupt law firm's offices following failed merger discussions

- Mediated a dispute between the debtor, a jewelry company, and a hedge fund, which was the jewelry company's largest creditor. Resolution of this dispute, which involved claims of abuse of common control by a holding company largely owned by the hedge fund, enabled the parties to reach a consensual plan of reorganization
- Mediated a creditor trustee's objection for amounts allegedly due as an investment banking fee
- Mediated a number of non-dischargeability and fraudulent transfer suits in a large case involving mortgage fraud
- Mediated a breach of contract matter between a debtor and investment company where the parties had entered into a settlement agreement regarding the sale of real property in Hawaii and that agreement then became the subject of a partially-completed arbitration
- Settled fraudulent transfer claims throughout numerous mediation sessions with various groups of former shareholders of a failed San Francisco based law firm
- Mediated to settlement a long-pending suit by a Chapter 11 trustee of a mortgage company against its former principal on numerous theories, including breach of contract, fraudulent transfer, corporate looting and Washington state law

Honors, Memberships, and Professional Activities

- President, subsequent to being Vice-President, National Conference of Bankruptcy Judges
- Fellow, American College of Bankruptcy
- Member, American Law Institute
- Lecturer, Federal Judicial Center, since 1986
- Teaches principles of bankruptcy jurisdiction to newly-appointed U.S. District Judges since 1994
- Regularly serves on educational programs for the Federal Judicial Center, ALI-ABA, the National Conference of Bankruptcy Judges, Practising Law Institute, American Bankruptcy Institute, Midwest Bankruptcy Institute, American Insolvency and Restructuring Advisors, and others
- Contributing author, *Collier on Bankruptcy and Chapter 11: Theory and Practice*

Background and Education

- Appointed Chief Bankruptcy Judge, United States Bankruptcy Court, Northern District of California, 2004–2010
- Judge, United States Bankruptcy Court, Northern District of California, 1988-2003
- Judge, United States Bankruptcy Court, Southern District of Ohio, 1982-1988
- Lawyer, Dinsmore & Shohl, Cincinnati, OH, 1978-1982
- J.D., University of Cincinnati College of Law, 1975
- B.A., *summa cum laude*, Boston University, 1972