



Brian A. Kilmer

Partner

Houston

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AREAS OF FOCUS

Bankruptcy and Reorganization

Oil and Gas and Minerals

Banking and Financial Services

OVERVIEW

Brian Kilmer brings an exclusive focus on bankruptcy issues to his representation of creditors' committees, debtors, secured and unsecured creditors and trustees in Chapter 11, Chapter 7 and restructuring proceedings both in and out of the courtroom.

EXPERIENCE

An in-depth understanding of both the bankruptcy process and business operations helps Brian represent debtors and preserve the interests of creditor committees formed to represent creditors in Chapter 11 proceedings and ad hoc creditor committees in out-of-court restructurings. He also helps clients facing bankruptcy and restructuring proceedings in multiple states, including Texas, Louisiana, Delaware, New York, Michigan and Florida. He also advises acquirers of distressed assets and special servicers of defaulted loans involving a wide range of industries, including:

INSIGHTS

RECOGNITION

EDUCATION

CREDENTIALS

MEMBERSHIPS AND AFFILIATIONS

- Banking
- Construction
- E&P, oilfield service, offshore/onshore and drilling companies
- Energy
- Environmental

	<ul style="list-style-type: none"> • Food/agri-business
Related Services	<ul style="list-style-type: none"> • Health care
Bankruptcy and Reorganization	<ul style="list-style-type: none"> • Manufacturing • Maritime
Oil and Gas and Minerals	<ul style="list-style-type: none"> • Petrochemicals • Real estate
Business	<ul style="list-style-type: none"> • Retail
Litigation	<ul style="list-style-type: none"> • Steel and aluminum
Mediation	<ul style="list-style-type: none"> • Transportation

Energy

Banking and Financial Services

Transportation

Health Care

Agribusiness

Maritime

Brian also prosecutes and defends various adversary proceedings and contested matters, including preference actions, fraudulent transfer actions, lift stay actions and claim objections. When cases get contentious, his experience as a mediator enables him to quickly grasp each parties' priorities to find a way forward. He is a certified mediator in Texas and has been added to the registry of mediators in the Southern District of Texas, the Western District of Louisiana, and the District of Delaware. He has also been approved to mediate a number of cases in the Southern District of New York.

Maritime

Real Estate and Construction

Experience

- Lead counsel in assisting debtors, E&P companies with operations in the United States and South America, in successfully maximizing the liquidation of their assets, ultimately culminating in a plan of liquidation that was approved by all creditors and the Bankruptcy Court.
- Assisted the debtor as lead counsel in successfully reorganizing its regional staffing business, despite hundreds of FLSA claims against the debtor arising out of Hurricane Harvey. The plan of reorganization that was approved by the creditors and the Bankruptcy Court paid all creditors in full.
- Secured dismissal of Chapter 11 bankruptcy proceeding as lead counsel for a former NFL player and football legend at the University of Texas by successfully negotiating with his creditors to pay all in full.

- Lead counsel to a significant marine creditor and, as part of a group of other marine lien claimants, successfully objected to the initial plan of reorganization filed by the debtors, an offshore liftboat operator, that would have wiped out the client's maritime liens and then participated in a successful mediation that formed the basis for a consensual reorganization plan that provided a significant recovery to the client.
- Represented as lead counsel the official committee and successfully negotiated a consensual plan with the debtor, an E&P company, and the secured lender that limited the secured lender's deficiency claim, as well as represented the post-confirmation trust formed under the plan of liquidation in a large number of litigation matters that resulted in a significantly higher recovery than creditors would have received absent the negotiated plan and trust litigation.
- Led and achieved successful negotiation on behalf of official committee to secure consensual plan with the debtor, an E&P company, that resulted in a significantly higher recovery than creditors would have received without the negotiated plan.
- Lead counsel helping the debtor, an oilfield service company, in successfully reorganizing the business and confirmed a plan of reorganization that was approved by the creditors and the Bankruptcy Court, which paid all creditors in full.

Insights

December 29, 2023

Tulane CLE by the
Hour
Presents Top 10 Tips
for
Improving Your
Client's
Recovery in
Bankruptcy

November 21, 2023

Bankruptcy Partner
Joins Phelps Dunbar

November 2, 2023

Phelps Welcomes
Partner Brian Kilmer
to Help Clients with
Bankruptcy Matters
Throughout Texas
and Louisiana

Recognition

- AV Preeminent Peer Review Rated, *Martindale-Hubbell*
 - Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, *The Best Lawyers in America* (2024)
 - Texas Super Lawyers list, *Super Lawyers* (2012-2023)
 - *Chambers USA: America's Leading Lawyers for Business* - Bankruptcy / Restructuring
 - Top Lawyer, *Houstonia* (2019-2023)
 - Volunteer of the Year, Tulane University (2008)
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Education

- Tulane University Law School, J.D., 1998
 - Plymouth State College, B.S., 1995
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Credentials

- Texas
- Louisiana
- U.S. Court of Appeals for the Fifth Circuit
- U.S. District Court, Eastern District of Louisiana
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Middle District of Louisiana
- U.S. District Court, Northern District of Texas
- U.S. District Court, Southern District of Texas

- U.S. District Court, Western District of Louisiana
 - U.S. District Court, Western District of Texas
 - Judicial Law Clerk for Hon. Marcel Livaudais, Jr., U.S. District Court, Eastern District of Louisiana
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Memberships and Affiliations

- Texas Bar College
- State Bar of Texas
- Louisiana State Bar Association
- National Order of Barristers