

**CURRICULUM VITAE**  
**HON. JUDITH KLASWICK FITZGERALD (RET.)**  
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Pittsburgh, PA 15222  
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**PROFILE – CHAPTER 11 BANKRUPTCY EXPERIENCE (INCLUDING  
COMPLEX COMMERCIAL MATTERS AND MASS TORT)**

As a sitting U.S. Bankruptcy Judge for over 25 years, I presided over and confirmed hundreds of chapter 11 plans of reorganization. Those cases included more asbestos and mass tort chapter 11 plans, most that utilized § 524 and § 105 injunctions, than any other sitting judge. I presided over a broad range of bankruptcies that encompassed both large and small companies and hundreds of their affiliates. Among them were substantially sized companies with mass tort legacy liabilities including Federal Mogul, Owens Corning, W.R. Grace, United States Minerals, USG, Armstrong World Industries, Kaiser Aluminum, AC&S, Combustion Engineering, AB Lummus Global, MidValley, Dresser Industries, Pittsburgh Corning, Swan Transportation, North American Refractories, Global Industrial Technologies, Specialty Products Holding Co., Flintkote and others. I have addressed legal, business, contractual, insurance, indemnity and financial issues and business practices confronting companies reorganizing or liquidating, including those facing legacy asbestos or other mass tort claims. These cases involved thousands of tort victims whose claims had to be recognized and reconciled through litigation, estimation or settlement. I have evaluated and adjudicated professional fee applications for reasonableness and considered professional qualifications and conduct in the context of presentation of bankruptcy cases and litigation within those cases.

Since returning to private practice, I have served as mediator, arbitrator, expert witness and advisor regarding the post-confirmation impact of certain plan or trust provisions on various matters as diverse as contract or indemnity damages, settlement negotiation practices, malpractice claims, reasonableness and allocation of fees, restructuring, personal injury claims, collateral valuation and sales, and insurance/reinsurance disputes. I have testified as an expert in the United States District Court for the Western District of PA; in the Court of Common Pleas of Allegheny County, PA; in the Court of Federal Claims; in the Superior Court of Washington in and for King County; and in arbitrations conducted in Dallas, TX and New York, NY, as well as in depositions in New York, Arizona, Texas, Pennsylvania, Washington, and Washington D.C. In one case, my expert report was accepted, without testimony, by the United States Bankruptcy Court for the Southern District of NY. I have been a court-appointed expert in bankruptcy courts in the District of Delaware and the Western District of Pennsylvania.

## **PROFESSIONAL EXPERIENCE**

### **Tucker Arensberg, P.C.**

Shareholder and various committee member (2015-Present); Member of the Board (2017-2019); Of Counsel (December 1, 2013 – August 31, 2015)

### **Representative Engagements**

- Representing Debtor-in-Possession in chapter 11 reorganization with over 11,500 potential creditors and notice parties
- Representing not-for-profit Debtors-in-Possession in several chapter 11 reorganizations
- Representing secured creditor in federal receivership and foreclosure of four hotel properties
- Representing administrative claimant in settlement negotiations with debtor
- Representing party in interest in dispute regarding professional responsibility and compliance with disclosure rules in bankruptcy proceedings
- Representing pension fund regarding labor dispute in bankruptcy proceeding
- Representing creditor in multi-million-dollar breach of contract dispute
- Representing secured lender in chapter 13 mortgage modification dispute
- Representing pension fund in claims litigation
- Representing insurer in liability dispute
- Representing parties in various avoidance actions and claims disputes
- Representing various parties (debtors, creditors and parties in interest) in a variety of chapter 11, Subchapter V and chapter 13 bankruptcy cases
- Representing pension fund in ERISA evade and avoid action
- Representing party in dispute regarding prior counsel's legal fees
- Representing chapter 11 trustee in jointly administered bankruptcy cases

### **Expert witness, mediator, arbitrator, judge in moot trials and appellate argument**

- Testifying in state court as an expert in a breach of contract/bad faith insurance dispute regarding reasonableness of fees
- Testifying in FINRA arbitration as an expert regarding reasonableness of attorney fees
- Testifying in federal court as an expert in a government takings case regarding franchise agreements rejected in a bankruptcy case
- Testifying in arbitration as an expert regarding the effect of bankruptcy on contractual indemnity obligations
- Testifying as an expert in a legal malpractice action and professional responsibility dispute via deposition called for trial in state court action
- Testifying as an expert in legal malpractice state court action
- Testifying in federal court as an expert regarding customary mediation procedures in a dispute regarding good faith insurance negotiations
- Testifying as an expert in various depositions regarding effect of various actions and plan

- provisions in subsequent litigation and in support or opposition to proposed plans
- Testifying as an expert in various depositions regarding legal malpractice and professional fee disputes
- Testifying as an expert in reasonableness of attorneys fees under Texas fee-shifting statute
- Serving as a court-appointed expert in a \$16 million fee dispute
- Serving as court-appointed expert in asbestos trust budget and discovery disputes
- Serving as a judge in a moot oral argument involving a billion-dollar International Swaps and Derivatives (“ISDA”) dispute
- Serving as a judge in a moot trial regarding satellite spectrum repurposing dispute
- Advising a large asbestos trust regarding administration and claims matters
- Assisting counsel to the board of a public company on restructuring proposals
- Serving as mediator in a large bitcoin bankruptcy case
- Serving as mediator in a Catholic diocese bankruptcy with approximately 400 abuse survivors and multiple associated entities and insurers
- Serving as co-mediator in environmental responsibility dispute involving federal and numerous state governments
- Serving as mediator in disputes regarding provisions of asbestos trust agreements, trust distribution procedures and personal injury claims
- Serving as mediator in multi-million-dollar commercial contract dispute
- Serving as mediator in several multi-million-dollar hospital funding and sale disputes
- Serving as mediator in environmental dispute involving superfund remedy and natural resource restoration
- Serving as mediator in Ponzi scheme recovery disputes
- Serving as mediator in Commercial Mortgage-Backed Securities (“CMBS”) dispute.
- Serving as mediator in numerous bankruptcy cases regarding contract disputes, environmental claims, mortgages, veterans’ benefits, attorneys’ fees, education loans, dischargeability, intellectual property ownership, shopping center rents, claims estimation and allowance, avoidance actions
- Serving as mediator in buyout of medical practice facilities
- Serving as mediator in oil and gas disputes
- Serving as mediator in chapter 12 farm matters
- Serving as mediator in employment disputes
- Serving as mediator in legal malpractice matters
- Serving as arbitrator in nursing home matters
- Serving as arbitrator in employment disputes
- Serving as arbitrator in fiduciary duty disputes
- Serving as mediator regarding discovery and e-discovery disputes
- Serving as mediator in civil rights disability disputes
- Serving as early neutral evaluator in 5G network contract dispute

## **Consultant**

- Consulting regarding reasonableness of Residential Mortgage-Backed Securities (“RMBS”) settlements in multi-billion-dollar dispute
- Consulting regarding legal malpractice claims in multiple cases

- Consulting regarding reasonableness of Indenture Trustee fees
- Consulting in a quarter-billion-dollar insurance/re-insurance litigation
- Consulting regarding various contract interpretation disputes
- Consulting regarding lien perfection and priority dispute
- Consulting regarding insurer's rights in plan confirmation disputes
- Consulting regarding various bankruptcy confirmation, post-confirmation and claims matters; § 524(g) trusts; PBGC and collective bargaining issues; avoidance actions, disclosure and confirmation requirements; professional responsibility; domestic support obligations and other disputes
- Consulting regarding reasonableness of legal fees in multiple cases including insurance policies, Financial Industry Regulatory Authority ("FINRA") Arbitration, bankruptcy representation, mass tort trust claims
- Consulting regarding strategy and tactics in federal litigation and arbitration matters
- Consulting regarding state court confirmation proceedings after common law arbitration decision
- Consulting with excess insurers regarding trust distribution procedures in bankruptcy plan addressing mass sexual abuse claims
- Consulting with law firms representing personal injury claimants regarding plan confirmation, estimation and valuation issues and non-consensual third-party releases

### **Court-appointed Receiver**

- Liquidating receiver for a not-for-profit cultural organization

### **Independent Director of Not-for Profit Hospital System**

- Reorganization Committee member of CarePoint Health System

### **Mediator and Arbitrator in numerous bankruptcy, civil and criminal cases and post-confirmation trust matters**

- Hold a Certificate of Completion of Bankruptcy Mediation Training (40 hours) from St. John's University and the American Bankruptcy Institute
- Completed 2-day Mediation Training offered by Western District of PA Bankruptcy Court
- Completed and continue to engage in mediation training with other organizations on an on-going basis

### **Other Professional Qualifications**

- Panel Mediator, U.S. Bankruptcy Court, District of Delaware
- Alternative Dispute Resolution, Neutral Evaluation, Mediation Panel Member, U. S. District Court, Western District of PA
- Panel Mediator, U.S. Bankruptcy Court, Western District of PA
- Member of FedArb (Federal Arbitration, Inc.), an association of former federal judges who now serve as arbitrators and mediators in complex commercial cases

- Mediation Council of Western Pennsylvania
- Pennsylvania Council of Mediators
- Council Member of GLG (Gerson Lehrman Group) (expert consulting service)

May 18, 2015 - Present

Professor in the Practice of Law  
University of Pittsburgh School of Law  
3900 Forbes Avenue  
Pittsburgh, PA 15260

- Teaching Bankruptcy and Advanced Bankruptcy

July 8, 2013 - July 5, 2015

Tenured, Full Professor of Law  
Indiana Tech Law School  
1600 East Washington Blvd.  
Fort Wayne, IN 46803

- Teaching Contracts, Commercial Transactions and Bankruptcy
- Faculty responsibilities included Faculty Secretary; Promotion and Tenure Committee; Dean's Search Committee; Long Range Planning Committee; Admissions Committee (chair); Library Advisory Committee (chair); Faculty Senate (law school representative); Graduate Council (law school representative); Mentoring Committee; Experiential Learning Task Force (chair of cross-curricular hypothetical development for Fall 2014-15 1L class and Spring 2L class); various other task forces established by the Dean to address particular needs; student mentor; junior faculty mentor; advisor to assigned students at risk; CLE presentations to bench and bar

October 30, 1987 - May 31, 2013

Judge, United States Bankruptcy Court Western District of Pennsylvania  
5490 U.S. Steel Tower, 600 Grant Street Pittsburgh, PA 15219  
(Chief Judge Jan. 8, 2000 through Dec. 31, 2004)

October 1, 1991 - June 30, 1996 and January 1, 1998 - May 31, 2013

Judge, sitting by special designation in the United States Bankruptcy Court District of Delaware  
Marine Midland Plaza  
824 Market Street  
Wilmington, DE 19801

May 13, 1993 - June 30, 2001

Judge, sitting by special designation in the United States Bankruptcy Court Eastern District of Pennsylvania

900 Market Street, Suite 400

Philadelphia, PA 19107

July 1, 2004 - December 31, 2008 (and completing assigned cases until retirement on May 31, 2013)

Judge, sitting by special designation in the District Court of the Virgin Islands

Bankruptcy Division, District of St. Thomas and St. John

5500 Veterans Drive, Room 310

St. Thomas, Virgin Islands 00802

2004 - 2014

Adjunct Professor of Law

University of Pittsburgh School of Law

3900 Forbes Avenue

Pittsburgh, PA 15260

- Teaching Bankruptcy since 2004 and Advanced Bankruptcy since 2008
- Taught Secured Transactions (Fall Term, 1997)

January 1976 - October 1987

Assistant United States Attorney

United States Department of Justice, Office of the United States Attorney

Joseph F. Weis, Jr. U.S. Courthouse

700 Grant Street, #633

Pittsburgh, PA 15219

- Supervisor of the Erie branch office
- Responsible for all civil and criminal litigation in the seven counties of northwestern Pennsylvania
- Grand jury investigations and prosecution of complex criminal matters, including tax fraud, RICO, narcotics, and major white collar crimes
- Prosecution and defense of civil matters, including torts, medical malpractice, admiralty, immigration and environmental claims, bankruptcies, injunctions, Social Security appeals
- Appellate brief writing and oral argument of cases before the U.S. Court of Appeals for the Third Circuit
- Lecturer for and participant in various seminars conducted by the U.S. Department of Justice and various universities

March 1974 - December 1975

Law Clerk to Judge Gwilym A. Price, Jr.  
Superior Court of Pennsylvania  
Pittsburgh, PA 15219

July 1973 - February 1974

Law Clerk to President Judge John N. Sawyer  
Beaver County Court of Common Pleas  
Beaver, PA 15009

### **COURT ADMISSIONS**

Pennsylvania Supreme Court, October 4, 1973

United States District Court, Western District of Pennsylvania, October 4, 1973

United States Court of Appeals for the Third Circuit, February 11, 1976

United States Tax Court, December 14, 1983

United States Supreme Court, July 1, 1985

United States District Court, Eastern District of Pennsylvania, March 14, 2018

United States District Court, Middle District of Pennsylvania, September 13, 2019

United States District Court, Eastern District of Wisconsin, June 8, 2021

District of Columbia, November 22, 2024

*Pro hac vice* admissions in Northern and Southern Districts of West Virginia, Eastern District of Virginia, Southern District of New York, Northern District of Illinois, Western District of Washington

### **EDUCATION**

University of Pittsburgh School of Law  
1973 - Juris Doctor (University Scholarship and Pitman Fellowship recipient)

University of Pittsburgh  
1970, 1971 - Political Science Graduate Courses on Fellowship

University of Pittsburgh  
1970 - B.S. Psychology, B.A. English Writing

## **PROFESSIONAL RECOGNITIONS AND AWARDS**

- Selected to testify as a bankruptcy expert before the United Senate Committee on the Judiciary Subcommittee on Federal Courts, Oversight, Agency Action and Federal Rights and testified on February 8, 2022 regarding “Abusing Chapter 11: Corporate Efforts to Side-Step Accountability Through Bankruptcy”
- Recipient of the 2024 Commercial Law League of America’s President’s Cup
- Recipient of the 2020 Bankruptcy Inn Alliance Distinguished Service Award (American Inns of Court)
- Multiple Recognitions in Lawdragon 500 Leading U.S. Bankruptcy and Restructuring Lawyers
- Multiple Recognitions in *The Best Lawyers in America*, Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law
- Various Lawyer Monthly Women in Law Awards
- Various Women in Finance Awards
- Multiple Recognitions in *The Best Lawyers in Pennsylvania* and *Pennsylvania Super Lawyers*
- Former Advisory Member to UPSOLVE
- Law 360 Honorable Mention as one of the Top Ten Bankruptcy Judges in History
- Western Pennsylvania Trial Lawyers Recognition for Dedicated Judicial Service, 2014
- The Judith K. Fitzgerald Bankruptcy American Inn of Court named in my honor, 2013
- Debtors’ Bar Association of Western Pennsylvania Recognition for Dedicated Judicial Service, 2013
- Recipient of the Lawrence P. King Award for Excellence in the Field of Bankruptcy, 2011 (Commercial Law League of America)
- NCBJ Eagle Award, 2011 (National Conference of Bankruptcy Judges)
- Elected to Membership in the American Law Institute, 2008
- Association of Insolvency & Restructuring Advisors, 2007
- Conrad B. Duberstein “Mensch” Award, Presented by NCBJ, 2006
- Elected as a Fellow of the American College of Bankruptcy, 2004
- Turnarounds & Workouts - Top Ten Bankruptcy Judges (3 years)
- Who's Who of American Women
- Oxford's Who's Who
- Barron's Who's Who of Distinguished Professionals
- United States Department of Justice Special Achievement Awards
- Federal Criminal Investigators Special Service Award, 1988
- United States Department of Commerce Operation Exodus Outstanding Performance Award, 1986
- Pittsburgh Magazine Special Recognition Award, 1980

## **PROFESSIONAL ACTIVITIES (GOVERNMENT RELATED)**

1992 - 1998	<u>Advisory Committee of Bankruptcy Judges</u> Administrative Office of the United States Courts, Chair, 1994 – 1996
1993 - 1997	<u>Chambers and Courtroom Umbrella Group</u> Administrative Office of the United States Courts (Dealt with automation and technology matters in the federal courts)
1994 - 1998	<u>Chambers Case Management User Group</u> , Chair, 1995 - 1998 (Monitored automation and technology projects under the auspices of the Chambers and Courtroom Umbrella Group)
1994 - 2002	<u>Executive Sponsor, BK CHASER Automation Project</u> Bankruptcy CHASER Ad Hoc Working Group (A project that enhanced the utility of information in the court's databases for purposes of judicial case management and ended upon implementation.)
1994 - 1998	<u>Education Committee</u> United States Court of Appeals for the Third Circuit
1995 - 1996	<u>Bankruptcy Case Management &amp; Statistics Umbrella Group</u> Administrative Office of the United States Courts (Dealt with automation and technology matters in the bankruptcy courts, particularly regarding the clerk's offices)
1997	<u>Bankruptcy Statistics and Data Collection Project</u> Administrative Office of the United States Courts (Evaluated bankruptcy data needs of various constituencies as part of a technology modernization project)
1998 - 2002	<u>Program Planner</u> , Bankruptcy and Commercial Law Presentations Third Circuit Judicial Conferences
2001 - 2005	<u>Nonvoting Bankruptcy Judge Representative</u> Third Circuit Judicial Council
2002 - 2005	<u>Member, Judicial Council</u> Bankruptcy and Magistrate Judges Committee of the United States Court of Appeals for the Third Circuit

2006 - Present Founding Member and Program Planner,  
Third Circuit Bankruptcy Education Committee

Various Program Planner and Presenter,  
PA Bar Institute; Commercial Law League of America; ABI; American Inns  
of Court; Allegheny County Bar Association; Federal Bar Association;  
Turnaround Management Association

## **PROFESSIONAL ACTIVITIES (NON-GOVERNMENT RELATED)**

1973 - present	<u>Allegheny County Bar Association</u> Member of Audit and Technology Utilization Committees Member, Federal Court, Bankruptcy and Commercial Litigation, and Women and the Law Sections Formerly Chair, Audit Committee Formerly Member, Finance Committee, Continuing Legal Education, Speakers' Bureau and Public Relations Committees Trustee, Criminal Trial Lawyers of Allegheny County Editor of Newsletter of Criminal Trial Lawyers Association Nominating Committee
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1987 - present	<u>National Conference of Bankruptcy Judges</u> 2010 - 2012, Associate Editor, American Bankruptcy Law Journal 2008 - 2015, Founder and Inaugural Chair, NCBJ Next Generation Program 2002 - 2003, Immediate Past President 2001 - 2002, President 2000 - 2001, Vice President/President Elect; Chair of Elections and Site Selection 1995 - 1998, Treasurer 1999 - 2000, Chair, Endowment for Education 1987 - present - various committees and task forces Designed and implemented Next Generation Program
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1988 - present	<u>American Bankruptcy Institute</u> 2002 - 2007 - Director Various - Co-chair, Committee on Mass Torts; Member, Nominations Committee Originator of Law Student Writing Competition for Bankruptcy Litigation Committee, now a competition of the ABI itself Originator of Mid-Atlantic Regional Program and First Judicial Chair Judicial Liaison Planner, Caribbean Conference Member, Education and Membership Committees
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	Member, Bankruptcy Litigation Committee and Chair of Project Subcommittee Liaison with Commercial Law League of America Member, Mediation Committee (former chair of Newsletter and current Education Committee co-chair) Member, Ethics Committee
1988 - 1993	<u>Federal Investigators Association</u>
Various	<u>American Bar Association</u> Member, National Conference of Federal Trial Judges, Public Education Committee, Business Litigation Section
1991 - present	<u>Commercial Law League of America</u> 2002 - present Member of Bankruptcy Section Executive Council 2004 - 2006 Member of National Ethics Committee
1992 - 2014	<u>National Conference of Bankruptcy Clerks</u>
1992 - present	<u>Women's Bar Association of Western PA</u> Founding Member
1992 - 2014	<u>American Inns of Court, Honorable Amy Reynolds Hay Chapter</u> Founding Member and Master (Since 1995, Honorary Master)
1995 - present	<u>International Women's Insolvency and Restructuring Confederation (IWIRC)</u> Charter Member, Pittsburgh Chapter
2000 - present	<u>Federal Bar Association</u> Awarded Lifetime Honorary Membership, 2001
2001 - 2006	<u>Association of Trial Lawyers of America</u> Judicial Fellow - Position discontinued by the Association
2001 – 2010, 2013 – present	<u>Turnaround Management Association, Pittsburgh Chapter</u>
2002 - 2006	<u>International Bar Association</u>
2004 - present	<u>American College of Bankruptcy</u> Former Chair, Liaisons Committee Program Developer for Law School Liaison Subcommittee Program Developer for Third Circuit Education Program (October 12, 2012) Member, Judicial Outreach Committee Member, Third Circuit Education Committee

2008 - present	<u>American Law Institute</u> Elected Member Currently Consultative Group Member for Consumer Contracts
2010 - present	<u>The Judith K. Fitzgerald Western Pennsylvania Bankruptcy American Inn of Court</u> Founding Member and Initial Counselor Chair at various times of Program, Membership and Business Planning Committees
2013 - present	<u>The Pennsylvania Bar Association</u> Member of Business Law section and various committees including Legal Ethics and Professional Responsibility; Unauthorized Practice of Law; Civility in the Profession; ADR; Women in the Law
2013 - 2015	<u>The Allen County [Indiana] Bar Association</u>
2013 - 2015	<u>The Benjamin Harrison American Inn of Court</u>
2015 - present	<u>FedArb (Federal Arbitration, Inc.)</u> An organization of former federal judges who serve as arbitrators and mediators in complex civil cases
2015 - present	<u>Mediation Council of Western Pennsylvania</u>
2016 - present	<u>Bar Association of the Third Federal Circuit</u>
2018 – present	<u>PA Council of Mediators</u>
2021 – present	<u>ABA Center for Professional Responsibility</u>

### **MISCELLANEOUS**

Various Interviews in TV, radio and print news media regarding bankruptcy, commercial and insolvency matters

Various podcasts and debates on bankruptcy topics including commentary on U.S. Supreme Court cases and matters of current interest to insolvency practitioners

Participant in various symposia on insolvency matters including The DePaul Institute Symposium; the Views from the Bench in Washington, D.C.; colloquium on international issues regarding chapter 11 reorganization in Washington, D.C. at the French Embassy; judicial roundtable on international insolvency issues in Dublin, Ireland and cross-border mass tort judicial perspectives in London, United Kingdom

Participant in Wharton Initiative on Financial Policy and Regulation Roundtables

Participant in Rabiej Litigation Law Center Best Practices development

Program Planner and Materials Author for numerous professional organizations

Designed the course and participated as panelist in Around the Circuits in 80 Days for the American Inns of Court regarding ethics and professionalism in bankruptcy cases – included presentations from all federal circuits for 10 Ethics and 1 Substantive Law Credit (per PA rules)

Key note speaker for several Bankruptcy Inns of Court programs regarding professionalism and mentorship

Editor of articles submitted for publication for several professional organizations

Judge, Moot Court Trial and Appellate Competitions for University of Pittsburgh School of Law

Judge, Tax Moot Court Competition at Duquesne University School of Law

Judge, Duberstein Competition practice rounds for University of Maryland Carey School of Law

Former Lecturer substituting for the Adjunct Professor, Trial Tactics Duquesne University Law School

Guest Lecturer in Bankruptcy, University of Miami School of Law

Instructor and Lecturer for numerous professional groups including:

The Federal Judicial Center; U.S. Attorney General's Advocacy Institute; University of Pittsburgh School of Law Intensive Trial Advocacy Course; Third Circuit Court of Appeals Judicial Conference; National Conference of Bankruptcy Judges; The American Inns of Court; The Commercial Law League of America; International Women's Insolvency and Restructuring Confederation "IWIRC"; Law Education Institute; American Bankruptcy Institute; The Pennsylvania Bar Association; Allegheny County Bar Association; Pennsylvania Bar Institute; Professional Education Systems, Inc.; Pennsylvania Institute of Certified Public Accountants; The Association of Insolvency & Restructuring Advisors; ("AIRA"); The Bar Association of the U.S. Virgin Islands; The Internal Revenue Service; The Bankruptcy Bar Association of the Southern District of Florida; The State Bar Association of Nevada (Family Law Practitioners); The Kentucky Bar Association; National Association of Chapter 13 Trustees; Georgetown University Law Center; The Advanced E-Discovery Institute and Views from the Bench; LexisNexis Mealey Conference Groups; DePaul University Business and Commercial Law Symposium; Southern Illinois University School of Law; The Association of Insolvency & Restructuring Advisors; Turnaround Management Association; Commercial Finance Association; Perrin Conferences; Emory Bankruptcy Developments Journal Symposium; The National Association of Attorneys General; The Indiana Tech Law School Lunch and Learn; The

Judith K. Fitzgerald Bankruptcy American Inn of Court; American College of Bankruptcy; Equipment Leasing and Finance Agency; The American Bar Association; Allen County Bar Association; Energy and Mineral Law Foundation; Pennsylvania Council of Mediators; Tucker Arensberg, P.C. In-House CLE; Tucker Arensberg, P.C. Client CLE Programs; Mediation Council of Western Pennsylvania; Law Firm Alliance; The Homer W. Drake Jr. Georgia Bankruptcy American Inn of Court; Mass Torts Made Perfect; Dechert Distressed Investing Forum; The Energy Bar Conference; Rabiej Best Practices Forum

### **SELECTED PUBLICATIONS**

Law.com, “Ethical Constraints When Using Artificial Intelligence in Arbitration” (August 13, 2025)

Tucker Arensberg Blogpost, “Will the Acceptance of the Appeal in Purdue Pharma by the U.S. Supreme Court Affect Johnson & Johnson?” (August, 2023)

Association for Iron & Steel Technology Magazine (July 2023 Issue), “Alternatives to Litigation”

Credit Slips (April 5, 2023), “LTL, Part Deux (now with even more fraudulent transfers!)” (co-author with Adam J. Levitin)

Harvard Law School Bankruptcy Roundtable (February 14, 2023), “Over-Thinking Ramifications of the Dismissal of LTL Management LLC's Bankruptcy”

Tucker Arensberg Blogpost, “LTL’s Bankruptcy Case Was Dismissed In An Opinion Of The Court of Appeals for the Third Circuit” (January 30, 2023)

Credit Slips (January 15, 2023), “The Texas Two-Step’s Liquidation Problem” (co-author with Adam J. Levitin)

Harvard Law School Bankruptcy Roundtable (November 1, 2022), “The Texas Two-Step: A Different Look at Bankruptcy Code Section 548” (co-author with Adam J. Levitin)

American Bankruptcy Institute Mediation Committee Newsletter: “A Conversation with Hon. Louis Kornreich (Ret.)” (June 2022)

Hon. Judith K. Fitzgerald (Ret.)’s Responses to Written Questions of Senator Thom Tillis following the Hearing of the Senate Committee on the Judiciary, Subcommittee on Federal Courts, Oversight, Agency Action and Federal Rights, Supplement to “Abusing Chapter 11: Corporate Efforts to Side-Step Accountability Through Bankruptcy” (February 2022)

Written Testimony of Hon. Judith Klaswick Fitzgerald (Ret.) Before the Senate Committee on the Judiciary, Subcommittee on Federal Courts, Oversight, Agency Action and Federal Rights “Abusing Chapter 11: Corporate Efforts to Side-Step Accountability Through Bankruptcy” (February 2022)

Behavior Reminders for the Young Lawyer, *The Bencher* (July/August 2021 Ethics Issue)

IWIRC Western Pennsylvania Network Newsletter, Issue No. 14 (February 2021) and Tucker Arensberg Blogpost, “Informal But Actual Notice of Bankruptcy: What Difference Does It Make?” (January 2021)

Tucker Arensberg Blogpost, “Time to Appeal Under Bankruptcy Rule 8002(a)(1): What the Right Hand Giveth, the Left Hand Taketh Away” (October 2020)

“I Am the American Inns of Court: Come Along with Me,” *The Bencher* (July/August 2020)

Tucker Arensberg Blogpost, “*Barton* Doctrine Applies to Special Discovery Mediators in Bankruptcy Courts” (April 2020)

Tucker Arensberg Blogpost, “Global Pressures Are Pushing Business Toward Insolvency – How Can You Prepare?” (March 2020)

Tucker Arensberg Blogpost, “Help is on the Way to Troubled Borrowers!” (March, 2020) (co-author with Beverly Weiss Manne)

Tucker Arensberg Blogpost, “Cash Is King. How Can I Get Some?” (March, 2020)

“Fostering Diversity in ADR: Lessons from the Mansfield Rule,” XXXVIX ABI Journal 1, 36-37, 68-69, January 2020.

Tucker Arensberg Blogpost, “Losing Your Right to Appeal Through Silence,” (December, 2019)

American Bankruptcy Institute Mediation Committee Newsletter: “An Approach to Problem-Solving In Mediation: Mindfulness” (May, 2019)

Commercial Law League (May 2019) and Tucker Arensberg Blogpost, “Mooting a Circuit Split [*Trinity 83 Development LLC v. ColFin Midwest Funding LLC*, \_\_ F.3d \_\_, 2019 WL 987902 (7th Cir. March 1, 2019)]” (March 2019)

American Bankruptcy Institute Mediation Committee Newsletter: “Perspectives On Mediation: Which Do You Endorse?” (July, 2018)

Commercial Law League and Tucker Arensberg Blogposts: “Creating a Circuit Split Regarding the Fair Debt Collection Practices Act: *Rotkiske v. Klemm*, --- F.3d ----, 2018 WL 2209120 (3d Cir. May 15, 2018)” (May 2018)

Commercial Law League and Tucker Arensberg Blogposts: “Pre-Petition ‘New Value’ Counts Toward The Preference Defense; Post-Petition ‘New Value’ Does Not” (May 2018)

Commercial Law League and Tucker Arensberg Blogposts: “No Monkeying Around With This Opinion - *Naruto v. Slater*, No. 16-15469, 2018 WL 1902414 (9th Cir. Apr. 23, 2018)” (Apr. 2018)

Commercial Law League and Tucker Arensberg Blogposts: “Something Amazing – A Unanimous Opinion by the United States Supreme Court in a Bankruptcy Case, Affirming and Remanding to

the Seventh Circuit Regarding the Safe Harbor of 11 U.S.C. § 546(e): *Merit Management Group, LP v. FTI Consulting, Inc.*" (Mar. 2018)

Tucker Arensberg Blogpost: Secured Lenders, Take Note! *In Re Sunnyslope* Is Something You Want To Know About (Oct. 2017)

*Oh Dear! What Can The Matter Be? What Will Become Of My Oil And Gas Lease In Bankruptcy?*, 37 Energy & Min.L.Instit.237 (2017) (co-author with James W. Kane)

*The Powers of The U.S. Congress: Where Its Constitutional Authority Begins and Ends*, in progress with Brien Hallett as primary author, to be published by ABC-CLIO (co-author of Chapter 5, "The Power to Regulate Bankruptcies" with Professor Nancy Marcus)

Commercial League and Tucker Arensberg Blogposts: "Third Circuit Rules that A Homeowner's Mortgage Insurance Obligation Is Not Modified By A Mortgage Modification" (Mar. 2017)

Commercial Law League and Tucker Arensberg Blogposts: "Alternative Dispute Resolution (ADR): Is it Right for You?" (Jan. 2016)

Commercial Law League Blogpost: "The Last Screen: A Cautionary Tale" (Nov. 2015)

Commercial Law League Blogpost: "Growing Medical Marijuana, Problematic In Bankruptcy, and Out" (Aug. 2015)

The National Edition, Rutter Group, Practice Guide, Bankruptcy (2010 - 2023) (co-editor with U.S. Bankruptcy Judge Mary Walrath and various bankruptcy judges over time) (new editions of publication ended in 2023)

Planning for the Time of Trouble: *Cabrera v. Collazo*, A Case in Point (Commercial Law World Magazine, Summer 2014)

"We All Live in a Yellow Submarine: BAPCPA's Impact on Family Law Matters," Vol 31 Southern Illinois University Law Journal 563 (Spring 2007)

Bankruptcy and Divorce: Support and Property Division, Second Edition, Aspen Law Business (1994) (co-author with Ramona Arena Baker) (with annual supplements through 2003)

"When Worlds Collide: Bankruptcy and Its Impact on Domestic Relations and Family Law," Second Edition, American Bankruptcy Institute (2003) (co-author with Peter Alexander)

"Conflicts of Interest & Other Ethical Issues," Vol. 1, No. 4 DePaul Business & Commercial Law Journal 557, Symposium on Mega-Bankruptcies: Representing Creditors and Debtors in Large Bankruptcies (Summer 2003) (with Douglas Baird and Marc Kieselstein)

Bankruptcy Issues for State Trial Court Judges: A Publication of the American Bankruptcy Institute supported by a grant from the National Conference of Bankruptcy Judges Endowment Fund for Education (c.1995) (co-author with Peter Alexander )

"Wrestling With Bankruptcy and Divorce Laws in Property Division and Support Issues," 6 JOURNAL OF THE AMERICAN ACADEMY OF MATRIMONIAL LAWYERS 1 (1990) (co-author with Ramona Baker Arena)

"Wrestling With Bankruptcy and Divorce Laws in Property Division and Support Issues," 6 AMERICAN JOURNAL OF FAMILY LAW, No. 2, 109 (1992) (co-author)  
Closing Bankruptcy Cases (a manual for the Federal Judicial Center) (1991) (author)

"Litigating Property Settlement and Support Issues -- A Perspective From the Bankruptcy Bench" Published as a chapter in BANKRUPTCY ISSUES IN MATRIMONIAL CASES: A PRACTICAL GUIDE, Prentice Hall Law & Business (1992) (co-author)

"The Appraiser In Bankruptcy Court: Getting Appointed, Getting Paid and Testifying as Experts," Vol. 5 AMERICAN APPRAISER, No. 2 (Summer 1992) (author)

"The Judge's Role in Insolvency Proceedings: The View From the Bench; The View From the Bar," Symposium in conjunction with St. John's University School of Law, published at Vol. 10, No. 2 Am. Bankr. Inst. L. Rev. 511 (Winter 2002)

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