

*GEOFFREY L. BERMAN*  
*QUALIFICATIONS*  
*PROFESSIONAL ORGANIZATIONS, SPEECHES/PRESENTATIONS*  
*AND*  
*ARTICLES/PUBLICATIONS*

**Professional Organizations**

Organization: American Bankruptcy Institute  
Number of Years: 28  
Chairman of the Board, April 2013 – April 2014  
Immediate Past President, April 2012 – April 2013  
President, April 2011 - April 2012  
Member of the Board of Directors, 2002 - 2014;  
Vice President – Publications and Executive Committee (2007-2010)  
Member of the Management Committee 2010-2014  
  
Ex-Officio Member of the Commission for the Study of the Reform of Chapter 11, (*Supervising Commission Member to the Avoiding Powers Committee*), April 2012 – December 2014 (Report Issued)  
  
American Bankruptcy Institute’s Task Force on National Standards for Ethics in Bankruptcy, (*ex-officio member as President and Immediate Past President of the ABI*) April 2012 – April 2013

Organization: Association of Insolvency and Restructuring Advisors  
Number of Years: 18

Organization: Los Angeles Bankruptcy Forum, Orange County and Bay Area Bankruptcy Forum (California Bankruptcy Forum)  
Number of Years: 38

Organization: Commercial Law League of America  
Number of Years: 15

**Publications:**

Co-Author, *Creditors' Committee Manual* (American Bankruptcy Institute Unsecured Trade Creditors Committee) (1994 and later editions, including the edition released in October 2015)

Editor: *ABI Preference Handbook* (2002)

Author, *General Assignments for the Benefit of Creditors, A Practical Guide*, (American Bankruptcy Institute 2000)

Editor, *Mediation Manual* (American Bankruptcy Institute 2004)

Author, *General Assignments for the Benefit of Creditors, the ABCs of ABCs* (American Bankruptcy Institute 2006)

Contributing Editor, Last-Line-Column, ABI Journal (2000 - 2006)  
Co-Executive Editor, *ABI Journal* (2005-2007)

*Strategic Alternatives for Distressed Businesses*, West Publishing (2008, 2010, 2012, 2014, 2016/17 and 2018/19 editions);  
Executive Editor, contributor of chapters on General Assignments for the Benefit of creditors and on application of Assignments under California Law

*ABI Law Review Symposium, Model Rules for General Assignments for the Benefit of Creditors: The Genesis of Change*, American Bankruptcy Institute Law Review, Spring 2009 (Co-author with Catherine Vance)

Author, *General Assignments for the Benefit of Creditors, the ABCs of ABCs, 3<sup>rd</sup> Edition* (American Bankruptcy Institute September 2015)

**Articles including:**

Author, *Delaware as a Venue for ABC's: Some Pro's and Con's*, (Association of Insolvency & Restructuring Advisors Journal, April 2017)

*So You Want to Arbitrate a Chose in Action Obtained Through an ABC?*, co-authored with Jarrett Vine, Posinelli, LLP, © January 2016, [American Bankruptcy Institute](#) and the American Bankruptcy Institute Journal.

*Non-Bankruptcy Alternative: Assignments for the Benefit of Creditors*, co-authored with Daniel J. Stermer, New York Law Journal, September 2, 2015

*ABI Commission Update, Report on Avoiding Powers*, co-authored with William A. Brandt, Jr., Web posted and Copyright © February 2015, [American Bankruptcy Institute](#) and the American Bankruptcy Institute Journal.

*Sales of Assets by an Assignee for the Benefit of Creditors*, Web posted and Copyright © October 2012, [American Bankruptcy Institute](#) and the American Bankruptcy Institute Journal.

*State Law Preference Actions: Still Alive After Sherwood Partners v. Lycos* (co-author), Web posted and Copyright © December 1, 2007, [American Bankruptcy Institute](#) the American Bankruptcy Institute Journal.

*Priority of U.S. Government Claims in Non-Bankruptcy Proceedings: The Application of 31 U.S.C. §3713*, Web posted and Copyright © February 1, 2005, [American Bankruptcy Institute](#) and the American Bankruptcy Institute Journal

*Do "Insured vs. Insured" Exclusions Apply to Assignees in Assignments for the Benefit of Creditors?* (co-author), Web posted and Copyright © February 1, 2004, [American Bankruptcy Institute](#)

*When is Contemporaneous (as in Exchange) Not Contemporaneous?* Web posted and Copyright © May 1, 2002, [American Bankruptcy Institute](#)

*The Receivership Alternative"—A Response* (co-author), Web posted and Copyright © August 1, 2001, [American Bankruptcy Institute](#).

*Landlords Use Letters of Credit to Bypass the Claim Cap of §502(b)(6)* (co author), Web posted and [Copyright](#) © December 1, 2001, [American Bankruptcy Institute](#).

*Use of the "Blanket" Security Interest for Trade Creditors in Out-of-Court Workouts*, 24 CAL. BANKR. J. 297, 298 (1997)

*Common Law Assignments For the Benefit of Creditors, The Reemergence of the Non-Bankruptcy Law Alternative*, 21 Cal Bankr. J. 357 (1993)

**Podcasts:**

American Bankruptcy Institute, regarding the 3<sup>rd</sup> edition of the ABCs of ABCs, September 2015  
(<http://www.abi.org/podcasts/covering-the-basics-of-general-assignment-for-the-benefit-of-creditors-episode-167>)

**Speaking Engagements (Since 2004 - selected):**

American Bankruptcy Institute Winter Leadership Conference Panel, *Internal & External Referrals: How to Get and Use Them*", Scottsdale, AZ, December 2018

Clear Law Institute, *Assignments for the Benefit of Creditors - An Alternative to Bankruptcy*, November 2018

Lorman Webinar, *Assignments for the Benefit of Creditors - A Bankruptcy Alternative*, June 2018

Faculty, ABI/California Bankruptcy Forum Litigation Skills program, California Bankruptcy Forum Conference, May 2017, Coronado, CA

Lorman Webinar, *Assignments for the Benefit of Creditors - A Bankruptcy Alternative*, May 2016

Association of Insolvency and Restructuring Advisors (AIRA)  
Restructuring & POR (Plan of Reorganization) Conference, *Alternatives to Bankruptcy*, New York, NY, November 2015

ABI/UMKC Law School Midwestern Bankruptcy Institute, *Update on ABI Commission for the Study of the Reform of Chapter 11*, Kansas City, MO, October, 2015

Lorman Webinar, *Assignments for the Benefit of Creditors - A Bankruptcy Alternative*, May 2015

California Bankruptcy Forum Young Insolvency Professional's Program, *Insolvency 101: Evaluating An Insolvent Entity And Rehabilitation Strategies*, Napa, CA, May 2015

National Conference of Bankruptcy Judges 88<sup>th</sup> Annual Conference, *Non-Bankruptcy Alternatives including Assignments for the benefit of creditors*, Chicago, IL October 10, 2014

National Association of Federal Equity Receivers (*Phelps & Rhodes Production Presents: Receiver and Investor Class v. Bigbank – A Mock Trial*), Chicago, IL, September 2013

American Bankruptcy Institute's 21<sup>st</sup> Annual Southwest Bankruptcy Conference, (*Fraud, Clawbacks and Other Aggressive Recovery Tactics*) Lake Tahoe, NV, August 2013

Bankruptcy Litigation/Commercial Fraud Committees, American Bankruptcy Institute (*Phelps & Rhodes Production Presents: Trustee and the Badoff Investor Class v. Bigbank – A Mock Trial*), American Bankruptcy Institute Winter Leadership Conference, Tucson, AZ, November 2012

National Association of Chapter 13 Trustees Annual Conference, *President's Panel*, New Orleans, LA, July 13, 2012

National Conference of Bankruptcy Judges 85<sup>th</sup> Annual Conference, *Non-Bankruptcy Alternatives including Assignments for the benefit of creditors*, Tampa, FL October 14, 2011

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American Bankruptcy Institute's 19<sup>th</sup> Annual Southwest Bankruptcy Conference, *Moderator for the Judges' Panel*, Las Vegas, NV, September 10, 2011

35<sup>th</sup> Annual Judge Alexander Paskay – Stetson University Seminar on Bankruptcy Law and Practice, *ABC vs. Chapter 11: The Use of Assignments for the Benefit of Creditors as an Alternative to Chapter 11 Cases*, Tampa, FL, March 2011

American Bankruptcy Institute 16<sup>th</sup> Annual Rocky Mountain Bankruptcy Conference, *Ponzi Schemers and Their Modern Day Pursuers*, Denver, CO, January 2011

Professional Education Broadcast Network telephone seminar  
*"Alternatives for Financially Distressed Mid-Size Businesses"*, January 2011

American Bankruptcy Institute 3<sup>rd</sup> Hawai'i Bankruptcy Conference, *"Real Estate Bankruptcy Cases"*, Kona, HI, August 2010

Lorman Education Services, Eau Claire, WI, teleseminar, *"Assignments for the Benefit of Creditors: What You Need to Know"*, January 2010

American Bankruptcy Institute 17<sup>th</sup> Annual Southwest Bankruptcy Conference, *"Bankruptcy Alternatives: Receiverships, Foreclosures and Workouts: In Search of a Better Way"*, Incline Village, NV, September 2009

California Bankruptcy Forum Conference, *"Surviving the First Weeks of a Turnaround"*, Coronado, CA May 2009

National Attorneys General Training & Research Institute, *"Follow The Money"*, Austin, TX, March 2009

National Association of Attorneys' General, Seattle, WA, September 2008  
(Bankruptcy Alternatives)

American Bankruptcy Institute, Annual Spring Meeting, Washington, DC, April 2008 (Liquidation and Litigation Trusts: Formation, Management, Jurisdictional and Other Issues)

Connecticut Bar Association, Bankruptcy and Insolvency Section, New Haven, CT, March 2008 (Non-bankruptcy alternatives including General Assignments)

Financial Lawyers Conference, Los Angeles, CA, January 2008 (Non-bankruptcy Alternatives for Distressed Healthcare Entities)

American Bankruptcy Institute, Winter Leadership Conference, Rancho Mirage, CA, December 2006 (Thinking Outside the Bankruptcy Box: Non-bankruptcy Options for Entities and Individuals after BAPCPA)

American Bankruptcy Institute, Southeast Conference, Kiawah Island, SC, July 2005 (Is There Another Way? Assignments for the Benefit of Creditors, Receiverships and Other Alternatives to Bankruptcy)

American Bankruptcy Institute, Annual Spring Meeting, Washington, DC, April 2005 (Post Confirmation Quagmire: Limits on Liquidating Trusts, Plan Modifications and Amendments and Practical Business Issues)

### **Employment**

Development Specialists, Inc., Los Angeles, CA 1997 – Present  
Credit Managers Association of California, Burbank, CA 1986 – 1997  
Mitsui Manufacturers Bank, Los Angeles, CA 1982-1986  
Credit Managers Association of California, Los Angeles, CA 1980 – 1982  
Union Bank (of California), Los Angeles, CA 1975 – 1980

### **Education**

University of the Pacific, Stockton, CA 1975  
BA – Business Administration (Accounting, Finance), Undergraduate Honors Thesis, Finance

Southwestern University School of Law, Los Angeles, CA 1985  
Juris Doctorate

**Other:**

Faculty, ABI Mediation Training Program, Hugh Carey Center for Mediation Studies, St. John's University, New York, NY, December 2011

American Bankruptcy Institute's Chapter 11 Fee Study Practitioner Advisory Panel Member

Member, Bankruptcy Mediation Panel, U.S. Bankruptcy Court, Central District of California, 1995 – Present

Member, Registrar of Mediators, U.S. Bankruptcy Court, District of Delaware, 2003 – Present

**Expert Witness Matters:**

**Testifying Expert: February 2013** (for defendant Jerry Leigh of California)

Yanira Garmendia, Ana Ruth Castro Perlata, Diane Martinez, Maria Alejo, Axia Osorio, both individually and on behalf of similarly situated current and former employees of Fortune Fashions Industries, LLC,

v.

Fortune Fashion Industries, LLC, a limited liability corporation, Jerry Leigh of California, Inc., a California corporation; Credit Managers Association of California dba Credit Management Association, a California Corporation; Temp Depot, Inc., a California corporation; Fred Kayne, an individual; and DOES 1 through 50, inclusive.

Superior Court, State of California, County of Los Angeles,  
Case No. BC464280

Deposition taken, no trial testimony (no written report)

**Consulting Expert: June 2013** (for defendants Samsung Electronics Co., Ltd., LG Electronics, Inc., The Trustees of Columbia University in the City of New York and Zenith Electronics)

*Westinghouse Digital, LLC, Plaintiff*

v.

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*Samsung Electronics Co., Ltd., LG Electronics, Inc., The Trustees of Columbia University in the City of New York, Software Freedom Conservancy, Inc., Erik Andersen, Darwin Chang, Credit Management Association, All Persons Unknown Claiming an Interest in the Property, named DOES 1-50 inclusive and DOES 51-100 inclusive, Defendants.*

Superior Court of California  
Case No. 30-2010-00395529  
And

*Zenith Electronics LLC, Plaintiff*

v.

*Westinghouse Digital, LLC, Westinghouse Digital Electronics, LLC, and DOES 1 to 10, inclusive, Defendants.*

Superior Court of California  
Case No. 30-2013-00625640

**Court Appointed Expert October 2017**

Superior Court of California, County of Los Angeles  
In re N.Y.A., Inc., a California corporation  
(a corporation in the process of winding up) and  
Santee Enterprises, a General Partnership

Case No. BC 599801  
Order Entered October 4, 2017  
To assist the court in the Sale of N.Y.A., Inc.'s assets