

# Maximizing Value of Liquidating Trust and Creditor Recoveries

Friday, Oct 21

11:45 am — 12:45 pm

Crystal Ballroom ABCD



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## **DONALD J. DETWEILER**

Donald J. Detweiler is a partner with Womble Bond Dickinson LLP in Wilmington, Del., and has more than two decades of experience advocating for clients nationwide in complex chapter 11 bankruptcy cases, including representing debtors, creditors' committees, directors and officers, employees, litigants and other parties-in-interest. He has served as counsel to numerous chapter 11 debtors and creditors' committees in several business segments, including health care, manufacturing, retail, telecommunications, ethanol, apparel, pharmaceuticals, insurance and finance, specialty products marketing and distribution, and printing. Mr. Detweiler has experience in debtor, committee and creditor representations in Texas, Washington, Utah, Georgia, Virginia, Illinois, Nebraska, Iowa, Louisiana, Florida, Pennsylvania, New York and Delaware. In addition to his bankruptcy experience, he has successfully litigated, tried (jury and non-jury) and defended several complex commercial litigation cases in the state and federal courts of Delaware. Mr. Detweiler previously was a partner with Pepper Hamilton LLP and a shareholder with Greenberg Traurig LLP. He has been recognized for his bankruptcy practice in *Delaware Super Lawyers* magazine and *Chambers USA: America's Leading Lawyers for Business*. Mr. Detweiler is a member of ABI, the American and Delaware Bar Associations, and the Richard S. Rodney Delaware Bankruptcy Inn of Court. He received his B.A. in 1986 from Villanova University and his J.D. in 1992 from Widener University School of Law.

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### **MICHELLE A. DREYER**

Michelle A. Dreyer is managing director of CSC® Global Financial Markets (GFM) and its subsidiary, Delaware Trust Company, in Wilmington, Del. She oversees independent director services and default administration services, including as successor indenture trustee, disbursing agent services for litigation and liquidation trustee, § 363 escrows and loan administration agent. Ms. Dreyer serves as an independent director for bankruptcy remote entities and, in this capacity, has participated in many complex distress matters, including General Growth Properties and Sears Holding Corp. Previously, she served in a variety of roles for CSC's GFM business unit, including administrative manager for special-purpose vehicles and trust administrator. She is a member of ABI and the International Women's Insolvency & Restructuring Confederation (IWIRC). Ms. Dreyer received her B.S. in finance with honors from Kent State University and her J.D. *cum laude* from Taft Law School.

## Understanding the Ins and Outs of Rule 3002.1

Friday, Oct 21

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### JEFFREY S. FRASER

Jeffrey S. Fraser is a partner at Albertelli Law in Lake Worth, Fla., and focuses his representation on secured creditors and ensuring that their interests are protected in chapters 7, 11 and 13. He handles contested litigation, including valuation hearings, adversary proceedings, sanction hearings, and any and all other disputed matters in bankruptcy court. As partner over his firm's national bankruptcy department, Mr. Fraser works closely with each state's managing attorneys as it relates to training, legal strategy, and all facets of the firm's bankruptcy practice. He is an active participant in the Southern District of Florida's bankruptcy bar and was the 2019 chair of the Local Rule Committee and an inaugural member the district's Lawyer Advisory Committee (LAC), serving as the committee's chair in 2020 and 2021. Through these roles, he has worked closely with South Florida bankruptcy judges and lawyers in reviewing local practices and rules; participating as a panelist for various district programs; assisting with the drafting of the district's Model Chapter 13 Plan and Mortgage Modification Mediation procedures and guidelines; and addressing other matters or concerns for the South Florida bankruptcy community. Mr. Fraser is a past president of the Jamaican-American Bar Association and has helped the organization create mentorship relationships with local law students. He also served as a panelist at a commercial law seminar in Kingston, Jamaica, discussing the 2014 Jamaican Insolvency Act, and he has organized foreclosure and bankruptcy workshops, spoken on numerous CLE panels, and guest-appeared on South Florida radio. Mr. Fraser was selected by *Super Lawyers* as one of its "Florida Rising Stars" for 2019, 2020 and 2021. In addition, he was named a 2017 Blackshear Fellow by the National Conference of Bankruptcy Judges (NCBJ) and a 2020 ABI "40 Under 40" honoree, and he has published articles on consumer bankruptcy issues in the *American Legal & Finance Network* and *Default Servicing News*. Mr. Fraser has the highest rating by Martindale-Hubbell. He received his B.A. in 2007 from the University of Miami and his J.D. in 2010 from the University of Miami School of Law.

## Disruptions in the Marketplace Will Steer the Next Bankruptcy Wave

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### ISLEY M. GOSTIN

Isley M. Gostin is counsel at Wilmer Cutler Pickering Hale and Dorr LLP in Washington, D.C., and has experience representing clients in all stages of complex litigation and bankruptcy proceedings, including discovery, motions, mediation, trial and appeals. She has litigated seven trials, many cases in the courts of appeals, and three merits cases before the U.S. Supreme Court, focused primarily on bankruptcy issues. Prior to joining the firm, Ms. Gostin clerked for Hon. Robert E. Gerber of the U.S. Bankruptcy Court for the Southern District of New York. She is a 2020 honoree of ABI's "40 Under 40" class, co-authored *ABI's Quick Evidence Handbook, Second Edition*, and currently serves as the Education Director for the ABI's Litigation Committee. Ms. Gostin received her B.A. cum laude from Harvard College and her J.D. cum laude from Harvard Law School.

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### **PROF. MARGARET HOWARD**

Margaret Howard is the Law Alumni Association Professor of Law, Emeritus, at Washington & Lee University. She has also served on the faculties of Vanderbilt and St. Louis Universities, and has visited at Duke, Emory, UNC and Washington University. She has served as the Bruce W. Nichols Visiting Professor at Harvard Law School and as the Charles E. Tweedy, Jr. Visiting Professor of Law at the University of Alabama. She served as Scholar-in-Residence at the American Bankruptcy Institute, as a Vice-President of the ABI, and as Chair of the Research Grants Committee. Professor Howard received her undergraduate degree from Duke University, her J.D. and M.S.W. degrees from Washington University in St. Louis, and her LL.M. from Yale Law School. She is a member of the Order of the Coif and the American Law Institute, is a Fellow of the American College of Bankruptcy, and is listed in Who's Who of American Women. She taught courses in Contracts, Bankruptcy and Commercial Law.

## Understanding the Ins and Outs of Rule 3002.1

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### HANNAH HUTMAN

Hannah W. Hutman is a partner at Hoover Penrod, PLC in Harrisonburg, Va., where her practice focuses on representing both creditors and debtors in bankruptcy proceedings under chapters 7, 11, 12 and 13 and insolvency-related matters. In addition, she has represented creditors in collection matters, including restructuring obligations, asset liquidations and dispositions, and foreclosures. Ms. Hutman is a member of the panel of Chapter 7 Trustees for the Western District of Virginia and is a frequent presenter on a wide variety of insolvency-related topics. She also co-authored a chapter in *Bankruptcy Practice in Virginia* and currently serves as a member of the Board of Governors of the Bankruptcy Law Section for the Virginia State Bar. Ms. Hutman is active in the Virginia network of the International Women's Insolvency & Restructuring Confederation and currently serves as the liaison for the Western District of Virginia. She is AV-rated by Martindale-Hubbell, has routinely been listed in *Super Lawyers* as a "Rising Star" and selected as a member of Virginia's "Legal Elite," and was honored as one of ABI's "40 Under 40" in 2018. She received her B.A. *summa cum laude* from Columbia Union College in Takoma Park, Md., and her J.D. from the Marshall Wythe School of Law at the College of William and Mary in Williamsburg, Va.

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## MELISSA S. KIBLER

Melissa S. Kibler, CPA, CIRA, CTP, CFF and CDBV is a senior managing director in the Chicago office of Accordion Partners, which acquired Mackinac Partners, her previous firm, in May 2021. She has 30 years of experience providing financial advisory, restructuring and turnaround management services to Fortune 500 and mid-sized companies and their stakeholders. Ms. Kibler recently served as an expert on feasibility in the Boy Scouts of America matter; CRO in the bankruptcies of Rubio's Restaurants, a 170-unit Mexican coastal grill, and Juno, previously the third-largest ride-hailing company in New York; and as the CFO of Edmentum, a leading provider of K-12 online learning solutions. She also has extensive investigative, litigation and valuation experience, including insolvency-related litigation, avoidance actions, fraud investigations, merger and acquisition disputes, director and officer claims, and other commercial litigation support. Ms. Kibler was previously a senior managing director in the Chicago office and an executive committee member of Mesirow Financial Consulting following its 2004 acquisition of the corporate recovery practice of KPMG LLP, where she had served as partner-in-charge of the Midwest Corporate Recovery practice and the Pacific Northwest Corporate Recovery and Forensic & Litigation Services practices since 1999 after starting her career at PricewaterhouseCoopers. Ms. Kibler currently chairs the American College of Bankruptcy, and her prior leadership roles in professional associations include ABI President and Chair, director of INSOL International and chair of the AICPA Bankruptcy Task Force. She received the 2022 Global M&A Network USA Women Dealmakers DEI Award and the 2021 Global M&A Network's Women's Leadership Award, and she was named the Chicago Chapter Turnaround Management Association's 2021 CTP of the Year, *Consulting Magazine's* 2013 Women Leader in Consulting, Illinois CPA Society's 2011 Women to Watch, the IWIRC 2010 Woman of the Year in Restructuring, *Crain's Chicago Business's* 2004 40 Under 40, and the 2003 CIRA Gold Medal Winner. Ms. Kibler received her B.A. in accounting summa cum laude from Texas A&M University and her M.B.A. from Southern Methodist University, graduating first in her class.

## Understanding the Ins and Outs of Rule 3002.1

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### **M. CHRISTINE MAGGARD**

M. Christine Maggard is a senior associate attorney in the Bankruptcy Division of Brock & Scott, PLLC in Virginia Beach, Va. She is licensed to practice in all courts of the Commonwealth of Virginia and is admitted to practice before the U.S. Bankruptcy Courts for the Eastern and Western Districts of Virginia, the U.S. District Courts for the Eastern and Western Districts of Virginia, and the U.S. Court of Appeals for the Fourth Circuit. Ms. Maggard began her legal career at the Office of the Virginia Attorney General in the Division of Debt Collection. With the exception of a stint working in the Office's Correctional Litigation Section, her practice has focused on debtor/creditor relationships. Ms. Maggard is a former president of the Virginia Creditors Bar Association and the past seminar chair and current president-elect of the Tidewater Bankruptcy Bar Association, and she will serve as the secretary for the Virginia Network of the International Women's Insolvency & Restructuring Confederation. She also is a member of the American Legal & Financial Network's Women in Legal Leadership's Social Media and Events Committee, and is an adjunct faculty member for Virginia Commonwealth University's Paralegal Studies Program. Ms. Maggard is a frequent speaker at bankruptcy seminars and conferences, and she has lectured on landlord and tenant law, creditors' rights and practice in the Virginia General District Courts. She received her undergraduate degree in English and rhetoric and communications studies from the University of Virginia in 1986 and her J.D. from George Mason University School of Law in 1991.

## Public Discourse in the Bankruptcy Code

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### **PROF. BRUCE A. MARKELL**

Prof. Bruce A. Markell is a professor of bankruptcy law and practice at Northwestern University's Pritzker School of Law in Chicago. From 2013-15, he was the Jeffrey A. Stoops Professor of Law at Florida State University School of Law, and before that he was a U.S. Bankruptcy Judge for the District of Nevada, a position he had held since 2004. After law school, he clerked for then-judge Anthony M. Kennedy on the U.S. Court of Appeals for the Ninth Circuit. Before taking the bench, he practiced bankruptcy and business law in Los Angeles for 10 years (where he was a partner at Sidley & Austin) and was a law professor for 14. He is the author of numerous articles on bankruptcy and commercial law, and a co-author of four law school casebooks. Prof. Markell has been a visiting professor at, among other schools, Peking University School of Law in Beijing and Harvard Law School. He contributes to *Collier on Bankruptcy*, and is a member of *Collier's* editorial advisory board. Prof. Markell has been a visiting professor at, among other schools, Peking University School of Law in Beijing and Harvard Law School. He is a conferee of the National Bankruptcy Conference, a Fellow of the American College of Bankruptcy, a member of the International Insolvency Institute, and a member of the American Law Institute. In 2016, he completed a project redrafting Kosovo's bankruptcy law. He consults regularly with the International Monetary Fund on insolvency-related issues (having been part of the IMF's missions to Ireland, Bosnia, Montenegro, Serbia, Belarus, Georgia and Greece). He represented the International Bar Association at UNCITRAL's (United Nation's Commission on International Trade Law) working group sessions on international receivables, and has advised the Republic of Indonesia on bankruptcy and secured credit reform. Most recently, he has been appointed as the fee examiner in the Pacific Gas & Electric chapter 11 bankruptcy pending in San Francisco. Prof. Markell received his J.D. in 1980 from the University of California at Davis, where he was editor-in-chief of the law review and recipient of the School of Law Medal.

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### **JEFF N. POMERANTZ**

Jeffrey N. Pomerantz is a partner with Pachulski Stang Ziehl & Jones in Los Angeles. He also is a member of the firm's management committee and co-chair of the firm's creditors' committee practice. Mr. Pomerantz's practice includes representing companies, creditors' committees and private-equity funds in complex financial restructurings and merger-and-acquisition transactions both in and out of court. He has particular expertise in restructurings in the energy, manufacturing, restaurant and retail sectors. He also represents private-equity funds in asset-acquisition transactions. Mr. Pomerantz is a Fellow of the American College of Bankruptcy and served as ABI's President from 2016-17. He holds an AV-Preeminent rating by Martindale-Hubbell, has been named a "Super Lawyer" in the field of Bankruptcy & Creditor/Debtor Rights every year since 2009 in a peer survey conducted by *Law & Politics* and the publishers of *Los Angeles* magazine, and is listed in *The Best Lawyers in America* for Bankruptcy and Creditor/Debtor Rights/Insolvency and Reorganization Law. He also been recognized as an outstanding lawyer in *Chambers USA* every year since 2007. Mr. Pomerantz received both his undergraduate degree Phi Beta Kappa in 1986 and his J.D. in 1989 from New York University, where he was a member of the Order of the Coif.

## Public Discourse in the Bankruptcy Code

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### **WILLIAM J. ROCHELLE III**

William J. Rochelle, III is ABI's editor-at-large, based in New York. He joined ABI in 2015 and writes every day on developments in consumer and reorganization law. For the prior nine years, Mr. Rochelle was the bankruptcy columnist for Bloomberg News. Before turning to journalism, he practiced bankruptcy law for 35 years, including 17 years as a partner in the New York office of Fulbright & Jaworski LLP. In addition to writing, Mr. Rochelle travels the country for ABI, speaking to bar groups and professional organizations on hot topics in the turnaround community and trends in consumer bankruptcies. He earned his undergraduate and law degrees from Columbia University, where he was a Harlan Fiske Stone Scholar.

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**THOMAS J. SALERNO**

Thomas J. Salerno is a partner in the Bankruptcy and Creditors' Rights practice at Stinson LLP in Phoenix, where he represents distressed companies, acquirers and creditors in financial restructurings and bankruptcy proceedings, pre- and post-bankruptcy workouts, and corporate recapitalizations. He works with clients from an array of industries, including casinos, resort hotels, sports teams, real estate, high-tech manufacturing, electricity generation, agribusiness, construction, health care, airlines and franchised fast-food operations. Mr. Salerno has represented parties in insolvency proceedings in 30 states and five countries. He has been involved in restructurings in the U.S., U.K., Germany, France, Switzerland, and the Czech and Slovak Republics. In addition, Mr. Salerno taught comparative international insolvency at the University of Salzburg and Gray's Inn School of Law in London, and is an adjunct professor at the Sandra Day O'Connor School of Law at Arizona State University, teaching bankruptcy litigation and advanced chapter 11 bankruptcy. He is also a regular guest lecturer at the Eller MBA Program for the University of Arizona. Mr. Salerno has served as an expert witness on U.S. insolvency law in litigation in Germany, and represented Coyote Hockey LLC, the owners of the Phoenix Coyotes of the National Hockey League (NHL), in historic bankruptcy proceedings that resulted in an unprecedented solution: the NHL purchasing one of its own teams for the first time in the league's 90-year history. He headed the U.S. delegation to the Czech Republic in advising the Czech Government in the historic revamping of its bankruptcy law, which took effect in January 2008, and he has also advised on revamping insolvency laws in the Dominican Republic and Costa Rica. Mr. Salerno is a member of the UNCITRAL working group on its Insolvency Law Reform Project, completed in early 2007. He is a former ABI Board and Executive Committee member, a past director of the American Board of Certification, a Fellow of the American College of Bankruptcy, and a member of the Plan Issues Advisory Subcommittee for ABI's landmark Bankruptcy Review Commission. Mr. Salerno received his B.A. *summa cum laude* from Rutgers University and his J.D. *cum laude* from Notre Dame Law School, where he served as an editor of the *Notre Dame Law Review*.

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### **HON. CHRISTOPHER S. SONTCHI (RET.)**

Hon. Christopher S. Sontchi is a retired U.S. Bankruptcy Judge for the District of Delaware in Wilmington, initially appointed in 2006. He also served a term as the court's Chief Judge. Judge Sontchi was recently appointed as an International Judge of the Singapore International Commercial Court. He is a frequent speaker in the U.S. and abroad on issues relating to corporate reorganizations, and he has been a Lecturer in Law at The University of Chicago Law School. In addition, he has taught corporate bankruptcy to international judges through the auspices of the World Bank and INSOL International. Judge Sontchi is a member of the International Insolvency Institute, Judicial Insolvency Network, National Conference of Bankruptcy Judges, ABI and INSOL International. He was recently appointed to the International Advisory Council of the Singapore Global Restructuring Initiative and the Founders' Committee of The University of Chicago Law School's Center on Law and Finance. Judge Sontchi has testified before Congress on the safe harbors for financial contracts, and has published articles on creditors' committees, valuation, asset sales and safe harbors. Prior to his appointment, he was in private practice, representing a wide variety of nationally based enterprises with diverse interests in most of the larger chapter 11 reorganization proceedings filed in Delaware. Judge Sontchi served on the ABI Commission to Study the Reform of Chapter 11's Financial Contracts, Derivatives and Safe Harbors Committee and testified on safe harbors for financial contracts before the Subcommittee on Regulatory Reform, Commercial and Antitrust Law of the House Committee on the Judiciary. Following law school, Judge Sontchi clerked for Hon. Joseph T. Walsh in the Delaware Supreme Court. He received his B.A. Phi Beta Kappa with distinction in political science from the University of North Carolina at Chapel Hill and his J.D. from the University of Chicago Law School.

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## M. STEPHANIE WICKOWUSKI

M. Stephanie Wickowski is a partner with Locke Lord LLP in New York, where her practice includes representing clients in both the litigation and transactional aspects of bankruptcy, restructuring and insolvency matters, with measured experience in indentured trusts. She advises companies and financial institutions on the insolvency implications of commercial transactions and on credit defaults, including bond, bilateral and syndicated loan defaults, as well as disputes under credit facilities and indentures. With more than 40 years of experience handling complex reorganization cases throughout the country, Ms. Wickowski has served as lead bankruptcy counsel in multiple high-profile cases in numerous industries, including retail, energy, oil and gas, shipping, manufacturing, automotive, hospitality, casinos, real estate and health care. She also frequently advises clients on distressed-asset sales, including § 363 sales, and provides comprehensive legal services to effectively position buyers in the process. Ms. Wickowski has authored three books: *Indenture Trustee Bankruptcy Powers & Duties*, an essential guide to the legal role of bond trustee; *Bankruptcy Crimes*, an authoritative resource on bankruptcy fraud; and her most recent book, *Mentor X – The Life-Changing Power of Extraordinary Mentors*. Prior to entering private practice, she was a trial attorney with the Civil Division of the U.S. Department of Justice, where she received awards for her handling of litigation in airline bankruptcies. Ms. Wickowski is a panel mediator for the U.S. Bankruptcy Court for the Southern District of New York and has taught creditors' rights at the Catholic University School of Law. She previously clerked for Hon. Roger M. Whelan, a former U.S. Bankruptcy Judge for the District of Columbia. Ms. Wickowski received her A.B. from the College of William and Mary and her J.D. from Franklin Pierce Law Center.