

Friday, October 21  
AIRA Breakfast & CLE Program  
7:30 - 8:45 AM | Crystal Ballroom K L

## **Procrustes Challenge – Designing Mass Tort Settlement Trusts and TDPs: One Size Does Not Fit All**



### **Hon. Robert Drain**

Robert Drain was a United States Bankruptcy Judge for the Southern District of New York for over 20 years, starting in 2002 and retiring in June 2022. He currently is on recall.

He received his B.A. degree cum laude with honors from Yale University in 1979 and his J.D. degree in 1984 from the Columbia University School of Law, where he was a Harlan Fiske Stone Scholar for three years.

At the time of his appointment in 2002, he was a partner in the Bankruptcy Department of the New York law firm of Paul, Weiss, Rifkind, Wharton & Garrison, where he represented debtors, trustees, secured and unsecured creditors, official and unofficial creditors committees, and buyers of distressed businesses and distressed debt in chapter 11 cases, out-of-court restructurings and bankruptcy-related litigation and also was actively involved in several transnational insolvency matters.

He is a fellow of the American College of Bankruptcy and a member and board member of the American Bankruptcy Institute, a member of the International Insolvency Institute, a member and former board member and secretary of the National Conference of Bankruptcy Judges, and a founding member and former chair of the Judicial Insolvency Network. He also was for several years the chair of the Bankruptcy Judges Advisory Group established through the Administrative Office of the U.S. Courts and was appointed to the FDIC's Systemic Resolution Advisory Committee through December 31, 2024. He was an adjunct professor for several years at St. John's University School of Law's LLM in Bankruptcy Program and currently is an adjunct professor at Pace University School of Law and has lectured and written on numerous bankruptcy-related topics.

He had a diverse and active docket of chapter 7, chapter 13, and small business, moderately sized and mega chapter 11 cases. He has presided over the chapter 11 cases of Loral, RCN, Cornerstone, Refco, Allegiance Telecom, Delphi, Coudert Brothers, Frontier Airlines, Star Tribune, Reader's Digest, A&P, Hostess Brands, Christian Brothers, Momentive, Cenveo, 21st Century Oncology, Tops, G A&T, Sears, Standard Amusements (Playland), Full Beauty Brands, Sungard, Windstream, Purdue Pharma, Jason Industries, OneWeb, and Frontier Communications. He also presided over the ancillary or plenary cases, as the case may be, of Corporacion Durango, Satellites Mexicanas, Parmalat S. p. A. and its affiliated United States debtors, Varig S.A., Yukos (II), SphinX, Galvex Steel, TBS Shipping, Excel Maritime, Nautilus, Landsbanki Islands, Roust, and Ultrapetrol. He served as the court-appointed mediator in a number of chapter 11 cases, including New Page, Cengage, Quicksilver, Advanta, LightSquared, Molycorp, Breitburn Energy, and China Fishery.

He is the author of a novel, *The Great Work* in the United States of America.

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### **Hon. Michael B. Kaplan**

The Honorable Michael B. Kaplan was appointed as a bankruptcy judge on October 3, 2006, for the District of New Jersey and designated Chief Bankruptcy Judge on May 1, 2020. Prior to taking the bench, Judge Kaplan served as a Standing Chapter 13 Bankruptcy Trustee, as well as a member of the Chapter 7 panel of bankruptcy trustees, where he received case appointments as both a Chapter 11 and Chapter 12 trustee. His private practice included the representation of institutional lenders, consumer debtors (under both Chapters 7 & 13), and debtors undergoing reorganization pursuant to Chapter 11. Judge Kaplan received his A.B. degree from Georgetown University (1984) and his J.D. Degree from Fordham University School of Law (1987). He is licensed to practice law in New Jersey, New York and Connecticut, and is admitted to practice before the U.S. Supreme Court, Third Circuit Court of Appeals, U.S. Court of International Trade and various federal district courts throughout the country.

Over the past thirty years, Judge Kaplan has spoken to numerous bar associations and business organizations, and authored several articles relating to bankruptcy issues. Judge Kaplan is a co-author of West's Consumer Bankruptcy Manual and Consumer Bankruptcy Handbook. Additionally, he serves on the Editorial Board and as Business Manager for the American Bankruptcy Law Journal and teaches as an adjunct professor at Rutgers University School of Law.

Judge Kaplan has been elected as a Fellow of the American College of Bankruptcy. Judge Kaplan also has been appointed by the Director of Administrative Office of the Courts ("AO") to a term as the Third Circuit representative to the Bankruptcy Judges Advisory Group, in addition to appointments as the Bankruptcy Judge representative for the Risk and Finance Management Advisory Council, Human Resources Advisory Council and Budget & Finance Advisory Council to the AO. As a member of the National Conference of Bankruptcy Judges, Judge Kaplan serves as Treasurer and Executive Board member.

Prior to taking the bench, Judge Kaplan served as Mayor and Councilman for the Borough of Norwood, NJ, and as a member of the Norwood Planning Board.

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### **Jack F. Williams, PhD, JD, CIRA, CDBV, CTP**

I am a tenured Full Professor at Georgia State University College of Law and the Middle East Studies Center in Atlanta, Georgia. I serve as the Tribal Council Senior Advisor to the Choctaw Nation of Oklahoma. I am also a Principal and Team Leader in the Restructuring and Complex Litigation Group with Baker Tilly US, LLP. My areas of interest include bankruptcy and business reorganizations, mergers and acquisitions, business valuations in dispute, forensic accounting, commercial law and damages models, corporate finance and capital markets, fraud and anti-corruption, Islamic banking and finance, taxation, public finance, American Indian and Tribal law, and law and statistics.

I am a member of the Board of Advisors of the St. John's University School of Law LLM Program in Bankruptcy.

I am also a member of the Board of Advisors of the American Bankruptcy Institute (ABI) Law Review. I presently serve as the Association of Insolvency and Restructuring Advisors Scholar in Residence. I also presently serve as a co-chair for the ABI Task Force on Veterans and Servicemembers Affairs.

I have served as the inaugural Robert M. Zinman ABI Scholar in Residence in 2001 and returned to that post in 2008. In 2009, I was recognized by the ABI with its Annual Service Award (2009), honoring the ABI member whose contributions over the past year have been extraordinary. I am a Fellow in the American College of Bankruptcy and a Fellow in the Bankruptcy Policy Institute at St. John's University School of Law.

I have a BA in Economics from the University of Oklahoma, a JD (High Honors) from the George Washington University National Law Center, and a PhD in Archaeology from the University of Leicester. I presently serve on the Board of the Department of Human Services for the State of Georgia.