



## Elizabeth J. Austin

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Elizabeth J. Austin is a member and chair of the Bankruptcy Section of the firm's Litigation Department. Her practice consists of the representation of financial institutions, creditors' committees, debtors and trustees in both reorganizations and liquidations and related bankruptcy court litigation.

Prior to rejoining Pullman & Comley in 2006, she was the Assistant United States Trustee for the Southern District of New York, where she oversaw all Chapter 11 proceedings filed in the district including such major cases as Refco, Delta Airlines, Northwest Airlines, Delphi, Calpine and Dana Automotive. She argued crucial motions in major cases including the U.S. Trustee's motions for examiners and trustees in the Refco, Delta and Adelphia cases. She also oversaw the appointment of creditors' committees, including equity committees, in all major cases.

Prior to joining the Office of the United States Trustee, Liz was a member and chair of Pullman & Comley's Bankruptcy Section.

In her bankruptcy litigation practice, she represented major creditors in the Chapter 11 cases of three airlines; debtors and creditors' committees; official committees of working interest and royalty owners in numerous oil company bankruptcies; and debtors and creditors in real estate cases involving shopping centers, apartment complexes and office buildings.

In addition to her bankruptcy experience, Liz has considerable trial experience in both state and federal courts.

Liz has written on many aspects of bankruptcy law, including a case study titled "Alternatives to Bankruptcy for Insolvent Nursing Homes," published by the *American Bankruptcy Institute Law Review*, and on matters related to bankruptcy fraudulent transfer avoidance, the bankruptcy

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collection process, bankruptcy ethics and the Bankruptcy Reform Act of 1994. She has lectured on bankruptcy law before numerous professional groups.

### **Practice Areas**

Bankruptcy and Creditors' Rights; Financial Restructuring

### **Representative Experience**

- Representation of owner of 25 multi-state nursing homes in sale through Chapter 11
- Representation of major pharmacy in Chapter 11 reorganization
- Served as Bankruptcy Court Appointed Examiner in Chapter 11 of 26 national donut franchises
- Representation of national air cargo airline in a Chapter 11 reorganization
- Representation of national manufacturer of friction materials in a Chapter 11 reorganization
- Representation of Court appointed receiver of large nursing home network
- Representation of national clothing retailer in a Chapter 11 reorganization
- Representation of the Chapter 11 Trustee in a sale of national donut franchises
- Representation of Official Committee of products liability claimants in a Chapter 11 reorganization of a national manufacturer of water drainage systems
- Representation of Chapter 7 Trustee in the sale of a national oil refinery
- Successfully negotiated substantial distributions to unsecured creditors in capacity as creditor's committee counsel in Chapter 11 reorganizations
- Successfully prosecuted objections to use of cash collateral on behalf of secured creditors in Chapter 11 proceedings
- Represented creditors, debtors and trustees in Chapters 7, 11 and 13 in litigation concerning asset and debt restructuring, claims objections, discharge and dischargeability of debts, preferences, fraudulent conveyances, relief from the automatic stay, executory contracts and unexpired leases

### **Bar and Court Admissions**

Connecticut

Nebraska

Texas

Second Circuit Court of Appeals

Continued

U.S. District Court, Eastern District of New York  
U.S. District Court, Southern District of New York  
U.S. District Court, Eastern District of Texas  
U.S. District Court, Northern District of Texas  
U.S. District Court, Western District of Texas

## **Education**

University of Nebraska School of Law, J.D., 1982  
University of Nebraska at Lincoln, B.A., 1979

## **Publications**

"ALERT: Be Prepared for a Record Setting Year of Business Bankruptcy Filings," February 18, 2009  
"Will Nursing Homes Survive the Implementation of Programs Designed to Prevent Institutionalized Care?," *ABI Committee News*, February 3, 2009  
"ALERT: Meet the Firm's Financial Restructuring Team," October 15, 2008  
"Bankruptcy Filings Creep Upward," *Reprinted with permission from the Connecticut Law Tribune*, September 6, 2007  
"Appointment of Patient Care and Consumer Privacy Ombudsman," *New York City Bar's Committee on Bankruptcy and Corporate Reorganization*, June 1, 2007  
"An Insider's Guide to Bankruptcy Reform," *Reprinted with permission from the Connecticut Law Tribune*, March 26, 2007

## **Professional Affiliations**

Connecticut Bar Association - past chair, Commercial Law and Bankruptcy Section  
American Bankruptcy Institute  
Bankruptcy Committee of the New York City Bar  
Commercial Law League  
District of Connecticut Merit Selection Panel for Selection of Bankruptcy Judge for the District of Connecticut - past chair  
Federal Bar Council  
International Women's Insolvency and Restructuring Confederation  
National Association of Bankruptcy Trustees