



Ralph R. Mabey

Senior Of Counsel

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[vcard](#)

EDUCATION

Columbia University,
J.D. (Harlan Fiske Stone
Scholar), 1972
University of Utah, B.A.,
cum laude, 1968

Mr. Mabey is Senior Of Counsel with Stutman, Treister & Glatt, and is resident in the firm's Salt Lake City office.

Prior to joining the firm in 2006, Mr. Mabey served as a U.S. Bankruptcy Judge from 1979 to 1983, and then founded, and for 20 years headed, the international bankruptcy practice of LeBoeuf, Lamb, Greene & MacRae.

PROFESSIONAL AFFILIATIONS

Fellow, American
College of Bankruptcy
(Past Chair and
President; Member of
Distinguished Service
Award Committee and
International
Committee)
National Bankruptcy
Conference (Executive
Committee)
National Conference of
Bankruptcy Judges

United States
Bankruptcy Judge,
District of Utah, 1979-
1983

U.S. Judicial Conference
Advisory Committee on
the Bankruptcy Rules,
1987-1993

Member, ABA Business
Bankruptcy Committee
Member, American Law
Institute

Member, International
Insolvency Institute
(Board of Directors)

Member, American
Bankruptcy Institute
Adviser, National
Bankruptcy Review
Commission Working
Group on Future Claims
(former)

Mass Torts Task Force,

In addition to his substantial experience restructuring business entities in several industries and located around the globe, Mr. Mabey has been recognized for his work as a court-appointed examiner, trustee and committee counsel, as well as arbitrator, mediator and expert witness in many restructuring and bankruptcy related cases throughout the country. Recent representative engagements include: Extended Stay Hotels (as examiner); Lehman Brothers (as court-appointed mediator); A.H. Robins Company (as examiner with expanded powers); Dow Corning (as counsel for certain bondholders); Columbia Gas System (as equity committee counsel); Federated Department Stores (as counsel for the official pre-merger bondholders committee); TWA (as counsel for the pilots); American Airlines (as counsel for the pilots); Enron (as special counsel for the debtor); Cajun Electric Power Cooperative (as chapter 11 trustee); Boston Chicken (as an expert witness); and ASARCO (as an expert witness).

He is also actively involved in several professional organizations and societies, where he has served in many different capacities. Mr. Mabey is a past Chair of the American College of Bankruptcy and served as an appointee of the late Chief Justice William H. Rehnquist to the U.S. Judicial Conference's Advisory Committee on the Bankruptcy Rules. Mr. Mabey is a member of the National Bankruptcy Conference, the American Law Institute, and the International Insolvency Institute. He was honored with the 2009 Distinguished Service Award by the American College of Bankruptcy.

Additionally, Mr. Mabey presently devotes some of his time to his role as professor of law at the S.J. Quinney College of Law at the University of Utah. From 1983-2006, Mr. Mabey was a Senior Lecturer at the J. Reuben Clark Law School at Brigham Young University.

He is also an active writer and lecturer on many different bankruptcy-related topics. Significantly, Mr. Mabey has also served as the managing editor of the Norton Bankruptcy Law Adviser, on the Editorial Advisory Board of the American Bankruptcy Law Journal, and currently serves as a contributing author to Collier on Bankruptcy.

He is a member of the New York and Utah bars, and is admitted to practice before the United States Supreme Court, the United States Courts of Appeals for the Third, Fourth, Fifth and Tenth Circuits, and United States District Courts of the Southern District of New York and Utah.

Mr. Mabey received his J.D. from Columbia School of Law in 1972, where he served on the

The U.S. Judicial Conference, (Future Claims and Bankruptcy Invitee) (former)
ABA Joint Task Force on Bankruptcy Court Structure and Insolvency Process (former)
J. Reuben Clark Law Society (International Chair, 1997-1999)

Board of Editors of the Columbia Law Review and was named a Harlan Fiske Stone Scholar. He received his B.A., cum laude, from the University of Utah in 1968.

Key Representations

Mediator

Lehman Brothers (Mediator)
Caldor Corporation (Mediator)
MarkAir (Mediator)
William Herbert Hunt Trust (Mediator)
Sea Launch (Mediator)

Examiner

In re Extended Stay, Inc. (Examiner)
A.H. Robins Company (Examiner)

Expert Witness/Consultant

AT&T (Expert Litigation consultant)
Boston Chicken (Expert Witness)
ASARCO (Expert Witness)

Debtor Representations

Geneva Steel (Debtor)
Enron (Special Counsel, Debtors);

Committee Representations

Columbia Gas Systems (Equity Committee)
Federated Department Stores (Bondholder Committee)
MicroAge (Creditors Committee)
Federated Department Stores (as counsel for the official pre-merger bondholders committee)

Trustee

Cajun Electric Power Cooperative (chapter 11 Trustee);

Significant Creditor/Party In Interest Representations

TWA (as counsel for the pilots)
American Airlines (as counsel for the pilots)
Dow Corning (as counsel for certain bondholders)

Professional Affiliations/Honors

Selected, *Who's Who Legal (Insolvency & Restructuring)*, 2011-12
Selected, *Southern California's Best Lawyers in America*, 2011-12
Rated, AV® Preeminent™ 5.0 out of 5.0

Publications/Press

"Litigation Trusts: Assignment of Causes of Action, Treatment of Non-Consenting Creditors, Feasibility and Funding Issues" (with Audrey J. Noll), American Bankruptcy Institute/New York University School of Law, 38th Annual Lawrence P. King and Charles Seligson Workshop on Bankruptcy & Business Reorganization, 2012

"Issues Affecting Distressed Debt Investment" (with Gabriel I. Glazer), American Bankruptcy Institute/New York University School of Law, 38th Annual Lawrence P. King and Charles Seligson Workshop on Bankruptcy & Business Reorganization, 2012

REPRESENTATIVE CLIENTS

Lehman Brothers (Mediator)
Extended Stay Hotels (Examiner)
A.H. Robins Company (Examiner)
AT&T (Expert Litigation consultant)
Baldwin United (Counsel for Indiana Ins. Comm'r)
Boston Chicken (Expert Witness)
Cajun Electric Power (Trustee)
Caldor Corporation (Mediator)
Columbia Gas Systems (Equity Committee)
Federated Department Stores (Bondholder Committee)
Geneva Steel
MicroAge (Creditors Committee)
MarkAir (Mediator)
TWA (Counsel for ALPA)
William Herbert Hunt Trust (Mediator)
Sea Launch (Mediator)

The Potential For, and Challenges To, Mediation as a Facilitating Solution (with Alex Fisch, Katherine Baudistel and Jake Smart), American Bankruptcy Institute/New York University School of Law, 37th Annual Lawrence P. King and Charles Seligson Workshop on Bankruptcy & Business Reorganization, 2011

Guidelines for Coordination of Multi-National Enterprise Group Insolvencies (Working Drafts), International Insolvency Institute (with selected international distribution) , 2008-2011 (As Chair of the International Insolvency Institute's Committee on Jurisdiction and Coordination; with Susan Johnston, Committee Reporter.)

Coordination Among Insolvency Courts in the Rescue of Multi-National Enterprises (with Susan Power Johnston), Annual Review of International Insolvency, 2009

Hon. Ralph R. Mabey on *In re Excel Innovations, Inc., Solidus Networks, Inc. v. Excel Innovations, Inc.* (In re Excel Innovations, Inc.), 502 F.3d 1086 (9th Cir. 2007), LexisNexis Expert Commentaries, February 2008

Hon. Ralph R. Mabey on *In re Brown & Cole Stores, LLC, Brown & Cole Stores, LLC v. Associated Grocers, Inc.* (In re Brown & Cole Stores, LLC), 375 B.R. 873 (B.A.P. 9th Cir. 2007), LexisNexis Expert Commentaries, December 2007

Hon. Ralph R. Mabey on *In re Seven Fields Development Corp., Geruschat v. Ernst & Young LLP* (In re Seven Fields Development Corp.), 505 F.3d 237 (3d Cir. 2007), LexisNexis Expert Commentaries, December 2007

Hon. Ralph R. Mabey on *In re El Toro Materials Co., Saddleback Valley Community Church v. El Toro Materials Co., Inc.* (In re El Toro Materials Co., Inc.) 2007 U.S. App., Lexis 22991 (9th Cir. Oct. 1, 2007), LexisNexis Expert Commentaries, November 2007

Hon. Ralph R. Mabey on *In re Northwest Airlines Corp., In re Northwest Airlines Corp.*, 366 B.R. 270 (Bankr. S.D.N.Y. 2007), LexisNexis Expert Commentaries, November 2007

Hon. Ralph R. Mabey on *In re Adbox, Metcalf v. Golden* (In re Adbox, Inc.), 488 F.3d 836 (9th Cir. 2007), LexisNexis Expert Commentary, November 2007

Hon. Ralph R. Mabey on *In re Gencarelli, UPS Capital Business Credit v. Gencarelli* (In re Gencarelli), 2007 U.S. App. Lexis 20751 (1st Cir. Aug. 30, 2007), LexisNexis Expert Commentaries, October 2007

Hon. Ralph R. Mabey on *In re National Energy & Gas Transmission, National Energy & Gas Transmission, Inc. v. Liberty Electric Power, LLC* (In re National Energy & Gas Transmission, Inc.), 492 F.3d 297, 2007 U.S. App., Lexis 16263 (4th Cir. 2007), LexisNexis Expert Commentaries, September 2007

Hon. Ralph R. Mabey on *In re Perrine, In re Perrine*, 2007 Bankr. Lexis 1432 (Bankr. C.D. Cal. April 13, 2007), LexisNexis Expert Commentaries, September 2007

Hon. Ralph R. Mabey on *In re Dana Corp., In re Dana Corp.*, 2007 Bankr. Lexis 1466 (Bankr. S.D.N.Y. Apr. 19, 2007), Lexis Nexis Expert Commentaries, August 2007

Hon. Ralph R. Mabey on *VFB LLC v. Campbell Soup Co., VFB LLC v. Campbell Soup Co.*, 482 F.3d 624 (3d Cir. 2007), LexisNexis Expert Commentaries, July 2007

Hon. Ralph R. Mabey on *In re Fortune Natural Resources Corporation, In re Fortune Natural Resources Corp.*, 2007 Bankr. Lexis 1350 (Bankr. E.D. La. Apr. 12, 2007), LexisNexis Expert Commentaries, July 2007

Annual Review of International Insolvency, 2009; The Evolving Bankruptcy Bench: How Are the 'Units' (28 U.S.C. § 151) Faring?, Boston College Law Review, December 2005

Transnational Insolvency: Cooperation Among the NAFTA Countries, (4 vol.) (as a United States Adviser) The American Law Institute (2003)

Chapter 11: Life After Death, The Utilities Project (with Patrick S. Malone); Volume 3, 2003; First Report of the Select Advisory Committee on Business Reorganization (SABRE) (as a SABRE Member) The Business Lawyer, Volume 57, No. 1, November 2001

Chapter 11 Reorganization of Utility Companies, (with Patrick S. Malone) Energy Law Journal, Volume 22, No. 2, 2001

Expanding the Reach of Alternative Dispute Resolution in Bankruptcy: The Legal and Practical Bases for the Use of Mediation and Other Forms of ADR, (with Charles J. Tabb and Ira S. Dizengoff), 46 South Carolina Law Review 1259 (1995)

Improving Treatment of Future Claims: The Unfinished Business Left by the Manville Amendments, (with Peter Zisser) 69 The American Bankruptcy Law Journal 487 (1995)

Constitutional Limitations on the Discharge of Future Claims in Bankruptcy, (with Jamie Andra Gavrin) 44 South Carolina Law Review 745 (1993)

Authors' Rights and Bankruptcy: A Roundtable Discussion, (Irwin Karp, chair) 14 Columbia-VLA Journal of Law and the Arts 189 (1990)

In re Frenville: A Critique by the National Bankruptcy Conference's Committee on Claims and Distributions, (with Annette W. Jarvis), 42 The Business Lawyer 697 (1987).

Speaking Engagements

Panelist, "Effective Use of Chapter 11: The Good, the Bad and the Ugly," American College of Bankruptcy Tenth Circuit Bankruptcy Conference, University of Utah, October 2012.

Panelist, "Issues Affecting Stressed Debt Investment," American Bankruptcy Institute/New York University School of Law 38th Annual Lawrence P. King and Charles Seligson Workshop on Bankruptcy & Business Reorganization, September 2012, New York

Panelist, "Plan Confirmation Issues: Part II," American Bankruptcy Institute/New York University School of Law 38th Annual Lawrence P. King and Charles Seligson Workshop on Bankruptcy & Business Reorganization, September 2012, New York

Panelist, "Examine This! Examiners, Examinations and You," 85th Annual National Conference of Bankruptcy Judges, October 2011, Tampa, Florida.

Panelist, "Mediation in Bankruptcy: A Complement to the Judicial Process," sponsored by the American Bar Association Business Law Section's Business Bankruptcy Committee, 85th Annual National Conference of Bankruptcy Judges, October 2011, Tampa, Florida.

Featured Speaker, INSOL India, Gwalior, India, October 2011

Panel Chair, "Early Challenges in Chapter 11 Cases," Annual American Law Institute-American Bar Association Course of Study, "Fundamentals of Bankruptcy Law," September 2011, Chicago, Illinois.

Panel Chair, "Consensual Resolution Part II: The 'Solutions' and Whether They Work," ABI Bankruptcy and Business Reorganization Advanced Course 2011, New York University School of Law, September 2011, New York.

Panelist, "Consensual Resolution Part I: The Obstacles," ABI Bankruptcy and Business Reorganization Advanced Course 2011, New York University School of Law, September 2011,

New York.

Panel Chair, "Coordinating Corporate Group Insolvencies Across National Borders," International Insolvency Institute 11th Annual International Insolvency Institute Conference, June 2011, New York.

Panelist, "Ethics and Morality in the Classroom," 3rd Annual J. Reuben Clark Law Society Faculty Section Conference in connection with the American Association of Law Schools, January 2011, San Francisco, California.

"Harvard Law School Roundtable on Distressed Debt Restructuring," Harvard Law School, December 2010, Boston, Massachusetts.

Panelist and Presenter, (1) "Issues Affecting Claims Transfers/Special Purpose Entities in Bankruptcy," and (2) "Chapter 9 Municipal Debt Adjustments," Bankruptcy and Business Reorganization Advanced Course 2010, New York University School of Law, September 2010, New York.

Panel Chair, "Coordination of Multinational Corporate Group Insolvencies: Solving the COMI Issue," International Insolvency Institute 10th Annual Conference, June 2010, Rome, Italy.

Panel Chair, "Distribution of the Estate," Annual American Law Institute-American Bar Association Course of Study, "Fundamentals of Bankruptcy Law," April 2010, Chicago, Illinois.

Panelist and Presenter, "Navigating Angels Landing at Zion National Park: The Art of Negotiation in Bankruptcy," American Bankruptcy Institute's Rocky Mountain Bankruptcy Conference, January 2010, Denver, Colorado.