

Deborah A. Reperowitz

Senior Counsel

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Deborah Reperowitz is a nationally recognized bankruptcy and commercial litigation attorney and mediator. Debbie has been a partner at “Biglaw” firms and served as senior vice president, chief litigation counsel at CIT Group and general counsel to a financial advisor with an excess of \$20 billion under management. She draws upon her experience to provide clients with pragmatic, business-minded advice and representation in all aspects of bankruptcy, business restructuring and commercial litigation matters. She has represented clients in the financial services, healthcare, insurance, real estate, telecommunications, airline, and general manufacturing sectors. She has served as the mediator in matters involving bankruptcy issues, professional malpractice, and general business disputes, including breach of contract.

Debbie’s bankruptcy and litigation experience is extensive. She has represented virtually all constituents in bankruptcy cases, including pre-petition, DIP and exit lenders, unsecured creditors, investors and asset acquirers. Her practice has been focused upon complex, often high stakes, cases, involving confirmation disputes, fraudulent transfer issues, lien avoidance/priority claims, business torts, breach of contract, fraud, misrepresentation, conversion and class and mass actions.

Debbie also has a robust ADR practice, serving as a mediator and arbitrator in business disputes. She is listed on the register of mediators maintained by the Bankruptcy Courts for the Southern District of New York and the District of Delaware, and is included on the panel of mediators and the panel of arbitrators maintained by the American Arbitration Association. Debbie has served as a mediator or arbitrator in numerous commercial disputes, including those arising in the bankruptcy cases of Dewey & LeBoeuf, Lehman Brothers Holdings, Inc. and the Madoff liquidations.

While at CIT Group, a publicly-traded company, Debbie established and chaired CIT’s litigation and government investigations legal team and managed virtually all of CIT’s litigation and pre-litigation matters. She also represented CIT in connection with government inquiries and investigations and assisted CIT in connection with its restructuring. Debbie reported directly to the board of directors on these matters, and in addition, she worked closely with senior management to identify, prevent and mitigate litigation risk.

FOCUS

Bankruptcy, Workouts & Creditors' Rights
Alternate Dispute Resolution
Special Situations
Finance & Restructuring
Financial Services
Fintech

BAR ADMISSIONS

New York
New Jersey

EDUCATION

J.D., Seton Hall University School of Law
B.S., New York University

MEMBERSHIPS

Member, Executive Committee, Global Board of Trustees, Turnaround Management Association
Treasurer and Member, Executive Committee of the Dispute Resolution Section, New York State Bar Association
Member, ADR in Courts Committee, New York State Bar Association
Co-Chair, Banking & Financial Services Committee, CPR International Institute for Conflict Prevention & Resolution
Member, Banking Accounting and Financial Services Panel, CPR International Institute for Conflict Prevention & Resolution
Member, General Counsel Panel, CPR International Institute for Conflict Prevention & Resolution
Member, Municipal Bankruptcy Panel, CPR International Institute for Conflict Prevention & Resolution
Member, Pro Bono Panel, CPR International Institute for Conflict Prevention & Resolution
Member, New York City ADR Panel, CPR International Institute for Conflict Prevention & Resolution



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Debbie also served as general counsel to Fairholme Capital Management LLC and secretary to The Fairholme Funds Inc. Fairholme Capital Management is an investment adviser that had approximately \$20 billion under management, including managed accounts and three open-ended, non-diversified mutual funds traded on NASDAQ.

RESULTS

Debbie's experience includes having:

- represented a senior living facility and a skilled nursing facility in their chapter 11 cases
- served as the mediator in more than 60 disputes arising in the Madoff liquidations
- served as the mediator in numerous disputes arising in the Lehman bankruptcy case
- represented a national bank as a participant in a facility and stand-alone lender in a marine transportation company's bankruptcy case
- defended clients in putative class actions, *qui tam* actions and government inquiries and investigations involving alleged violations of various state and federal laws, including False Claims Acts and the Fair Credit Reporting Act
- defended clients against allegations of malfeasance, such as fraud, theft of trade secrets and wiretapping
- represented the Japanese government in obtaining the post-petition manufacture and delivery of a satellite from bankrupt Loral Space and Communications Ltd.
- filed a successful (i) objection to Enron's DIP financing application; (ii) request for appointment of an examiner; and (iii) request for extrication of Enron N.A. from the Enron global cash management system, resulting in the appointment of an examiner and ultimately, a greater distribution for Enron N.A. creditors
- served as national bankruptcy counsel to Worldcom Inc. prior to its own bankruptcy case
- represented an aerospace company in its acquisition of a Chapter 11 debtor for \$27 million
- represented equipment lenders and lessors in numerous out-of-court restructures and bankruptcy cases, including Norvergence Inc.
- represented an international bank as indenture trustee in numerous cases, including representing the bank on creditors' committee
- represented regional banks in numerous matters, including lender liability and "fueling the fraud" cases
- represented a private equity firm in numerous investments in distressed companies
- represented landlords in bankruptcy cases, including retail cases



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- represented a manufacturing company in successful out-of-court restructures
- represented an insurance company in defeating bankruptcy trustee's attempt to compel insurer to renew policies
- represented two large restaurant franchisors in several franchisees' bankruptcies

SPEAKING ENGAGEMENTS

- Panelist, "Arbitrators and Mediators: How Much Freedom Do You Give or Take from Your Participants & A Mediator's Freedom to Lie," International Institute for Conflict Prevention & Resolution Annual Meeting
- Panelist, "Drafting and Enforcing Assignments of Rent: Collateral vs. Absolute Assignments, Receiverships, Bankruptcy Issues," Strafford CLE
- Presenter, "The Habits of Highly Effective Dispute Resolvers," New York State Bar Association
- Presenter, "Technology Impacts Us All," New York State Bar Association
- Presenter, "Introduction to AI: 'Tech' Session" New York State Bar Association
- Panelist, "Current Issues and Trends in Arbitration in the Financial Services Industry," CPR International Institute for Conflict Prevention & Resolution, Arbitration Committee Meeting
- Speaker, "Introduction to AI: 'Tech' Session," New York State Bar Association Webcast
- Moderator, "Cybersecurity – The Threats, The Issues, The Solutions," New York State Bar Association Webcast
- Presenter, "Mediation: Nothing To Lose and So Much To Gain," Celesq® AttorneysEd Center Webcast
- Panelist, "The New Normal: Maintaining Your Network While Navigating the Future of Work," Turnaround Management Association NextGen Webinar
- Panelist, "Areas of Growth in the Law," Seton Hall Law School
- Panelist, International Institute for Conflict Prevention & Resolution's Banking & Financial Services Committee Meeting
- Moderator, "We're All In This Together – Let's Mediate," Turnaround Management Association Webinar, 2020
- Moderator, "Innovative Financing and DIP Substitutes," Turnaround Management Association Distressed Investing Conference, 2020
- Panelist, "Mush Mush! How Far Can Husky Carry the Concept of Nondischargeable Fraud?" American Bankruptcy Institute's Winter Leadership Conference
- Panelist, "Lender v Lender," American Bankruptcy Institute's 25th Annual Winter Leadership Conference



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- Panelist, “Bankruptcy Reform – First Six Months: What is Working, What is Not?” Turnaround Management Association’s Spring Conference

PUBLICATIONS

- Co-author, “Mortgagees Holding Liens Against Chapter 13 Debtor’s Primary Residence Could Be Subject to Punitive Damages for Notice Violations,” *Pratt’s Journal of Bankruptcy Law*
- Author, “Lowering Litigation Risk & Redefining Wins Via Alternative Dispute Resolution,” *Bloomberg Law*
- Author, “Mediation: Nothing To Lose and So Much To Gain,” *New York Law Journal*
- Co-author, “Reshape Your Board For Company Restructuring,” *The Corporate Board*

RECOGNITIONS

- New York Super Lawyers
- New York Women’s Edition Super Lawyers
- Chambers USA: America’s Leading Lawyers for Business for Mediators Nationwide

STRADLEY
RONON