ArentFox Schiff LLP
Attorneys

Justin A. Kesselman

PARTNER

Justin represents clients in corporate reorganizations, bankruptcy proceedings, and litigation.



Industries

Cannabis
Private Companies
Nonprofits & Associations
Venture Capital & Emerging Businesses

Practices

Financial Restructuring & Bankruptcy
— Bankruptcy & Strategic Litigation
— Committees of Unsecured Creditors
— Debtors & Troubled & Distressed Companies
— Indenture Trustees, Agents & Corporate Trust Services
Complex Litigation
Finance
— Derivatives

Education

New England Law, JD, magna cum laude, executive articles editor of the New England Law Review

University of Massachusetts, Amherst, BA, cum laude

Offices	Phone	Email
Boston	617.973.6144	justin.kesselman@afslaw.com

Justin is a partner in the firm's Bankruptcy & Financial Restructuring group. He represents and guides financially distressed companies, corporate officers and directors, creditors, creditor committees, creditor trusts, trustees and other fiduciaries through corporate reorganizations, liquidations, bankruptcy litigation, receiverships, assignments for the benefit of creditors, out-of-court wind downs, the exercise of rights under the Uniform Commercial Code, and other distressed situations.

Clients frequently look to Justin for advice with unique and difficult problems that lack a clear solution. He has a strong track-record and reputation for solving problems by thinking outside of the box and developing successful restructuring and litigation strategies tailored to each client's situation.

Previously, Justin served as a law clerk to Hon. Robert J. Cordy of the Massachusetts Supreme Judicial Court and as a trial attorney in the U.S. Department of Justice, where he gained extensive courtroom experience representing the United States Trustee in chapter 11 litigation, bankruptcy investigations, and oversight of bankruptcy fiduciaries and professionals. He is an active member of several insolvency-focused organizations and previously served as Chair of the Bankruptcy Section of the Boston Bar Association.

Client Work

Representative engagements include:

Bankruptcy & Financial Restructuring

- Counsel to CoverFX debtors in subchapter v cases, named 2022 Chapter 11 Reorganization of the Year ($10mm - $100mm) by The M&A Advisor.
- Counsel to real estate developer debtor with complex international asset and debt portfolio, successfully discharging debts in excess of $40 million.
- Counsel to creditors' committee and creditor trust in Chapter 11 liquidation case of Greensill Capital, the U.S. arm of the collapsed global supply chain finance enterprise.
-

Counsel to creditors' committee and creditor trust in Chapter 11 reorganization cases of luxury grocery chain Dean & Deluca.

- Counsel to indenture trustee for more than $300 million in second-lien notes in Mallinckrodt plc's Chapter 11 cases.
- Counsel to indenture trustee for $350 million in second-lien notes in The Hertz Corporation's Chapter 11 cases.
- Counsel to indenture trustee for more than $17 billion in senior notes in Pacific Gas and Electric Company's Chapter 11 cases.
- Counsel to post-confirmation liquidating trust in the Chapter 11 cases of body-armor manufacturer Point Blank Solutionss n/k/a SS Body Armor.
- Counsel to assignee of international lobster distributor under assignment for the benefit of creditors.
- Counsel to bankruptcy trustee in sales and auctions of diverse business assets, including equipment, inventory, intellectual property, liquor licenses, and leases.
- Prosecuted multiple lawsuits to unwind complex international fraudulent transfer scheme and claw back substantial assets for the benefit of creditors.
- Obtained favorable and efficient outcomes for multiple clients in defense of preference claw-back lawsuits.

Complex Litigation

- Successfully prosecuted and defended emergency injunctive relief petitions in numerous contexts, including trade secrets, restrictive covenants, and asset freezes.
- Counsel to corporate debtor's law firm in successful defense and dismissal of $50 million legal malpractice and fraud claims.
- Represented multiple victims in investment fraud cases and obtained seven-figure settlements with broker-dealers.
- Obtained arbitration award and judgment against client's former counsel for breach of fiduciary duty and willful violations of Chapter 93A.
- Represented publicly held bank in complex misrepresentation case against accounting firm.
- Counsel in partnership dispute resulting in ouster of hostile partner and consolidation of ownership.
- Defended attorneys in disciplinary proceedings before Board of Bar Overseers.

Memberships and Boards

- United States Bankruptcy Court for the District of Massachusetts, Local Rules Advisory Committee
- Boston Bar Association, Bankruptcy Steering Committee
- American Bankruptcy Institute, Member
- Turnaround Management Association, Member

Publications, Presentations & Recognitions

- Awarded, *Best Lawyers,* Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, 2024
- Co-author, "Must the Office of the United States Trustee Issue Refunds of Fees Collected Under the UST Fee Schedule the Supreme Court Determined Was Unconstitutional in Its 2022-2023 Term?" *American Bar Association Supreme Court Preview,* January 8, 2024
- Co-author, "Increasing Transfer Security for Securities: Application of the Section 546(e) Safe Harbor to Trust Indentures," 31 ABI Law Review 205 (2023)
- Awarded, Best of ABI 2022: The Year in Business Bankruptcy, *American Bankruptcy Institute,*

May 2023

- Speaker, "Serving on an Official Committee of Unsecured Creditors," *National Association of Credit Management*, May 23, 2023
- Panelist, "The Role of Business Law in Global Crises," Boston College Law School, April 2023.
- Co-presenter, "Receiverships, ABCs and Other Restructuring Alternatives," National Association of Credit Management Webinar, April 12, 2023
- Panelist, "IP Issues in Bankruptcy," Massachusetts Bar Association, Complex Litigation Symposium, April 2023.
- Panelist, "Negotiation Skills," Credit Research Foundation Forum, March 2023.
- Co-author, "Chapter 11 Bankruptcies Are Up 70% Annually," National Association of Credit Management, February 16, 2023
- Co-author, "After the Green Rush: Bankruptcy Alternatives for Restructuring Cannabis Businesses," Cannabis Business Executive, February 15, 2023
- Co-author, "2nd Circ. Ruling Offers Ch. 11 Guidance In A Post-Siegel World," Law360, December 16, 2022
- Co-author, "Global Debt Crisis Fuels Instability in Emerging Markets," ABI Journal, December 2022
- Panelist, "Mediation as a Practical Tool," Credit Research Foundation Forum, November 8, 2022
- Panelist, "Subchapter V: Unlocking Value in 'Small Business' Bankruptcies," Commercial Collection Agencies of America Annual Conference, October 20, 2022
- Panelist, "Subchapter V: Strategies for Unsecured Creditors to Maximize Value and Key Developments," The National Association of Credit Management Annual Credit Congress, June 7, 2022
- Co-Chair, Financial Advisors' Toolbox Program, Association of Insolvency & Restructuring Advisors' 38th Annual Bankruptcy & Restructuring Conference, June 2022
- Panelist,?"The Creditor's Roadmap Through Subchapter V: Finding Value in 'Small Business' Bankruptcies," Credit Research Foundation Forum, March 15, 2022
- Co-author, "Small Business Reorganization Act in Practice: Issues and Strategies for Creditors in Small Business Bankruptcies", Credit Research Foundation's publication, Perspective by CRF, Q4 2021
- Panelist, "Recent Developments in Bankruptcy", GLSA webinar, November 4th, 2021
- Co-Chair, Financial Advisors' Toolbox Program, Association of Insolvency & Restructuring Advisors' 37th Annual Bankruptcy & Restructuring Conference, June 2021
- Panelist, "Cannabis Business Insolvency", Association of Insolvency & Restructuring Advisors, June 9, 2021
- Author, "New Year Brings Revisions to the Bankruptcy Code, Fodder for Bankruptcy Court", American Bankruptcy Institute Newsletter, March 2021
- Panelist, "Subchapter V: Getting the Most Out of Small Business Reorganizations," Credit Research Foundation, March 15, 2021
- Panelist, "Receivership 101," Credit Research Foundation, December 11, 2020
- Panelist, "Paycheck Protection Program: Access to PPP Loans for Chapter 11 Debtors", American Bankruptcy Institute, August 26, 2020
- Author, "COVID-19 Stimulus Legislation Aims to Make Chapter 11 Easier for Many More Small Businesses," Daily Journal, April 2020
- Panelist, "Unfair Trade: Post-Petition Trade Claims and Why You Might Be Involuntarily Financing the Next Large Bankruptcy Case," Credit Research Foundation, March 2020
- Author, "Untangling Compliance Issues in Credit Reporting, Debt Collection, and Bankruptcy," Review of Banking and Financial Services, December 2019
- Panelist, "Intersection of the Bankruptcy Code and Consumer Protection Laws," American Bankruptcy Institute Winter Leadership Conference, December 2019
- Quoted in, "Creditor can't require reaffirmation of car lease", Massachusetts Lawyers Weekly,

September 24, 2019

- Panelist, “Bankruptcy and Consumer Protection Statutes: Practice Pointers,” American Bankruptcy Institute Northeast Conference, July 2019
- Author, “Chapter 11 Postconfirmation Issues and Appeals,” Massachusetts Continuing Legal Education, 2018
- Panelist, “Demystifying Sanctions and Discipline in the Bankruptcy Court,” Boston Bar Association Bench Meets Bar Conference, May 2017
- Panelist, “Bankruptcy and Tax Considerations for the Budding Marijuana Business,” Boston Bar Association, January 2017
- Author, “First Circuit May ‘Actually’ Be Best Choice of Bankruptcy Venue for Intellectual Property Licensees”, Massachusetts Lawyers Journal, July 2015
- Author, “First Circuit Expands Actual Fraud Exception to Bankruptcy Discharge, Deepens Circuit Split”, Massachusetts Bar Association Complex Commercial Litigation Quarterly, Summer 2015
- Author, “Can State Law Remedies Revive Statutes Stricken by ERISA’s Preemption Provision?”, 38 ACTEC L.J. 245, 2014
- Author, “Multinational Corporate Jurisdiction and the Agency Test: Should the United States Be a Forum for the World’s Disputes?”, 47 New Eng. L. Rev. 361, 2013

Life Beyond the Law

Justin is an avid supporter of childhood literacy and animal welfare organizations. He enjoys reading history, including (most recently) books about shipwrecks. Prior to becoming a lawyer, Justin managed a brewpub.

Bar Admissions

Massachusetts

Court Admissions

US Court of Appeals, 1st Circuit

US District Court, District of Massachusetts