

# Leif M Clark

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## EXECUTIVE SUMMARY

Judge Leif M Clark provides mediation and consulting services for a broad spectrum of commercial matters both domestically and internationally.

For twenty-five years, he was a prominent U.S. Bankruptcy Judge, serving on the bench in the Western District of Texas, where he authored over 300 judicial opinions, a number of which are considered seminal.

During his tenure on the bench, Judge Clark also actively served as a mediator for complex matters, many involving multiple parties. Judge Clark has continued mediations as part of his private consulting practice, both in Texas as well as in Florida, California, Maryland, Montana, Oklahoma, Delaware, and New York.

He has also served as a consulting expert on bankruptcy matters in domestic and international litigation and has provided consulting assistance for both the World Bank and the International Monetary Fund. He has testified as an expert on bankruptcy and insolvency matters in both state and federal courts.

He is a sought-after speaker on a wide range of insolvency issues and the author of a chapter for the most widely cited bankruptcy treatise, *Collier on Bankruptcy*.



## **EXPERIENCE**

### **Partner, Cox & Smith, Inc. (now Dykema Cox Smith) – 1980-1987**

Legal practice representing lending institutions, oil and gas producers and pipelines, creditors' committees, and debtors in chapter 11 bankruptcy matters.

### **United States Bankruptcy Judge, Western District of Texas – 1987-2012**

Heard matters in San Antonio, Austin, Waco, and El Paso. In addition to a large consumer docket, he presided over the crush of chapter 11 filings in Texas during the late 1980's and early 1990's. Significant matters included In re El Paso Refinery, Inc., In re Greystone II, L.P., and In re Inverworld. In addition, he served as a mediator for matters on behalf of other judges, including In re National Benevolent Association of the Christian Church, Disciples of Christ, In re Quantum Resources, and In re Omega Navigation Enterprises.

### **Instructor, McGeorge School of Law International LLM Program – 1988-2004**

Taught US Constitutional Law to foreign students as part of a pre-internship training program.

### **Trainer and Program Designer, USAID Judicial Training Program for Central & Eastern Europe – 1996-2000**

Assisted in the design of a week-long intensive judicial training program for judges in Central and Eastern Europe and participated in training programs as an instructor/trainer in Romania, Latvia, Poland, and Ukraine. Trained over 120 judges in Ukraine alone.

### **Adjunct Professor, University of Texas School of Law – 1998-2010**

Taught basic bankruptcy courses and advanced problems seminars.

### **Mediator/Arbitrator/Consultant, Leif M Clark Consulting PLLC – 2013-Present**

Private mediator in a wide variety of disputes, many involving multiple parties, including:

- Southeastern Montana Electrical Power Cooperative (Billings, Montana)
- Energy XXI (Houston, Texas)

- Omega Navigation Enterprises (Houston, Texas)
- American Eagle Energy Corporation (Denver, Colorado)
- Lehman Brothers Holdings, Inc. (New York, New York)
- RadioShack (Wilmington, Delaware)
- Mountain Divide (Billings, Montana)
- Epworth Villa (Oklahoma City, Oklahoma)
- Consulting and testifying expert on insolvency issues
- Expert witness report (with Prof. Jay L. Westbrook) in Nortel Networks on behalf of the UK Pension Fund (allocation dispute tried simultaneously in Superior Court of Ontario and US Bankruptcy Court for the District of Delaware)
- Expert declaration in In re Creative Finance, Ltd., pending in the Southern District of New York, on behalf of the Liquidator (dispute over sanctions for Tiling request for recognition)
- Expert witness in TIAA-CREF v. Illinois National Ins. Co., pending in state court, Wilmington, Delaware, on behalf of the plaintiff (dispute regarding reasonableness of attorney fees incurred by TIAA-CREF in class action litigation)
- Expert witness on behalf of Ovation entities in hearings before the Public Utilities Commission of Texas regarding approving acquisition of Oncor Energy
- Consultant for both the World Bank and the International Monetary Fund

**Consultant, CB Insolvency LLC – 2015-Present**

Consulting services, including legal opinions, strategic counseling, mediation, and arbitration in the cross-border insolvency context.

**UNCITRAL Working Group V – 2005-Present**

Member of the U.S. delegation until 2013; member of the American Bar Association observer delegation 2014-present.

## **EDUCATION**

University of Maryland, B.A. (with honors) 1964; Evangelical Lutheran Theological Seminary, M.Div. (with honors) 1972; University of Houston, Bates College of Law, J.D. (with honors) 1980.

## **PROFESSIONAL MEMBERSHIP & HONORS**

American College of Bankruptcy (Class V); National Bankruptcy Conference; American Bankruptcy Institute; National Conference of Bankruptcy Judges; International Insolvency Institute; INSOL International.

## **SELECT PUBLICATIONS**

Vol. I, Ch 13, *Collier on Bankruptcy* (16<sup>th</sup> ed.) – Ancillary and Other Cross-Border Insolvency Cases Under Chapter 15 of the Bankruptcy Code

Leif M Clark, *The Emerging Consensus on Consumer Insolvency Regimes*, presented at the University of Helsinki Symposium on the Community of Debt in the European Community, European Insolvency Institute, Florence, Italy (Nov. 19-20, 2015) (to be published by the University of Helsinki)

Leif M Clark, *Managing Distribution to Claimants in Cross-Border Enterprise Group Insolvency*, 9 Brooklyn Journal of Corporate, Financial and Commercial Law (2014)

Leif M Clark & Karen Goldstein, *Sacred Cows: How to Care for Secured Creditors' Rights in Cross-Border Bankruptcies*, Tex. Int'l L.J. (2010)

Leif M Clark, *Paying the Piper: Rethinking Professional Compensation in Bankruptcy*, Am. Bankr. Inst. L.R. (1993)