



Justin A. Kesselman

ASSOCIATE

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



Industries

Cannabis
Health Care
Long Term Care & Senior Living

Practices

Bankruptcy & Financial Restructuring
Complex Litigation

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

Boston

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Justin has extensive experience handling business bankruptcies, financial restructurings, out-of-court insolvency strategies, and commercial litigation. He has represented trustees, unsecured creditor committees, secured lenders, landlords, debtors, and assignees in a wide range of distressed situations, including complex reorganizations, liquidations of diverse asset portfolios, avoidance actions, and assignments for the benefit of creditors. His bankruptcy practice focuses primarily on the representation of creditors and fiduciaries.

Justin is also a skilled litigator who is adept at finding creative and business-oriented solutions, counseling clients through contentious situations, and driving successful outcomes. He has handled disputes ranging from commercial transaction fallout, partnership issues, and breaches of fiduciary duty to fraud, unfair business practices, restrictive covenant violations, and other issues facing businesses and business owners. Justin has represented clients in state and federal courts across the country, arbitration proceedings, complex multi-party mediations, and before administrative agencies, including the representation of attorneys in disciplinary proceedings before the Massachusetts Board of Bar Overseers (BBO). Justin is also a member of the BBO's Pro Bono Panel and well-versed in ethical practice rules and procedures.

Justin previously served as a law clerk to the Honorable Robert J. Cordy of the Massachusetts Supreme Judicial Court. Prior to becoming a lawyer, he managed a large regional craft brewery and restaurant for several years.

Client Work

Bankruptcy & Financial Restructuring

- 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 creditors' committee in the Chapter 11 liquidation case of Greensill Capital, the U.S. arm of a collapsed global supply chain finance enterprise.
- Counsel to creditors' committee in the 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 top-30 creditor and creditors' committee member in the Chapter 11 cases of CMC II and affiliated skilled nursing facilities.
- Counsel to landlord in Chapter 11 cases of Absolut Facilities Management and affiliated skilled nursing facilities.
- Counsel to post-confirmation liquidating trust in the Chapter 11 cases of body-armor manufacturer DHB Industries n/k/a SS Body Armor.
- Counsel to real estate developer debtor with complex international asset and debt portfolio, successfully discharging debts in excess of \$40 million.
- 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

- Achieved highly favorable outcome for medical device company and executive in defense of trade secret and employee raiding claims.
- Successfully prosecuted and defended emergency injunctive relief petitions in numerous contexts, including trade secrets, restrictive covenants, and asset freezes.
- Counsel to 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 multiple attorneys in disciplinary proceedings before Board of Bar Overseers.

Memberships and Boards

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- Boston Bar Association, Bankruptcy Section, Co-Chair of Public Policy Committee
 - Local Rules Advisory Committee, United States Bankruptcy Court for the District of Massachusetts
 - American Bankruptcy Institute, Member
 - Wondermore Inc., Board Member

Publications & Presentations

- 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 spends his off hours reading, cooking, and volunteering for causes that aim to foster literacy and a commitment to lifelong education.

Bar Admissions

Massachusetts

Court Admissions

US Court of Appeals, 1st Circuit

US District Court, District of Massachusetts