



# Justin A. Kesselman

PARTNER

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



## Industries

[AI, Metaverse & Blockchain](#)  
[Cannabis](#)  
[Private Companies](#)

## Practices

[Bankruptcy & Financial Restructuring](#)  
[Complex Litigation](#)  
[Finance](#)

## Education

New England Law, JD, magna cum laude, executive articles editor of the New England Law Review  
University of Massachusetts, Amherst, BA, cum laude

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[Boston](#)

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Justin is a trusted advisor to businesses and executives regarding bankruptcy and distressed situations, compliance with fiduciary duties, the Uniform Commercial Code, contractual issues, and fair business practices. Justin regularly advises corporate boards, officers and directors of private and public companies regarding compliance with fiduciary duties in the zone of insolvency, formation of restructuring plans, strategic transactions and litigation.

Justin's national practice includes the representation of debtors, creditors, creditors' committees, trustees and other fiduciaries in corporate reorganizations, bankruptcy litigation, receiverships, assignments for the benefit of creditors, and out-of-court workouts. His recent work on behalf of cosmetics manufacturer CoverFX was recognized by The M&A Advisor as 2022 Chapter 11 Reorganization of the Year.

Justin also represents creditors, creditor committees, and creditor trusts in significant Chapter 11 cases across the country, including CMC II, Dean & Deluca, Greensill Capital, Mallinckrodt Pharmaceuticals, Pacific Gas & Electric Company, Point Blank Solutions, SunGard Availability Services, and The Hertz Corporation. He helps clients maximize recoveries and business outcomes in distressed situations by leveraging his restructuring expertise and background as a commercial litigator.

Justin presently serves as Co-Chair of the Boston Bar Association's Bankruptcy Section, and sits on the Pro Bono Panel of the Massachusetts Board of Bar Overseers. Prior to joining the firm, Justin served as a law clerk to the Honorable Robert J. Cordy of the Massachusetts Supreme Judicial Court and managed a regional craft brewery and restaurant for several years.

## Client Work

### 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 top-30 creditor in Chapter 11 cases of SunGard Availability Services.

- 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 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 Point Blank Solutions 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**

- Successfully mediated global resolution on behalf of general contractor in complex 10-party hotel construction dispute.
- Represented sparkling wine company in reaching global mediated resolution of litigation in state court and Trademark Trial & Appeal Board.
- 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, Co-Chair of Bankruptcy Section

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United States Bankruptcy Court for the District of Massachusetts, Local Rules Advisory Committee

- American Bankruptcy Institute, Member
- Turnaround Management Association, Member
- Wondermore Inc., Finance Committee

## Publications, Presentations & Recognitions

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- 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
- Awarded, *Best Lawyers*, Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, 2024
- 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
- Co-presenter, "Receiverships, ABCs and Other Restructuring Alternatives," National Association of Credit Management Webinar, April 12, 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

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Justin is an avid supporter of childhood literacy and animal welfare organizations.

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### Bar Admissions

[Massachusetts](#)

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### Court Admissions

[US Court of Appeals, 1st Circuit](#)

[US District Court, District of Massachusetts](#)