

Faculty: Executory Contracts and Customer Challenges in Chapter 11 Sales

Alan Boyko, CIRA, CTP is a senior managing director with FTI Consulting, Inc. in Denver, where he specializes in delivering sustainable business strategies, revitalizing underperforming and distressed mining and mining services companies, and advising their stakeholders. He has more than 10 years of experience in corporate restructuring, primarily in advising companies and serving in interim management positions, as well as providing advice to creditor constituencies. Mr. Boyko has been involved in matters that include complex financial modeling, short- and long-term liquidity forecasting and cash-management components, development and assessment of business plans, bankruptcy preparation, and contingency planning and development of cost savings initiatives plans. He has most recently been deeply involved in the initialization of the Global Mining Advisory Practice. In addition to mining, Mr. Boyko's industry experience includes automotive, real estate, financial services, food and beverage and manufacturing. He has been involved with many large engagements, including leadership roles in the bankruptcy cases of Arch Coal and AFA Foods. Other representative clients of Mr. Boyko are Chrysler, Chrysler Financial, Consol Energy, NewPage Paper (which was acquired by Verso Corporation), 21st Century Oncology, Residential Capital, a large mortgage servicing company and numerous small- to mid-cap mining companies, among others. Prior to joining FTI Consulting, Mr. Boyko worked in the financial services and commercial and residential lending industries, where he gained experience in portfolio management and debt underwriting. He is a member of ABI, the Association of Insolvency & Restructuring Advisors and the Turnaround Management Association, for which he serves on its Global Board of Trustees. Mr. Boyko received his B.S. in finance from Slippery Rock University and his M.B.A. from the University of Notre Dame.

William J. Rochelle, III is ABI's editor-at-large, based in New York. He joined ABI in 2015 and writes every day on developments in consumer and reorganization law. For the prior nine years, Mr. Rochelle was the bankruptcy columnist for Bloomberg News. Before turning to journalism, he practiced bankruptcy law for

35 years, including 17 years as a partner in the New York office of Fulbright & Jaworski LLP. In addition to writing, Mr. Rochelle travels the country for ABI, speaking to bar groups and professional organizations on hot topics in the turnaround community and trends in consumer bankruptcies. He earned his undergraduate and law degrees from Columbia University, where he was a Harlan Fiske Stone Scholar.

Brian L. Shaw is a member of Cozen O'Connor in Chicago, where he focuses his practice on financial restructuring, bankruptcy, and other in- and out-of-court distressed solutions, along with attendant litigation, representing debtors, creditors and other parties-in-interest in proceedings throughout the country. Over the past three decades, he has guided chapter 11 debtors, chapter 7 and 11 trustees, creditors' and noteholders' committees, assignees, landlords, liquidating trustees, labor organizations, preference and fraudulent conveyance defendants, receivers, and secured and unsecured creditors through all aspects of bankruptcy, insolvency and restructuring. A Fellow of the American College of Bankruptcy, Mr. Shaw has served as ABI's president, chairman and vice president of membership, and previously chaired the Chicago Bar Association's Bankruptcy and Reorganization Section. He has received accolades from Chambers USA, Super Lawyers (Top 100 in Illinois for 2020), The Best Lawyers in America, Lawdragon (Top 500 Bankruptcy Lawyers) and Marquis Who's Who in America, and he is AV-rated by Martindale-Hubbell. Mr. Shaw chaired ABI's inaugural Professional Development Program and regularly serves on the faculty of ABI's Litigation Skills Symposium. He is admitted to practice in the State of Illinois, as well as the U.S. District Courts for the Northern District of Illinois, Central District of Illinois, Eastern District of Wisconsin, Western District of Michigan and Northern District of Indiana, the U.S. Courts of Appeals for the Third, Seventh and Eighth Circuits, and the U.S. Supreme Court. He is also admitted to the Federal Trial Bar for the Northern District of Illinois. Mr. Shaw received his B.A. from Tufts University and his J.D. magna cum laude from the University of Illinois College of Law.

Hon. Mary F. Walrath is a U.S. Bankruptcy Judge for the District of Delaware in Wilmington, appointed in 1998. She served as Chief Bankruptcy Judge from 2003-08. Judge Walrath previously clerked for Hon. Emil F. Goldhaber, Chief Bankruptcy Judge for the Eastern District of Pennsylvania, and was an attorney at Clark Ladner Fortenbaugh & Young in Philadelphia,

concentrating in the areas of debtor/creditor rights and commercial litigation. In addition to speaking at numerous bankruptcy educational programs and panels throughout the country, Judge Walrath is a founding member and co-president of the Delaware Bankruptcy American Inn of Court, a member of the Delaware Chapter of the International Women's Insolvency & Restructuring Confederation (IWIRC), a member of ABI and a Fellow in the American College of Bankruptcy. She is also an editor of the *Rutter Group Bankruptcy Practice Guide*. Judge Walrath is active in the National Conference of Bankruptcy Judges (NCBJ), having served on its Board of Governors from 2007-12, as secretary from 2013-14, as chair of its Education Committee from 2014-15 and as president from 2016-17. Judge Walrath served as an associate editor and then business manager of the *American Bankruptcy Law Journal* from 2009-15. She also testified before the House Judiciary Committee on H.R. 1667, the Financial Institution Bankruptcy Act of 2017. Judge Walrath received her A.B. in history from Princeton University and earned her J.D. *cum laude* from Villanova University, where she was a member of the *Villanova Law Review* and was awarded the Order of the Coif.