



HON. MELANIE L. CYGANOWSKI (RET.)

United States Bankruptcy Chief Judge, U.S. Bankruptcy Court, Eastern District of New York

The Honorable Melanie L. Cyganowski's career includes a 14-year term as a Bankruptcy Judge for the Eastern District of New York where she served with distinction until her retirement in 2007. Upon leaving the bench, Judge Cyganowski re-entered the private sector as a partner for one of the nation's premiere insolvency firms, specializing in the representation of stakeholders in connection with insolvency disputes throughout the United States, Europe, Asia, the Caribbean, and Latin America. Throughout her career, Judge Cyganowski has successfully conducted numerous arbitrations and mediations. As a neutral, she brings a wealth of experience and knowledge to NAM specializing in bankruptcy disputes that encompasses insolvency, debt recovery and restructuring.

Following her graduation from the School of Law at the State University of New York at Buffalo, *magna cum laude*, she served as a law clerk to the late Hon. Charles L. Brieant, former Chief Judge in the Southern District of New York.

Judge Cyganowski has testified as an expert witness in the Cayman Islands in connection with transnational bankruptcy proceedings. She is also an adjunct professor of law at St. John's University, School of Law, in the LL.M. program in Bankruptcy, where she teaches bankruptcy related courses.

She has authored numerous articles and is active in the Commercial & Federal Litigation Section of the New York State Bar Association, and as a member of the Executive Committee, and Chair of the Section's Nominating Committee since 1993. She was appointed as Co-Chair of the NYSBA Special Task Force on Courts in 2008, and is a member of the Committee of Legal Specialization. Judge Cyganowski is also a Fellow of the American and New York State Bar Foundations, and a member of the American Bankruptcy Institute, the American Bar Association, the Bar Association of the City of New York and the Federal Bar Council.

She has taught numerous programs on mediation and is a frequent speaker at continuing legal education (CLE) events on bankruptcy, sponsored by the American Bankruptcy Institute, the New York State Bar Association, the Judicial Institute of the State of New York, the Georgetown University School of Law, the Women's Bar Association for the State of New York, and the Bar Association of the City of New York.

Judge Cyganowski has enjoyed a stellar reputation, respect and admiration from bankruptcy attorneys who have practiced before her over the years. She has been described as "fair, extremely intelligent and a thoughtful jurist who always maintained an expert grasp of the law and understanding of the cases before her"; "very approachable and willing to engage in conversation"; "she is extremely bright, articulate, always polite and considerate of counsel, always prepared on the bench and has an incredible ability to listen to complex oral arguments"; "she has a brilliance that has been recognized by the bankruptcy bar".

Judge Cyganowski is available to arbitrate and mediate bankruptcy cases throughout the United States.

AREAS of EXPERIENCE

- Attorney Fee / Malpractice
- Bankruptcy / Insolvency / Debt Recovery / Restructuring
- Business / Commercial / Corporate
- Construction
- Contracts
- Insurance / Reinsurance
- International Arbitration
- Legal Ethics
- Securities / Financial

REPRESENTATIVE MATTERS

Reported Cases

- In re R.F. Cunningham & Co., Inc., 2006 WL 3791329, 45 Bankr. Ct. Dec. 158 (Bkrtcy EDNY, Dec. 21, 2006);
- In re R.F. Cunningham & Co., Inc., 355 BR 408, 47 Bankr. Ct. Dec. 140 (Bkrtcy EDNY 2006);
- In re DiGeronimo, 354 BR 625 (Bkrtcy EDNY 2006); In re Total Time Solutions LLC, 806-71631 (Bkrtcy EDNY 2005);
- In re Brunswick Hospital Center, Inc., 805-88168 (Bkrtcy EDNY 2005);
- In re The Motorcycle Excellence Group, Inc., 805-70089 (Bkrtcy EDNY 2005);
- In re New Times Securities Services, Inc., 318 BR 753, 44 Bankr. Ct. Dec. 40 (Bkrtcy EDNY 2004);
- In re Acclaim Entertainment, Inc., 804-85595 (Bkrtcy EDNY 2004);
- In re Developmental Disabilities Institute, Inc., 801-80920 (Bkrtcy EDNY 2001);
- In re Bay Harbour Associates LP, 899-85379 (Bkrtcy EDNY 1999);
- In re QC Piping Installations, Inc., 225 BR 553 (Bkrtcy EDNY 1998);
- In re Sanders-Langsam Tobacco Co., 224 BR 1, 36 UCC Rep. Serv.2d 484 (Bkrtcy EDNY 1998);
- In re Corporate Food Management, Inc., 223 BR 635 (Bkrtcy EDNY 1998);
- In re PG Realty Co., 220 BR 773, 32 Bankr.Ct.Dec. 718 (Bkrtcy EDNY 1998); In re Gurney's Inn Corp. Liquidating Trust, 215 BR 659, 39 Collier Bankr. Cas.2d 325 (Bkrtcy EDNY 1997);
- In re Koula Enterprises, Ltd. 197 BR 753, 36 Collier Bankr. Cas.2d 1328 (Bkrtcy EDNY 1996);
- In re Braniff International Airlines, Inc., 164 820, Bankr.L.Rep.P 75, 766, 23 UCC Rep.Serv.2d 899 (Bkrtcy EDNY 1994)

Transactions

- Receiver, SEC v. Platinum Partners; Approved Mediator, SDNY Panel, Lehman, DPH Holdings, Quebecor and Madoff; Referee in largest commercial real estate foreclosure (Peter Cooper Village)
- Auditor in Capital One Proceeding; Receiver, Ross v. Thomas and JPMorgan; Special Master, Vivendi Litigation
- Trustee, Mill River Foundation and Batavia Nursing Home;
- Executive Committee, In re GM Litigation MDL;
- Temporary Operator and CRO Interfaith Medical Center;
- Patient Care Ombudsman, Orianna 21st Century Oncology, California Proton Treatment;
- Expert witness in insolvency litigations

LECTURES and PUBLICATIONS

- Co-presenter, *“Mediating with a Higher Power: Mediation of Disputes with Governments and Governmental Agencies,”* ABI Winter Leadership Conference, Rancho Palos Verdes, December 2019
- Co-presenter, *“Sales,”* ABI Views from the Bench Conference, Washington DC, September 2019
- Co-presenter *“Practical Ethics for Government Attorneys,”* National Association of Attorneys General Conference, Santa Fe, September 2019
- Co-presenter, *“Lets Be Clear – Presenting you Case in Commercial Litigation,”* 23rd Annual Bankruptcy Conference, Cooperstown, November 2018
- Co-presenter, *“Interface Between Bankruptcy and Matrimonial Law: Keeping it Together During the Split,”* 23rd Annual Bankruptcy Conference, The Capital Region Bankruptcy Bar Association, Cooperstown, November 2018
- Co-presenter, *“Protecting Your Assets: Advanced Strategies on Sales and Insurance Issues,”* National Association of Federal Equity Receivers (NAFER) 7th Annual Conference, Chicago, October 2018
- Co-presenter, *“Thinking Ahead to Get Paid; Financial Assurances, Drafting Protections into Your Documents,”* National Association of Attorneys General Conference, Columbus, October 2018
- Co-presenter, *“View from the Bench – Asset Recovery in a Globalized World,”* Asset Recovery Americas Conference, New York City, September 2018
- Co-presenter, *“Healthcare - Will It Be The Next Big Meltdown Like Retail?,”* New York Institute of Credit, New York City, September 2018
- Co-presenter, *“Physiotherapy: Recent Decision of Interest on the Amount Recoverable for Fraudulent Transfer Avoidance Liability,”* ABI Bankruptcy Conference, New York City, May 2018
- Author, *“Expert Q&A on Creditors’ Committees in the 2018 Bankruptcy Climate,”* Thomson Reuters Journal, Spring 2018
- Co-author, *“When is a Consignment Not a Consignment,”* ABF Journal, February 2018
- Co-presenter, *“Recent Retail Bankruptcies: An Overview,”* ABI Views from the Bench Conference, Washington, D.C. October 2017
- Co-author, *“Just Who Foots the Bill: Section 506(c) and the Secured Lender Surcharge,”* Norton Journal of Bankruptcy Law & Practice, vol. 26, no. 4, 2017

- Co-presenter, *“The Involuntary Petition: Is It a Sword or a Shield? Should It be Utilized or Avoided?”* CRF Conference, New Orleans, LA, March 2017
- Co-presenter *“Bankruptcy Litigation panel – updates and discussions regarding fraudulent transfers, the split over § 546(e) safe harbors (Physiotherapy, Tribune, Madoff, Meritt Management), 10-year reach-back periods (Kipnis), the reinstatement of unsecured creditors’ intentional fraudulent conveyance claims and the ruling that the intent of the CEO can be imputed to the company (Lyondell), the finding that substantive consolidation does not augment the trustee’s § 544(b) avoiding powers by allowing the trustee to rely on predicate creditors from another estate (Petters), and the ruling that access to a credit line rebuts unreasonably small capital claims (SemCrude),”* ABI Bankruptcy Conference, New York City May 2017
- Co-presenter, *“Collision at the Courthouse: Discussion of parallel/overlapping civil and/or criminal enforcement actions (Ethics),”* Brooklyn, NY, April 2017
- Co-presenter, *“Views from the Bench: When A Judge Suggests Mediation: Case and Mediator Selection,”* The ABI/St. John’s Bankruptcy Mediation Training Program, New York City (December 2016).
- Co-presenter, *“Fluctuating Valuation in Chapter 11: Managing Expectations and Outcomes Amidst Changing Fulcrum Points,”* Beard Group Twenty-Third Annual Distressed Investing 2016, November 2016
- Co-presenter *“Mediation in the Federal Courts,”* The Bar of the City of New York June 2016
- Co-presenter, *“Bankruptcy Litigation Panel, with focus on e-discovery limitations, litigating with common interests and settlements,”* ABI, New York City, May 2016
- Co-presenter, *“Beware the Traps: Ethical and Fiduciary Issues for Committee Members and Professionals,”* ABI Spring 2016, Washington, DC April 2016
- Co-presenter, *“Is Bankruptcy A Game-Changer for Embattled Providers?”* Medicare & Medicaid Payment Conference sponsored by the American Health Lawyers Ass’n, Baltimore, MD April 2016
- Co-author *“The Demise of Equitable Disallowance of Claims,”* Norton Journal of Bankruptcy Law & Practice, vol. 24, no. 6, page 571 (2015)
- Co-presenter, *“Judicial Voices on Transition: From the Bench to the Bar and Beyond,”* Moderated judicial panel of thirteen Bankruptcy Judges, New York Institute of Credit Women’s Division, Union League Club, New York City November 2015
- Co-presenter, *“From the Bench to the Bar and Back,”* American College of Bankruptcy, New York City October 2015
- Co-presenter, *“Selected Issues in Healthcare and Non-Profit Cases,”* ABI Views From the Bench, Washington, DC October 2015
- Co-presenter, *“Selected Issues in Healthcare Bankruptcy Cases: Medicare Provider Agreements, Executory Contracts, Regulatory Issues, Interfaith Medical Center Case Study,”* Annual Meeting of National Association of Attorney Generals, Seattle, WA October 2015
- Co-presenter, *“To Mediate or Not, That is the Quest?,”* ABI Mid-Atlantic Bankruptcy Workshop, Hershey, PA, August 2015
- Co-author, *Interests Under Section 363: Tangible or Intangible*, Norton Journal Bankruptcy Law Publication, Vol. 22, Issue 4, 2013 Editor and Co-author, *“The Examiner’s Report,”* Examiners in Bankruptcy Cases: A Guide for Examiners, Courts and Practitioners, Association of the Bar of the City of New York 2013
- Co-Author, *The Evolving Application of the Public Policy Exception in Cross-Border Insolvencies*, Insol World-First Quarter, 2013
- Co-author, *The Limits for Comity in Cross-Border Insolvency*, Corporate Live Wire, 2013

- Numerous other articles in American Bankruptcy Law Journal; Corporate Live Wire; Financier Worldwide; Buffalo Law Review; and other journals

HONORS and AWARDS

- Leadership Award, New York Law Journal, 2019
- Top 100 Attorneys in U.S., New York Law Journal, 2015
- Top 50 Women Attorneys in New York Metro Area, SuperLawyers, 2012 - 2019; Bankruptcy, 2007- 2019
- The Best Lawyers in America 2012 – 2019
- United States Marshal Special Recognition Award, 2007
- New York Institute of Credit, Trustee's Award, 2007
- New York State Bar Association, Commercial & Federal Litigation Section, "Hail to the Chiefs" Award, 2006
- Turnaround Management Association Award, 2006
- Alumni Wall of Fame, 1998
- Citizen of the Year Award in Law, 1994

JUDICIAL EXPERIENCE

- Chief Bankruptcy Judge, United States Bankruptcy Court, 2005 – 2007
- U.S. Bankruptcy Judge, United States Bankruptcy Court, 1993 – 2007

LEGAL EXPERIENCE

- Partner, Otterbourg, P.C., 2008 – Present
 - Chair: Insolvency Department
- Shareholder, Greenberg Traurig LLP, 2007 – 2008
 - Chair: Bankruptcy Litigation Department
- Adjunct Professor, St. John's School of Law, Program in Bankruptcy, 2000 – Present
- Senior Attorney (Litigation), Milbank Tweed Hadley & McCloy, 1989 -1993
- Associate, Sullivan & Cromwell, 1982 – 1989
- Law Clerk, Hon. Charles L. Brieant, United States District Judge, Southern District of New York, 1981 - 1982

PROFESSIONAL LICENSES and ADMISSIONS

- U.S. Supreme Court
- U.S. Court of Federal Claims
- U.S. Court of Appeals, Second Circuit and Third Circuit;
- U.S. District Court for the District of Columbia; 1982, New York;
- U.S. District Court, Eastern, Southern and Western Districts of New York and Connecticut
- State of New York

PROFESSIONAL AFFILIATIONS and ASSOCIATIONS

- American Bar Foundation, Business Law Section, Member
- American Bankruptcy Institute
- American College of Bankruptcy
- The Association of the Bar of the City of New York
 - Member, 2011 – Present
 - Secretary, Alternative Disputes Committee, 2012 – 2015
 - Member, Judiciary Committee and Bankruptcy Committee, 2007– 2009, 2016 – Present
- Federal Bar Council, Board of Directors, 2015 – Present
- National Conference of Bankruptcy Judges
- New York Institute of Credit (NYIC)
 - Board of Directors, 2007 – Present
 - Vice President, Women’s Division, 2007 – Present
- New York State Bar Association
 - Commercial & Federal Litigation Section
 - Chair, Nomination Committee, 1993 – Present
 - Treasurer, 1992 – 1993
 - Chair, Committee on Federal Judiciary, 1990 – 1992
 - Member, Executive Committee, 1989 – Present
- New York State Bar Foundation, Fellow
- Turnaround Management Association, Member, Board of Directors and Executive Committee
- New York Institute of Credit, 2007 – Present
- New York Institute, Women’s Division, Vice President in Charge of Education, 2007 – Present

EDUCATION

- State University of New York at Buffalo Law School, J.D., *magna cum laude*, 1981
- Grinnell College, A.B., 1974