

## Richard E. Mikels



Richard Mikels has extensive experience in chapter 11 reorganizations, bankruptcy and out of court workouts. He is an expert in all aspects of corporate bankruptcy and insolvency law. Mr. Mikels is recognized nationwide for his work representing debtor companies both in chapter 11 bankruptcy and in out-of-court workouts, creditors' committees, boards of directors, insurance companies, hedge funds, claims traders, lenders and acquirers of distressed businesses. Mr. Mikels is also well known for his skills as a mediator. Mr. Mikels has conducted several mediations of a wide range of business and bankruptcy law disputes and served as co-chair ABI's Mediation Committee. He has acted as the mediator in matters in various industries and with respect to a wide variety of issues. Mr. Mikels served as the leader of the bankruptcy department at three law firms over a period of thirty-eight years. He founded the bankruptcy department at two of those firms.

In addition to his skills as a lawyer, Mr. Mikels taught bankruptcy law at Boston University Law School for nine years as an adjunct professor. Boston University awarded him the Silver Shingle Award for Distinguished Service to the School of Law in 2004. Further, he served for almost a decade on the faculty of a forty-hour mediation course presented by St. Johns Law School and the American Bankruptcy Institute.

Mr. Mikels has been listed in *Chambers USA*, *Best Lawyers in America*, *Super Lawyers* and *Lawdragon 500 Leading Bankruptcy & Restructuring Lawyers*. He also holds an AV Preeminent Peer Rating, Martindale-Hubbell's highest rating for ethical standards and legal ability.

#### **Education**

- Boston University (B.S. business administration)
- Boston University School of Law (J.D. *cum laude*)

#### **Bar and Court Admissions**

- Massachusetts
- New York

#### **Representations**

- Chapter 11 debtors: Filene's Basement, Malden Mills, Alsip Acquisition, Joan Fabrics, New Care Inc. (counsel to examiner), Lexington Jewelers Exchange dba Alpha Omega Jewelers, Great Northern Paper, Caribbean Petroleum and Globe Manufacturing
- Out-of-court restructurings include a professional services provider, an internet retailer, a food-processing company, a religious institution of higher learning, a regional aquarium, a chain of furniture stores, and others in various industries including education, biotech, high technology, pharmaceuticals, print, real estate, healthcare, retail, and manufacturing
- Creditors' committees: United Road Towing, Hampshire Group, Jevic, RadioShack (ad hoc dealer-franchise committee), Oscient Pharmaceuticals, Buckingham Oil (ad hoc investor committee) and Rochester Drug Co-Operative
- Mediator in multi-party disputes
- Mergers & Acquisitions: Suffolk Construction, Alliance Tire, Silica Tech, Corners Inc., Molten Metal Technology, Craig Systems, Momentum Telecom, Manistique Paper
- Equity representations: Town & Country Corporation, Corners Inc., Paperama, Cumberland Farms, Nets Inc., Manistique Acquisitions, One IP Voice
- Creditors: Secured lender in Fort Square Associates, liquidity provider in Jefferson County, Alabama, bank group in Trend-Lines, private equity company in Rehrig International, and many others
- Assignees for the Benefit of Creditors: Optimus Ride (Massachusetts Assignment), Owner IQ (Delaware Assignment), among many others

#### **Professional Affiliations**

- Fellow, American College of Bankruptcy (admitted in College's second class in 1991)(former national chair, board of regents; national vice president; board member, national education chair, first circuit regent)
- American Bankruptcy Institute (former national board member; plan advisory committee co-chair for Commission to Study the Reform of Chapter 11; co-chair Mediation Committee; Chair Mediation

Subcommittee on Model Rules; contributing editor of the *Bankruptcy Law Journal*; Education Committee of the Board of Directors)

- Past director, New England Chapter of the Turnaround Management Association; served on the faculty of the Association of Certified Turnaround Professionals; currently serves on the TMA Online Programming Committee for the New York Chapter and has recently been asked to serve on the 2022 TMA Education Oversight Committee for TMA International
- Member, Combined Jewish Philanthropies Scholarship Fund Committee
- Member, Boston University School of Law Alumni Executive Committee (formerly president). Formerly served on the Board of Visitors and as co-chair of the Job Placement Task Force
- Past member of the Advisory Committee for the Pocket MBA for Lawyers Program, Boston University Questrom School of Business Questrom
- Past co-chair, Charles P. Normandin Fund
- Past director, Jewish Vocational Services

### **Programs and Lectures**

Mr. Mikels has lectured for the following organizations: American Bankruptcy Institute, American Bar Association Business Law Section, American College of Bankruptcy, Boston Bar Association, Boston College Law School, Boston University Questrom School of Business, Boston University School of Law, CNBC, Commercial Law League of America, Foreclosure & Repossession, Harvard Business School, Harvard Law School, Massachusetts Continuing Legal Education, Massachusetts Institute of Technology, National Association of Attorneys General and Massachusetts Department of the Attorney General, National Conference of Bankruptcy Judges, New York Institute of Credit, Northeastern University, Practising Law Institute, Southern Bankruptcy Law Institute, The Wharton School, Transportation Law Institute, Turnaround Management Association, West LegalEdcenter.

### **Publications**

- Coauthor, "Revel: To Stay or Not to Stay? Third Circuit Reveals the Answer," 35 ABI Journal 12 (Jan. 2016)
- Coauthor, "ABI Mediation Committee's Model Guidelines for Mediation," 34 ABI Journal 24 (April 2015)
- Coauthor, "Should Bankruptcy Waivers Be Enforceable?" 33 ABI Journal 12 (Dec. 2014)
- Coauthor, "Is Possession a Requirement for Turnover?" 32 ABI Journal 34 (April 2013)
- Coauthor, "Can a Counterparty to an Executory Contract Perform Preassumption?" 31 ABI Journal 28 (May 2012)
- Coauthor, "Bankruptcy's Impact on Financial Markets," 30 ABI Journal 10 (Dec./Jan. 2011)
- Coauthor, "Chrysler Reflects Modern Reorganization Practice," 29 ABI Journal 10 (Dec Jan 2010)

## Events

- [Look Before You Leap: Lessons Learned From CCRC Bankruptcies](#)  
American College of Bankruptcy Induction  
Denver, March 31, 2022
- [Rebuilding After COVID](#)  
95th Annual Conference of the National Conference of Bankruptcy Judges  
Indianapolis, IN, October 8, 2021
- [Dispatches from the Retail Front](#)  
American College of Bankruptcy  
Webcast, October 14, 2020
- [Third-Party Releases](#)  
36th Annual Bankruptcy & Restructuring Conference Virtual Series  
Webex, June 4, 2020
- [The Honorable James F. Queenan, Jr. Seaside Chat](#)  
26th Annual ABI Northeast Bankruptcy Conference  
Newport RI, July 13, 2019
- [Hot Topics in Valuation](#)  
Association of Insolvency & Restructuring Advisors 35th Annual Bankruptcy & Restructuring Conference  
Boston, June 7, 2019
- [Healthcare Consolidation and Collaboration—Who Will Be the Winners and Who Will Be the Losers? Managing Constituents in the Face of Industry Disruption and Change](#)  
Association of Insolvency & Restructuring Advisors 35th Annual Bankruptcy & Restructuring Conference  
Boston, June 7, 2019
- [Ninth Annual Forty-Hour Bankruptcy Mediation Training](#)  
American Bankruptcy Institute  
New York, December 9, 2018
- [Current Trends and Developments in Both Crossborder Cases and Municipal Insolvency Matters: A Guide for Distressed Investors](#)  
25th Annual Distressed Investing Conference  
New York, November 26, 2018
- [Litigation Funding in the Bankruptcy Space](#)  
American Bankruptcy Institute 12th Annual Credit & Bankruptcy Symposium  
Uncasville CT, April 27, 2018

- [Professional Bankruptcy Mediators: A Real World View](#)  
American Bankruptcy Institute Annual 44-Hour Bankruptcy Mediation Training  
New York, December 4, 2017
- [Evaluating Competing Alternatives](#)  
American Bankruptcy Institute 14th Annual Complex Financial Restructuring Program  
Philadelphia, November 2, 2017
- [Harborside Chat](#)  
24th Annual American Bankruptcy Institute Northeastern Conference  
Newport RI, July 22, 2017
- [Fifth Annual Forty-Hour Bankruptcy Mediation Training](#)  
New York, December 11, 2016
- [Mediating Valuation, Intercreditor and Other Issues Affecting Secured Creditors in Bankruptcy](#)  
2016 American Bankruptcy Institute Winter Leadership Program  
Rancho Palos Verdes, CA, December 2, 2016
- [“There Must Be Some Other Way Out of Here” – Auctions, Plans, Conversions, \(Structured\) Dismissals](#)  
ABI 13th Annual Complex Financial Restructuring Program  
Philadelphia, November 10, 2016
- [Where Has Our Business Gone? – Alternatives to Chapter 11](#)  
90th Annual National Conference of Bankruptcy Judges  
San Francisco, October 28, 2016