



Mark A. Speiser Senior Counsel

Mark A. Speiser represents institutional creditors and creditors' committees in large and complex reorganizations, with particular emphasis on the energy industry. He advises clients entering into commodities and derivatives transactions with chapter 11 debtors-in-possession, including creditors, asset purchasers and derivatives counterparties.

Mark has represented creditors in workouts of multinational debtors and assisted in restructuring the debt of several of the nation's largest privately held pulp and paper manufacturers. He has experience in structured finance, health care and real estate transactions, plus environmental and pension liabilities. His clients have included major financial institutions involved as creditors in high-profile bankruptcy matters, including Horsehead Holding Corp.; Boston Generating LLC; CIT Group, Inc.; Lyondell Chemical Co.; Black Diamond Mining, LLC; Aegis Mortgage Corp.; Calpine Corp.; Enron Corp.; Pacific Gas and Electric Co.; and Bethlehem Steel Corp. He coordinated a team of attorneys representing Mizuho Bank, Ltd. and certain of its affiliates in their respective capacities as parties to extremely complex derivatives transactions, as agent and lender under a Ninja Loan facility, in connection with Samurai Bonds issued by Lehman and as Co-Chair of the Official Creditors' Committee. He has represented Delta Air Lines in environmental-related bankruptcy issues. Mark is currently representing Merrill Lynch Commodities in connection with its secured intermediation facility to a debtor in the PES Holdings' chapter 11 cases.

Best Lawyers in America has recognized Mark's skills every year since 2015, and he has been recognized by *Chambers Global*, *Chambers USA* and *Super Lawyers*. Mark is a member of a U.N.-recognized human rights NGO, working to educate governments and the public at large.

New York

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Related Services

- Commodities / Derivatives / Energy
- Corporate
- Restructuring & Bankruptcy

Education

LL.M., New York University School of Law, 1981

J.D., *magna cum laude*, Brooklyn Law School, 1978

B.A., *magna cum laude*, Yeshiva University, 1975

Honors & Awards

- *Best Lawyers in America*
- *Chambers Global*
- *Chambers USA*
- *New York Super Lawyers*

Speeches & Events

- Panelist, "It Ain't Over Till It's Over": Recent Developments on Third Party Releases Under Chapter 11 Plans; the Impact of Fulton on Automatic Stay Violations, and "Bankruptcy Remote" Special Purpose Vehicles," Association of Commercial Finance Attorneys CLE

presentation, February 17, 2022

- Panelist, “Bankruptcy Updates: Don’t Stop Thinking About Tomorrow,” Association of Commercial Finance Attorneys CLE presentation, New York, NY, March 22, 2017
- Presenter, The Federal Reserve Board’s Proposed Rule on Mandatory Contractual Stays for QFCs, FIA Law & Compliance Division Webinar, March 9, 2017
- Panelist, “Make-Whole Provisions,” ACFA’s Continuing Legal Education Weekend, New Paltz, NY, May 20-22, 2016
- Speaker, Association of Commercial Finance Attorneys March CLE Meeting, New York, NY, March 17, 2015
- Speaker, “Repurchase Agreements as a Secured Lending Tool,” Association of Commercial Finance Attorneys Summer Conference, Manchester Village, VT, May 30-June 2, 2013
- Panelist, “SIPA Liquidations and Ponzi Schemes,” New York City Bankruptcy Conference, New York, NY, May 24, 2010
- Co-Presenter, “Update on ISDA,” API Risk Control Committee Meeting, April 26-27, 2010
- Panelist, “Distressed Property and Bankruptcy,” The Global Financial Crisis 2009: Preparing for the Future, New York, NY, August 5, 2009
- Panelist, “Developments in Bankruptcy,” 2009 Power Industry Developments, New York, NY, May 8, 2009
- Panelist, “Death Watch: Advanced Bankruptcy Planning – A Panel Discussion,” IECA’s 2009 Spring Education Conference, Dana Point, CA, March 17, 2009
- Speaker, “Lessons Learned from Energy Company Bankruptcies,” 2008 Power Industry Developments, May 9, 2008

Publications

- Co-author, “A ‘Meritorious’ Defense: In re Tribune Co. Fraudulent Conveyance Litigation,” *Stroock Special Bulletin*, May 6, 2019
- Co-author, “Bankruptcy Court Rejects Involuntary Chapter 11 for CDO,” *Stroock Special Bulletin*, November 29, 2018
- Co-author, “*In re Franchise Services of North America, Inc.*: The Fifth Circuit Explores Restrictions on Bankruptcy Filing,” *Pratt’s Journal of Bankruptcy Law*, November/December 2018
- Co-author, “*In re Franchise Services of North America, Inc.*: The Fifth Circuit Explores Restrictions on Bankruptcy Filing,” *Stroock Special Bulletin*, July 17, 2018
- Co-author, “Why It Pays to Read the Definitions Carefully: *Merit Management Group, LP v. FTI Consulting, Inc.*,” *Stroock Special Bulletin*, March 5, 2018
- Co-author, “*Czyzowski v. Jevic Holding Corp.*: Supreme Court Revisits the Scope of Bankruptcy Court Equitable Powers,” *Norton Journal of Bankruptcy Law and Practice*, August 2017
- Co-author, “Reexamining the Equitable Powers of the Bankruptcy Court After *Law v. Siegel*,” *Pratt’s Journal of Bankruptcy Law*, October 2015

- Co-author, "Multilateral Netting Under Safe Harbor Contracts: The Arguments for Enforceability in Bankruptcy (And for Mandatory Withdrawal of the Issue to District Court)," *Pratt's Journal of Bankruptcy Law*, April/May 2015
- Co-author, "Examiners in Bankruptcy Cases," *The Review of Banking & Financial Services*, August 2012
- Co-author, "The *Oneida* Decision: Second Circuit Holds Premiums Payable to PBGC Not Dischargeable in Bankruptcy," *Bloomberg Law Reports – Bankruptcy Law*, August 2009
- Co-author: "Derivatives Trading Orders: Protecting the Debtor's Trading Business from Bankruptcy Termination," *Journal of Taxation and Regulation of Financial Institutions*, July/August 2006
- Co-author, "Section 546(e): Fifteen Years After *Kaiser Steel*, Still Open To Interpretation," *Pratt's Journal of Bankruptcy Law*, June 2006
- Co-author, "NOLs: The Policy Conflicts Created by Trading Orders," *Commercial Lending Review*, May-June 2005
- Co-author, "Doing Derivatives Business with Chapter 11 Entities," *Derivatives Report*, October 2002
- "Chapter 11: Not the End of the Story," *Risk*, October 2002

Admitted To Practice

New York

U.S. District Court, Southern District of New York; U.S. District Court, Eastern District of New York; U.S. District Court, Northern District of Texas

U.S. Supreme Court