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About Norman

Norman Kinel is a senior partner in the firm's Restructuring & Insolvency Practice and National Co-Chair of its Creditors' Committee Practice. Known for creative strategies, practical solutions and the tenacity to deliver exceptional results, he brings strategic insight, deep legal expertise and a responsive, results-driven approach to business-critical matters.

His clients value his unwavering commitment to protecting and maximizing their interests, and he has guided them through some of the nation's most challenging, high-profile cases, often achieving recoveries far beyond initial projections. A nationally recognized expert in high-stakes bankruptcy litigation, his track record features precedent-setting trial-level and appellate victories that have helped shape bankruptcy law.

His work spans in-court and out-of-court restructurings, bankruptcy asset sales, mergers and acquisitions, cross-border insolvency proceedings and litigation involving plan confirmation disputes, as well as debtor-in-possession (DIP) financing battles, stay relief, executory contract and lease issues, exclusivity contests, substantive consolidation and avoidance actions. He represents clients across a wide range of industries — including financial services, energy, healthcare, automotive, retail, manufacturing, mining and media — and stakeholders such as debtors, official committees, institutional lenders, bondholders, private equity funds, trustees and acquirers of distressed assets.

Recognized repeatedly by *Super Lawyers* and *Lawdragon* as one of the nation's leading bankruptcy and restructuring attorneys, he is also listed on the Register of Mediators for the Bankruptcy Courts in the Southern and Eastern Districts of New York and the District of Delaware, and served as a court-approved mediator in the historic Lehman Brothers cases. He is a speaker at national restructuring conferences, a contributor to leading bankruptcy publications, and a trusted media commentator on significant developments in insolvency law.

Experience

Major Wins & High-Profile Results

- **LBI Media, Inc. (D. Del.)** – Counsel to the Official Committee of Unsecured Creditors. Confirmed a Chapter 11 plan that provided a 100% recovery to unsecured creditors. Winner of Turnaround Atlas Award: Media Restructuring of the Year (2020).
- **Daytop Village (S.D.N.Y.)** – Guided one of the nation's largest non-profit substance abuse treatment providers through a successful reorganization, preserving critical services and achieving favorable creditor outcomes.
- **Optima Specialty Steel, Inc. (D. Del.)** – Negotiated and confirmed a plan resulting in a 100% recovery for general unsecured creditors. Winner of Turnaround Atlas Award: Chapter 11 Restructuring of the Year (2018).
- **Midstates Petroleum Company, Inc. (S.D. Tex.)** – Quadrupled the recovery of unsecured creditors. Winner of Turnaround Atlas Award: Energy Restructuring of the Year (2017).
- **Constellation Enterprises LLC (D. Del.)** – Negotiated settlement for significant recoveries to unsecured creditors in a case where there was no likelihood of recovery at the outset. Winner of Turnaround Atlas Award: Industrials Restructuring of the Year (2017).
- **Rocky Mountain Helicopters – (D. Utah)** – Achieved a successful restructuring of the nation's largest emergency medical transport provider, preserving operations and enhancing creditor recoveries in a case with over 50 aircraft lessors and secured creditors.
- **Coldwater Creek (D. Del.)** – Counsel to the Official Committee of Unsecured Creditors in the successful liquidation of a major national retailer, with projected recoveries to unsecured creditors far exceeding initial estimates.
- **PB Life and Annuity Co., LTD (S.D.N.Y.)** – Represented four North Carolina insurance companies in precedent-setting litigation and appeals protecting billions in assets from foreign liquidation proceedings.
- **KidsPeace Corporation (E.D. Pa.)** – Counsel to the Official Committee of Unsecured Creditors in the successful reorganization of a psychiatric hospital, achieving highly favorable recoveries for unsecured creditors. Winner of the ACG "New York Champions Award" for Healthcare Deal of the Year (2014).
- **BJ Services, LLC (S.D. Tex.)** – Confirmed a plan providing recoveries for out-of-the-money unsecured creditors and creating a liquidation trust for their benefit.
- **Phoenix Services TopCo, LLC (D. Del.)** – Represented the Creditors' Committee in the successful reorganization of a premier provider of mission-critical services to leading global steel producers.
- **Santa Fe Gold Corporation (D. Del.)** – Negotiated a settlement with the senior secured lender and asset purchaser, providing recoveries for unsecured creditors when none were anticipated at the outset.

Precedent-Setting & Complex Litigation

- **Reverse-preemption victory under McCarran-Ferguson Act** – Successfully obtained and defended on appeal a Bankruptcy Court order holding that the North Carolina rehabilitation court's anti-suit injunction barred claims against four North Carolina insurance companies in Chapter 15 proceedings (*Johnston v. Lindberg*, S.D.N.Y. 2024). Appeals to the Second Circuit were dismissed with prejudice after related contempt proceedings.
- **Civil Contempt Sanctions Ruling** – Won a civil contempt ruling and reimbursement of attorneys' fees from the bankruptcy court in excess of US$700,000 against foreign liquidators and counsel for violating court orders protecting North Carolina insurers from litigation (*Johnston v. Lindberg*, Bankr. S.D.N.Y. 2024).

- **Defeated Chapter 15 Stay Enforcement Motion** – Prevailed in litigation where foreign liquidators sought to extend the automatic stay to block state court–ordered corporate governance changes (In re PB Life and Annuity Co., Bankr. S.D.N.Y. 2023).
- **Trademark Dispute Over "Tavern on the Green"** – Represented the Official Committee of Unsecured Creditors in litigation concerning Debtor's restaurant services mark with the City of New York (City of New York v. Tavern on the Green, S.D.N.Y. 2010).
- **Second Circuit Precedent on Tax Refund Allocation** – In First Central Financial, persuaded the Second Circuit to affirm that a bankruptcy estate, not an insurance subsidiary, owned a contested tax refund under a written tax allocation agreement (377 F.3d 209 (2d Cir. 2004)).

Creditors' Committee Representations

- **LBI Media, Inc. (D. Del.)** – Counsel to the Official Committee of Unsecured Creditors; confirmed a Chapter 11 plan providing a 100% recovery to unsecured creditors. Winner of Turnaround Atlas Award: Media Restructuring of the Year (2020).
- **Optima Specialty Steel, Inc. (D. Del.)** – Negotiated and confirmed a plan resulting in a 100% recovery for general unsecured creditors. Winner of Turnaround Atlas Award: Chapter 11 Restructuring of the Year (2018).
- **Midstates Petroleum Company, Inc. (S.D. Tex.)** – Quadrupled the recovery of unsecured creditors. Winner of Turnaround Atlas Award: Energy Restructuring of the Year (2017).
- **Constellation Enterprises LLC (D. Del.)** – Negotiated settlement for significant recoveries to unsecured creditors where no recovery was expected at the outset. Winner of Turnaround Atlas Award: Industrials Restructuring of the Year (2017).
- **Coldwater Creek (D. Del.)** – Represented the Official Committee of Unsecured Creditors in the successful liquidation of a major national retailer, with projected recoveries far exceeding initial estimates.
- **KidsPeace Corporation (E.D. Pa.)** – Represented the Official Committee of Unsecured Creditors in the successful reorganization of a children's psychiatric hospital. Winner of the ACG "New York Champions Award" for Healthcare Deal of the Year (2014).
- **BJ Services, LLC (S.D. Tex.)** – Confirmed a plan providing recoveries for out-of-the-money unsecured creditors and creating a liquidation trust for their benefit.
- **Phoenix Services TopCo, LLC (D. Del.)** – Represented the Official Committee of Unsecured Creditors in the successful reorganization of a premier provider of mission-critical services to leading global steel producers.
- **Santa Fe Gold Corporation (D. Del.)** – Negotiated a settlement with the senior secured lender and asset purchaser, providing recoveries for unsecured creditors when none were anticipated at the outset.

Significant Debtor Engagements

- Hartshorne Mining Group
- Daytop Village
- The 1031 Tax Group
- Robotic Vision Systems
- Federal Mogul
- Rocky Mountain Helicopters
- Mulberry Phosphates
- Andover Togs

Other significant representations include:

- Represented the DIP lender to and purchaser of the assets in a section 363 sale in the Eye Care Leaders Portfolio Holdings, LLC and affiliates Chapter 11 cases.
- Represented a private college in its out-of-court restructuring.
- Represented four North Carolina insurance companies in liquidation in highly contested and precedent-setting litigation in the Chapter 15 proceedings of PB Life and Annuity Co., LTD and its affiliates, as well as related appeals.
- Appointed as the Liquidation Trustee of the BJS Liquidation Trust by the Official Committee of Unsecured Creditors of BJ Services, LLC.
- Represented the Chair of the Creditors' Committee in the Republic Metals Mining Corp Chapter 11 cases.
- Represented bondholders in confirming a competing plan in the Senior Living Choices case.
- Represented one of the largest independent banks headquartered in California, operating over 120 locations in the US and China, in a variety of insolvency and bankruptcy-related matters.
- Represented a national mutual life insurance company in complex bankruptcy court litigation as a result of having been defrauded of in excess of US$34 million.
- Represented an investment fund in the Lehman Brothers cases.
- Represented a major private equity firm in two multimillion dollar fraudulent conveyance actions in the Musicland Holdings case.
- Represented a mezzanine lender to developer Harry Macklowe in connection with his default on more than US$7 billion in secured loans.
- Represented a Chapter 7 trustee in connection with a precedent-setting tax-sharing dispute (In re First Cent. Fin. Corp., 377 F.3d 209 (2d Cir. 2004)).
- Represented several financial institutions in the multi-billion dollar commercial paper litigation in the Enron Corporation case.
- Represented a major international credit card processor in the Velo Holdings, Blockbuster, United Retail Group, Woman's Apparel Group and Broadstripe LLC cases.

***Pro Bono* & Civil Rights Advocacy**

- **YU Pride Alliance v. Yeshiva University** – Co-counsel for a diverse amicus group including law professors, faith leaders and civil rights organizations in a landmark decision affirming LGBTQ+ student rights under New York law. In December 2022, the Appellate Division unanimously ruled that Yeshiva University, having held itself out as a secular institution, could not claim a religious exemption to deny recognition to an LGBTQ+ student group. The case highlighted the balance between civil rights and religious liberty and the impact of principled advocacy in advancing equality.

Credentials

Education

- American University, Washington College of Law
- Yeshiva University

Admissions

- New York
- New Jersey
- U.S. Dist. Ct., S. Dist. of New York
- U.S. Dist. Ct., E. Dist. of New York
- U.S. Ct. of App., Second Circuit
- U.S. Ct. of App., Ninth Circuit
- U.S. Supreme Court

Memberships & Affiliations

- American Bar Association Business Bankruptcy Committee
- American Bankruptcy Institute
- Turnaround Management Association (education committee; online programming committee)
- The Bankruptcy Strategist (Member, Board of Editors)
- Reorg Research (Member, Board of Editors)
- ABI's Views from the Bench (Member, Advisory Panel)

Recognitions

- Repeatedly recognized by *Super Lawyers* and *Lawdragon* among the nation's leading bankruptcy and restructuring attorneys.
- Multiple Turnaround Atlas Awards for achieving extraordinary creditor recoveries in high-profile restructurings.
- ACG New York Champion's Award for Healthcare Deal of the Year (KidsPeace, 2014).
- Member of the US Restructuring & Insolvency team named 2020 USA Restructuring Law Firm of the Year – Middle Markets by Global M&A Network.

Expertise

Services

- Restructuring & Insolvency

Publications

- Co-author, "Bankruptcy & Restructuring 2022 – Virtual Roundtable," *Corporate LiveWire*, January 2022.
- Author, "11 Good Ideas For Retail Bankruptcy Reform During Pandemic," *Law360*, April 2020.
- Co-author, "Bankruptcy & Restructuring 2019 – Virtual Roundtable," *Corporate LiveWire*, December 2019.
- Co-author, "Did Jevic Doom Future Chapter 11 Recovery Efforts by Unsecured Creditors?," *Journal of Corporate Renewal*, November/December 2018.
- Author, "Conversion Equals Death for a Creditors' Committee and Its Appeal," *American Bankruptcy Institute Journal*, September 2018.
- Co-author, "The Interminable 'Insured vs. Insured' Battle," *The Bankruptcy Strategist,* September 2017.
- Author, "Now You See It, Now You Don't - The Search for "Unreasonably Small Capital"," *eSquire Global Crossings*, May 10, 2016.
- Author, ""A Bankruptcy Court is not a Collection Agency": A Lesson on When not to File an Involuntary Bankruptcy Petition," *eSquire Global Crossings*, February 15, 2016.
- Co-author, "Does a Bankruptcy Court Have the Authority to Disband an Official Committee?" *New York Law Journal*, June 2015.
- Co-author, "Beware: Not All Communications Between Court Appointed Bankruptcy Professionals Are Privileged," *The Bankruptcy Strategist*, May 2015.
- Author, "Intensive Care II: Is There Recourse Against PCOs for Acts Committed in the Performance of Statutory Duties?" *ABI Journal*, May 2014.

Media

- Quoted, "Boy Scouts' Win on Technicality Avoids Bankruptcy Rule Review," Bloomberg Law, May 15, 2025.
- Quoted, "Sacklers' Fate at Supreme Court Poised to Reshape Bankruptcy Law," *Bloomberg Law*, August 11, 2023.
- Quoted, "Phoenix Services Gets Approval for Chapter 11 Debt Swap Plan," *Law360*, June 21, 2023.
- Interviewed, "Why the Texas Two-Step Bankruptcy Maneuver Is Controversial," Reuters, August 19, 2022.
- Quoted, "Semi-Annual Newsletter – The Turnaround Report," in connection with economic and restructuring trends for the US economy during the second half of 2022, Turnaround Management Association, July 2022.
- Quoted, "Justices Urged to Review Judge-Made Bankruptcy Appeal Roadblock," *Bloomberg Law*, September 27, 2021.
- Quoted, "Judge Isgur Confirms BJ Services' First Amended Plan on a Fully Consensual Basis After Global Settlement," Reorg Research, November 6, 2020.
- Quoted, "LBI Media's Ch. 11 Disclosures Get Nod in Delaware," *Law360*, January 16, 2019.
- Quoted, "Optima Resolves Creditor Objections to $212M DIP Package," *Law360*, February 28, 2017.
- Quoted, "PE Lender Loses $5M Constellation Payout Bid," *Law360*, October 6, 2016.
- Quoted, "Constellation Wins Interim DIP Loan OK, But New Fight Looms," *Law360*, June 8, 2016.
- Quoted, "Santa Fe Gold Cancels Ch. 11 Auction, Names Waterton Buyer," *Law360*, January 25, 2016.

- Quoted, "Squire Patton Nabs Bankruptcy Pro," *Law360*, September 8, 2016.
- Quoted, *The Wall Street Journal* and *Daily Bankruptcy Review* in connection with a "global settlement" in the Coldwater Creek bankruptcy case, which followed intensive negotiations among the parties and resulted in the Official Committee of Unsecured Creditors, represented by Norman Kinel, withdrawing their opposition to the retailer's liquidating plan in exchange for an extra US$5.4 million to be distributed to general unsecured creditors; July 11, 2014; July 14, 2014.
- Quoted, *Law360* and *Debtwire* on behalf of the Official Committee of Unsecured Creditors of Chapter 11 Debtor Coldwater Creek, Inc. and its affiliates, after the Debtors were unsuccessful in having their Disclosure Statement in connection with their proposed Plan of liquidation approved; June 12, 2014.
- Interviewed, *The Wall Street Journal* as counsel for the Official Committee of Unsecured Creditors of Coldwater Creek in connection with the women's-wear retailer's Chapter 11 bankruptcy filing; May 21, 2014.
- Mentioned, *Law360,* in two separate articles, about the Official Committee of Unsecured Creditors' motion filed May 16, 2014, claims debtor Coldwater Creek "gave away the store" and "abdicated their fiduciary duties" to prepetition lenders at the expense of unsecured creditors in their US$75 million DIP loan; Norman is mentioned as representing the Committee; May 16, 2014; May 20, 2014.
- Quoted, *The Wall Street Journal* and *Daily Bankruptcy Review*, for his request in the Coldwater Creek Inc. Chapter 11 cases pending in US Bankruptcy Court in Delaware that the court slow down the process of approving the Debtors' Plan of Liquidation because "Rome is not burning," and if the current plan were approved under the speedy timeline proposed by Coldwater for confirmation, then "the committee would likely be out of business before the committee has been able to do its business," including investigating potential causes of action against the Debtors' lenders and insiders; represents the Official Committee of Unsecured Creditors; May 16, 2014.
- Quoted, in *The Wall Street Journal*, regarding the liquidation of Coldwater Creek Inc.'s assets under Chapter 11 protection; represents the Official Committee of Unsecured Creditors, which was successful in having removed from the Debtors' proposed Going-Out-Of-Business Sales certain asset classes ,which the Committee believed were insufficiently marketed by the Debtors; April 29, 2014.
- Quoted, *Law360*, in connection with his representation of the Official Committee of Unsecured Creditors of Coldwater Creek Inc., and his request on behalf of the Committee, which the Court granted, to delay consideration of proposed bidding procedures with respect to the company's assets; April 25, 2014.
- Quoted, *The Deal Pipeline*, on Daytop Village Inc.'s Plan or Reorganization having been confirmed; May 28, 2013.
- Quoted, *The NonProfit Times*, on Daytop Village's need to seek Chapter 11 protection; April 10, 2012.
- Quoted, *Dow Jones Daily Bankruptcy Review*, on how the bankruptcy reorganization process may allow struggling restaurant chains to remain in business; December 30, 2011.
- Quoted, *Dow Jones Daily Bankruptcy Review*, on how bankruptcy lawyers will adapt to bankruptcy rulings such as the *Philadelphia Newspaper's* decision, which denied lenders the right to credit bid as long as the lenders were provided with the "indubitable equivalent" of their claim under the plan; January 3, 2011.
- Quoted, *Law360*, about the Top 10 Bankruptcy Rulings of 2010, Norman comments on how bankruptcy attorneys will devise strategies for their clients to adjust to court rulings such as the 3rd Circuit's Philadelphia Newspaper decision, which limited what had previously been thought to be a secured lender's absolute right to "credit bid" in connection with a sale pursuant to a plan of reorganization; January 1, 2011.

About our firm

One of the world's strongest integrated law firms, providing insight at the point where law, business and government meet. We deliver commercially focused business solutions by combining our legal, lobbying and political capabilities and invaluable connections on the ground to a diverse mix of clients, from long-established leading corporations to emerging businesses, startup visionaries and sovereign nations. More than 1,500 lawyers in over 40 offices across four continents provide unrivaled access to expertise.