

Jason S. Brookner



Partner

1717 Main Street
Suite 3700
Dallas, TX 75201
P: 214.659.4457
F: 214.659.4829

jbrookner@andrewskurth.com

450 Lexington Avenue
New York, NY 10017
P: 212.850.2835
F: 212.850.2929

INDUSTRIES

Aviation
Energy
Health Care
Restaurant

PRACTICES

Bankruptcy and
Financial Restructuring
Litigation

EDUCATION

JD, 1994, Hofstra
University School of
Law, *Hofstra Property
Law Journal*, Articles
Editor (1993-1994)
Law clerk to the
Honorable Charles N.
Clevert, Jr., Chief United
States Bankruptcy
Judge for the Eastern
District of Wisconsin
(1994-1996)
BA, 1991, State
University of New York
at Binghamton

ADMISSIONS

Texas 2001
Wisconsin 1996
New York 1995
US District Courts for
the Northern, Southern
and Eastern Districts of
Texas
US District Courts for
the Southern and
Eastern Districts of New
York
US District Court for the
Eastern District of
Wisconsin
US Courts of Appeals
for the Fifth and Seventh
Circuits

Jason's practice concentrates on transactional, restructuring and litigation matters, both in and out of court. Jason has broad experience representing debtors, trustees, committees, secured and unsecured creditors, and sellers/purchasers of assets.

REPRESENTATIVE EXPERIENCE

- Baytown Navigation/Omega Navigation Enterprises, Co-counsel to Agent Bank under Senior Secured Credit Facility
- NextMedia Group, Inc., Counsel to debtors
- Pilgrim's Pride Corporation, Counsel to Official Committee of Unsecured Creditors
- Kitty Hawk, Inc., Counsel to debtors
- Romacorp, Inc. (Tony Roma's), Counsel to debtors
- Mirant Corporation, Counsel to Official Committee of Unsecured Creditors
- Manchester, Inc., Counsel to largest secured creditor
- NextWave Personal Communications, Inc., Counsel to debtors
- General Wireless, Inc., et al., Counsel to Debtors
- TIC United Corp., Counsel to chapter 7 trustee
- Ameritruck Distribution Corp., Counsel to chapter 7 trustee
- Senior Living Properties, Counsel to largest secured creditor
- Promedco Management Company, Counsel to debtors

PUBLICATIONS

- "Pacific Lumber and Philadelphia Newspapers: The Eradication of a Carefully Constructed Statutory Regime Through Misinterpretation of Section 1129(b)(2)(A) of the Bankruptcy Code" *85 Am. Bankr. L.J.* 127 (June 2011)
- "Fraudulent Conveyances: Bankruptcy Court for the Southern District of New York Adopts Third Circuit's 'Public Markets' Test" *ABI Commercial Fraud Task Force Committee Newsletter* (January 2008)
- "The Rejectability of Arbitration Clauses: Part II" *American Bankruptcy Institute Journal* (June 2007)
- "The Rejectability of Arbitration Clauses" *American Bankruptcy Institute Journal* (April 2007)
- "Law Limits Executive Compensation" *Texas Executive Legal Adviser* (May 30, 2006)
- "The FCC as Creditor: Attempts to Legislate Out of the Bankruptcy Court" *PricewaterhouseCoopers Business Recovery Symposium* (February 1999)

Jason S. Brookner

- "Equipment Leasing Issues in Bankruptcy" *New York Law Journal* (May 21, 1998)
- "Primer on Debtor Direct Payments in Chapter 12 Cases" *American Bankruptcy Institute Journal* (1996)
- "Environmental Claims in Bankruptcy: An Overview" *112 Banking Law Journal* 124 (February 1995)

PROFESSIONAL RECOGNITION

- Profiled as one of the leading Bankruptcy/Restructuring lawyers in Texas, *Chambers USA: America's Leading Lawyers for Business* (2005-2012)
- Profiled as one of "Texas' Top Rated Lawyers" by *ALM* in Bankruptcy (2012)
- Texas Super Lawyer, *Texas Monthly* (2004, 2008, 2009, 2010, 2011)
- Honored as one of Dallas Furniture Bank's "40 Under 40" for his leadership and civic efforts (August 10, 2010)
- Named one of "Best Business Lawyers in Dallas" in Bankruptcy, *D Magazine* (2009)

BRIEFINGS, SEMINARS & SPEECHES

Speaker

- "Indubitable or Not: 363 Sales, Credit Bidding and a Split in the Circuits (Clash of the Titans)," 29th Annual National CLE Conference, Law Education Institute, Vail, Colorado (January 2012)
- "506(c) Surcharges of the Secured Creditor—A Way to Get Counsel Paid," 28th Annual National CLE Conference, Law Education Institute, Vail, Colorado (January 2011)
- "Equitable Subordination, Recharacterization, Rule 2019 and Other Claims Issues," 25th Annual Bankruptcy Seminar, Oklahoma Bar Association, Oklahoma City, Oklahoma (December 2010)
- "Revlon Duties and Empty Voting: Opportunites, Danger or Both?" 27th Annual National CLE Conference, Law Education Institute, Vail, Colorado (January 2010)
- "Companies in Financial Distress: Minimizing Risks and Maximizing Opportunities," Association of Corporate Counsel Spring Symposium (May 21, 2009)
- "Subordination, Recharacterization and Other Claims Issues," 26th Annual National CLE Conference, Law Education Institute, Vail, Colorado (January 2009)
- "Lessons Learned from Recent M&A Transactions," 5th Annual Association of Corporate Counsel Golf/Spa Event, Las Colinas, Texas (September 2008)
- "Section 365 Assumption and Rejection Issues: Selective Rejection," 25th Annual National CLE Conference, Law Education Institute, Vail, Colorado (January 2008)
- "Developing and Pleading Effective Causes of Action in Bankruptcy Cases," sponsored by The University of Texas School of Law (January 2005)
- "Bankruptcy: A Creditor's Perspective in Texas" (October 2, 2001)

Panelist

- "Confirming Chapter 11 Cases in Today's Environment: What's In, What's Out and Who's Next," American Bar Association Business Law Section Spring Meeting, Las Vegas, Nevada (March 2012)
- "Getting What You Bargained For: Hot Issues Impacting the Chapter 11 Confirmation Process," 29th Annual National CLE Conference, Law Education Institute, Vail, Colorado (January 2012)
- "Individual Chapter 11—Absolute Priority Rule, Net Disposable Income and Other Issues," 28th Annual National CLE Conference, Law Education Institute, Vail, Colorado (January 2011)
- "Have You Heard the One about the Equity Dividend in a Chapter 11 that Was More than Chicken Feed?" ABI 28th Annual Spring Meeting (May 1, 2010)

Jason S. Brookner

- Moderator: "On a Collision Course: Ponzi Schemes, Bankruptcy, Receiverships and Forfeitures," American Bankruptcy Institute 21st Annual Winter Leadership Conference (December 5, 2009)
- "Dealing with Businesses in Distress: Minimizing Risks and Maximizing Opportunities," Client Seminar (June 2, 2009)
- "When Debt is Not Debt: The Creditor's Perspective," Turn Around Management Association Timely Topics in Restructuring, Dallas, Texas (September 2008)

AFFILIATIONS

- American Bar Association
- Dallas Bar Association, Past Chair, Bankruptcy and Commercial Law Section (2007)
- American Bankruptcy Institute
- Co-Chair, ABI Commercial Fraud Committee (April 2010 - April 2012); Committee Educational Director (2008 - 2010)

PRESS RELEASES

- 35 Andrews Kurth Lawyers Named in Texas Super Lawyers 2011 (September 12, 2011)
- 33 Andrews Kurth Lawyers Named in Texas Super Lawyers 2010 (September 10, 2010)
- 35 Andrews Kurth Lawyers Named in Texas Super Lawyers 2009 (September 16, 2009)
- D Magazine Honors Two Andrews Kurth Partners (June 24, 2009)
- Thirty-Five Andrews Kurth Partners Named in Texas Super Lawyers 2008 (October 3, 2008)
- Andrews Kurth Receives High Rankings in Chambers USA Guide (June 25, 2007)
- Andrews Kurth Adds to its 2005 Chambers USA Ranking (June 16, 2005)
- Andrews & Kurth Announces New Partners (December 26, 2002)