



## Andrew M. Thaler

### Partner

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Andrew M. Thaler is a partner in the firm's Bankruptcy and Creditors' Rights department. With 40 years of experience, Andrew has garnered a reputation for successfully representing creditors and debtors in Chapter 7, 11, and 13 cases. His expertise spans various facets of bankruptcy law, encompassing fraudulent conveyance and preference litigation, motions to vacate the automatic stay, objections to discharge, negotiations, claims objections, and contested matters.

He has handled matters in diverse industries, including professional and service businesses, manufacturing and retail companies, and financial institutions. As a federally appointed Chapter 7 Panel Trustee for the United States Bankruptcy Court for the Eastern District of New York since 1990, Andrew has presided over more than twenty-five thousand bankruptcy cases. In addition to his bankruptcy practice, he also serves as a mediator for the United States Bankruptcy Court for the Eastern District of New York and the Mediation Panel of the Commercial Division of the New York State Supreme Court, Nassau County.

#### **Areas of Concentration:**

- Bankruptcy and Insolvency
- Commercial Mediation (Mediator)
- Real Estate
- Business and Commercial Matters

## Practices

- Bankruptcy and Creditors' Rights

## Bar Admissions

- New York
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the Armed Forces
- U.S. Court of Federal Claims
- U.S. Supreme Court

## Education

- J.D., State University of New York at Buffalo School of Law, 1983
- B.A., State University of New York at Albany, *magna cum laude*, 1979

## Representative Experience

- Presided over more than 25,000 Chapter 7 cases since 1990 as Chapter 7 Trustee.
- Represented Trustees of Chapter 7 Bankruptcy Estates in all aspects of Administration
- Represented parties in appeals to the Second Circuit, including oral argument.
- Represented Plaintiffs and Defendants in Adversary Proceedings, including Preference and Fraudulent Conveyance and other Avoidance Action litigation; Objections to Discharge and Dischargeability of Debts, (i.e. Fraud, Matrimonial, etc.)
- Represented Movants and Respondents in Contested Matters including Banks, Trustees, Debtors and Debtors-in-Possession in Vacating of Stay, Cash Collateral and Objection To Claims Hearings;
- Represented Chapter 11 Debtors in Reorganization
- Represented Landlords to recover Leased Premises and “Use and Occupancy” rents, recover Administration and Contract Rejection Damage Claims; Motions to Assume and/or Reject Commercial Leases.
- Represented clients in Chapter 11 and 7 cases for various reasons including non-debtor third party bids for assets in Chapter 11 cases.
- Represented large cooperative apartment corporation in connection with bankruptcy filing of defaulted owner/lessee of substantial number of its units.
- Represented Bankruptcy Clients and Trustees as Mediator Advocate in Mediations
- Served as Bankruptcy and Commercial Law Mediator

## Professional and Community Activities

- Member, Nassau County Bar Association, 1984 – Present

- Bankruptcy Law Committee, 1984 – Present (Chair 1990 – 1992)
  - Dean of Nassau Academy of Law (2001-2002)
  - ADR Committee, 2004 – Present (Chair 2008 – 2010)
  - ADR Advisory Council 2023- Present
  - Grievance Committee, 2002 – Present
  - Board of Directors, 2002 – 2004 (3-year Term)
  - Finance, Long Range Planning, Pro Bono, Bylaws, Nominating Committees
- Member, Theodore Roosevelt American Inn of Court, 2002 – Present
  - President, 2010 – 2011
  - Executive Committee Member, CLE Coordinator 2002 – 2005; Former Program Co-Chair - Chair of Law School Student Mentor Program 2010 – Present
- Member, Chapter 11 Lawyers Advisory Committee Bankruptcy Court E.D.N.Y. 2017- present
  - Member Subcommittee on Mediation
- Member, New York City Bar Association, 2011 – 2016
  - Committee on Bankruptcy & Corporate Reorganization 2011 – 2016
- Member, Attorney Roundtable 2000-present
  - Treasurer, 2007 – 2013
- Member, Association of Boutique Law Firms
- Member, Nassau Lawyers Association of Long Island, Inc.
- Member, American Bankruptcy Institute
- Member, National Association of Bankruptcy Trustees
- Court Appointed Mediator in *Agape World, Inc.* Ponzi Scheme, Case No. 09-70660 to mediate over 100 claw back adversary proceedings
- Court Appointed Mediator for Hurricane Sandy Claims - District Court E.D.N.Y. 2014
- Court Appointed Part 137 Fee Dispute Arbitrator (N.Y Supreme Court Nassau County)
- Roster Member of Mediation Register, Bankruptcy Court E.D.N.Y.
- Roster Member of Mediation Panel of the Commercial Division of N.Y Supreme Court (Nassau County)
- Roster Member of Nassau County Bar Association Arbitration and Mediation Panels

## Speaking Engagements

- Bankruptcy Law Presenter at Multiple Continuing Legal Education Programs including:
  - Nassau County Bar Association - Nassau Academy of Law

- National Conference of CPA Practitioners (“NCCPAP” - The New York State Society of Certified Accountants – Nassau Chapter)
- First American Title Insurance Company of New York
- Worldwide Land Transfer Title Company
- John’s University Metropolitan College Tax Institute
- Sterling Educations Services
- Interchange Credit Association
- Lorman Education Services
- Theodore Roosevelt American Inn of Court
- National Business Institute
- Interviewee on Cable Television and Radio Shows on bankruptcy topics (Law You Should Know – Hofstra University WRHU; Cablevision - Dollars and Cents)
- Mediation
  - Panelist – *Post- Pandemic Bankruptcy Mediations: A New Chapter and New Solutions* Mock Fraudulent Conveyance Mediation program sponsored by the New York County Lawyers Association Alternative Dispute Resolution Committee with Hon Elizabeth Stong U.S. Bankruptcy Court E.D.N.Y. and Hon. Melanie Cyganowski (Ret. Chief Judge E.D.N.Y.) (5/21/21)
  - Panelist - "*Mediating a Fraudulent Conveyance Action: A View from the Inside*" Virtual Mock Mediation with Chief Bankruptcy Judge Alan Trust and Bankruptcy Judges Louis Scarcella and Elizabeth Stong (3/26/21)
  - Panelist U.S. Bankruptcy Court Eastern District New York Brown Bag Mediation Workshops, Central Islip and Brooklyn Divisions( 5/19/17 and 5/31/17)
  - Speaker - All About Arbitration & Mediation (5/2014) Joint Committee Meeting Alternative Dispute Resolution / Bankruptcy Committees of Nassau County Bar Association
  - Presenter - Family Law Mediation Program - Nassau County Family Court (3/2014)
  - Panelist - Mediation Program (panelist) entitled *Alternative Dispute Resolution: Resolving an Estate-Related Commercial Dispute* with the Theodore Roosevelt Inn of Court (3/2014)

## Honors and Awards

- Assigned Martindale Hubbell’s highest “AV” Rating
- Named to New York/Metro Super Lawyers, each year 2012-present for Bankruptcy & Debtor Creditor Rights
- Access to Justice Champions, Nassau County Bar, 2013
- Top Legal Eagles, L.I. Pulse Magazine, 2010-2016
- Pro Bono Attorney of the Month, May 2002 and September 2007
- Nassau/Suffolk Law Services, Inc., Co-Recipient of Partner in Justice Pro Bono Award, 2003
- Nassau County Bar Association Pro Bono Attorney of the Year Award, 1991

## Publications

- *An Attorneys Role in Mediation* Nassau Lawyer, The Journal of the Nassau County Bar Association October 2016 Edition Vol. 66, No 2
- *Examiners in Bankruptcy Cases A Guide for Examiners, Courts and Practitioners* (Author of Chapter 3 - *The Examiner: Powers and Limitations*) 2013-2014 Edition Thomas Reuters West Law and, The Association of the Bar of the City of New York
- *The Pendulum Swings: N.Y. Debtor's Benefit From New Bankruptcy Exemptions* Nassau Lawyer, The Journal of the Nassau County Bar Association
- *Introductory Guide to Matrimonial Issue in Bankruptcy* Nassau Lawyer, The Journal of the Nassau County Bar Association
- Various other articles over the years on bankruptcy related topics published in the Nassau Lawyer