

People



## R. Adam Swick

Special Counsel, Bankruptcy and Reorganization

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vCard

With more than 15 years of experience, Adam Swick focuses his practice on bankruptcy and complex commercial litigation matters. He has a robust international practice and has filed a multitude of Chapter 15 bankruptcy cases, many of which have resulted in critical opinions that helped shape the current legal landscape.

Adam is a sought-after speaker on a wide range of international insolvency topics. He is also on the leadership committee for the American Bankruptcy Institute’s (ABI) International Committee; was recently named to ABI’s 40 under 40 list, which recognizes emerging leaders in the insolvency profession; and participates as a delegate to the United Nations Commission on International Trade Law’s (UNCITRAL) Working Group V.

### Notable Work

**Chapter 15 Liquidators and Trustees:** Represented numerous liquidators and trustees in Chapter 15 cases, including Dynamic Technologies Group, Inc., Condor Insurance Ltd., Saad Investments Company Ltd., AJW Offshore Ltd., ICP Strategic Credit Income Fund Ltd., and Tibanne Co., Ltd., the parent of Mt. Gox, a cryptocurrency exchange.

**Condor Insurance Limited:** Obtained favorable ruling from the Fifth Circuit in *In re Condor Ins. Ltd.*, 601 F.3d 319 (5th Cir. 2010) that subject matter jurisdiction over fraudulent transfers is not prohibited by Chapter 15.

**Unsecured Creditors Committee:** Represented the Unsecured Creditors Committee of BJ Services, LLC as Special Counsel to investigate and pursue millions of dollars in claims.

**KLD Energy Technologies Ltd. Chapter 7 Trustee:** Represented the Chapter 7 Trustee for KLD Energy Technologies Ltd. in bringing and settling claims against the debtor’s former officers and directors.

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### Areas of Experience

Bankruptcy and Reorganization  
 Commercial Disputes  
 Assignments for the Benefit of Creditors  
 Bankruptcy Trustees and Court Appointed Fiduciaries  
 Chapter 11 Business Debtors  
 Chapter 15 Cross-Border Insolvency Cases  
 Commercial Landlord-Tenant Bankruptcy  
 Creditors’ Committees  
 Distressed Property  
 Distressed Transactions and Corporate Restructuring  
 Distressed and Special Assets  
 International  
 Preference and Fraudulent Transfer Litigation  
 Secured Creditors and Debtor-in-Possession  
 Financing

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### Education

J.D., Southern Methodist University Dedman School of Law, 2006, Salutatorian, Order of the Coif, summa cum laude  
 B.A., University of Texas at Austin, 2002, with honors

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### Admissions

#### Bars

Texas  
 New York

#### Courts

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

**Isolux Corsan LLC Liquidating Trustee:** Represented the Liquidating Trustee for Isolux Corsan LLC, the Texas subsidiary of the Isolux group of companies, a formerly leading international engineering, construction, and concession conglomerate primarily based in Spain.

**Legendary Field Exhibitions, LLC Chapter 7 Trustee:** Represented the Chapter 7 Trustee for Legendary Field Exhibitions, LLC and other related entities that operated the Alliance of American Football as Special Counsel to investigate the debtors' potential claims against certain entities and individuals.

**Creditors:** Represented numerous creditors in cryptocurrency cases, including Voyager, Celsius, and CoinTerra.

**Class Action Litigation:** Represented a class of participants against Advocare International, LP, an alleged pyramid scheme.

**Class Action Litigation:** Represented a class of participants in MXI Corporation, an alleged pyramid scheme that sells supposedly "healthy" chocolate.

**Chapter 11 Debtors:** Assisted in representation of nation's largest poultry producer in its Chapter 11 reorganization.

**Securities Litigation:** Counseled a Hong Kong-based electronic gaming company in a securities case filed by hedge fund investors in the Southern District of New York.

**Internal Investigation:** Conducted internal investigation of a leading U.S.-listed Chinese video game company relating to internal control issues and compliance under Sarbanes-Oxley, SEC, and other regulatory provisions.

**Securities Litigation:** Assisted court-appointed securities litigation committee in determining whether the board of directors of a Dallas-based timeshare company breached their fiduciary duties in connection with a cash out merger transaction.

**Securities Class Action:** Defended individual directors of board of real estate development company in securities class action and derivative litigation in state and federal court in New Mexico.

**Chapter 11 Creditor:** Represented a leading company in the development of industrial real estate in Mexico as a creditor in the Chapter 11 case *In re Edscha North America, Inc.* filed in the Northern District of Illinois.

**Oil & Gas:** Assisted with \$103.5 million acquisition of substantially all assets out of bankruptcy of an oil and gas exploration and production company.

**Oil & Gas:** Assisted in representation of the Preferred Shareholders' Committee for Dorado Exploration, Inc., an oil and gas exploration company.

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## Related Content

SVB Cayman Branch Denied Chapter 15 Recognition  
March 08, 2024

Akerman Uses Innovative Subchapter V Strategy to Complete Bankruptcy in 33 Days  
November 17, 2023

Akerman Represents Sandton Capital Partners in Asset Purchase of Vertical Farming Company in Chapter 11 Bankruptcy  
October 18, 2023

## Published Work and Lectures

- ABI Cross Border Insolvency Program, Moderator, "Views from the Bench," October 24, 2023
- *Global Restructuring Review*, Quoted, "Model Law Draftsman Responds to COMI Proposals," September 15, 2023

- ABI Caribbean Insolvency Symposium, Speaker, “Chapter 15 Update/Recognition Issues,” February 7, 2023
- *ABI Journal*, Co-Author, “A Modern Land for the Model Law,” (Article selected as one of the “Best of ABI 2022: The Year in Business Bankruptcy”), December 2022
- ABI 2022 Cross-Border Insolvency Program, Moderator, “Cross-Border Update,” November 14, 2022
- International Insolvency Institute (III) 22nd Annual Conference, Speaker, “NextGen Panel: Cross-Border Jeopardy,” September 8, 2022
- American Bar Association (ABA) Trial Practice Committee, Practice Points, Co-Author, “Expert Witnesses—the Basics,” December 2021
- ABI Cross-Border Insolvency Program, Speaker, “Brazil: Cross-Border Insolvency Update,” November 2021
- NextGen Leadership Program of International Insolvency Institute, Speaker, “Covid-19 Responses in Latin America and the Caribbean,” May 2020
- ABI, Global Insolvency, Project Editor, “Global Responses to Limit the Economic Impact of Covid-19 Pandemic,” April 2020
- ABI, International Committee Newsletter, Co-Author, “Pick a Date: the Debate about When to Determine a Debtor’s COMI,” January 2020
- III 19th Annual Conference, Speaker, “Timing the Determination of a Debtor’s Centre of Main Interest (COMI),” June 2019
- GRR Live, Speaker, “Case-Studies on COMI,” March 2019
- ABI Bankruptcy Litigation Committee, Author, “Claims in the U.S. Can Make a Foreign Debtor Eligible for Chapter 15,” September 24, 2018
- CAIRP: Rebuilding Success, Co-Author, “Second Circuit Holds Comity Does Not Alter Chapter 15’s Requirement to Perform Section 363 Review of U.S.-Based Asset Sales,” Spring/Summer 2018
- ABI Cross Border Insolvency Program, Speaker, “Cross-Border Update,” November 2017
- ABI International Committee Newsletter, Co-Author, “Complex Cases Relying on Chapter 15 Predictability and Flexibility,” March 2017
- ABI 33rd Annual Spring Meeting, Speaker, “Chapter 15 Answers that My Bankruptcy Teacher Never Told Me,” April 2015
- *ABI Journal*, Co-Author, “Second Circuit Applies Section 109(a)’s Jurisdictional Requirements to Chapter 15,” March 2014
- Dallas Bar Association, Bankruptcy Division, Speaker, “Chapter 15: Theory & Practice,” October 2013
- *ABI Journal*, Co-Author, “Second Circuit Clarifies Chapter 15 COMI Analysis,” June 2013
- 33 Energy & Min. L. Inst. 356-382, Co-Author, “Securities Litigation in the Energy Sector,” 2012
- Financial Law Report, Co-Author, “Developments Regarding Extraterritorial Effect of U.S. Securities Fraud Statutes,” September 2012
- *Law360*, Co-Author, “Securities Litigation And The Energy Sector” New York, August 21, 2012
- Energy and Mineral Law Foundation, 33rd Annual Institute, Speaker, “Securities Litigation and the Energy Sector,” June 25, 2012

- *ABA Publishing*, Co-Author, “Securities Litigation,” Annual Review of Business and Corporate Litigation, 2012
- *Bloomberg Law Reports*, Co-Author, “Reverse Mergers and the Rise of SEC Investigations and Shareholder Lawsuits Involving Chinese Companies Listed on U.S. Stock Exchanges,” March 26, 2012
- *Smart Money*, Quoted, “Investors Get Say on Pay -- Say Ok,” March 2, 2012
- *ABA Business Law Today*, Co-Author, “Keeping Current: 2012 Outlook for Say-on-Pay Lawsuits,” February 2012
- *Insights*, Co-Author, “The Rise of SEC Investigations and Shareholder Lawsuits Involving Chinese Companies Listed on the U.S. Stock Exchanges,” Autumn 2011
- *Law360*, Co-Author, “Twombly and Iqbal’s Impact On Affirmative Defenses,” May 20, 2011
- *Daily Business Review*, Co-Author, “Directors and Officers Need Court Approval for Litigation Costs,” January 2011
- ABA, Section of Litigation, *Securities Litigation Journal*, Co-Author, “Getting Paid: Authorizing Advancement of Defense Costs from a Debtor-Entity’s D&O Policy,” Winter 2011
- *Corporate Counsel*, Co-Author, “Making Sure Defense Costs are Paid from D&O Policies in the Bankruptcy Setting,” November 2010
- Dallas Association of Petroleum Landmen, Speaker, “Issues Regarding Buying Oil and Gas Assets in Bankruptcy,” September 2009
- *ABI Journal*, Author, “Filing a Proof of Claim: A Simple Procedure or a Complicated Mess?” July/August 2009

## Affiliations

- American Bar Association, Member; ABA Trial Practice Committee, Web Editor
- American Bankruptcy Institute, Member, 2007-Present
  - ABI International Committee, Communications Manager
- NextGen International Insolvency Institute, Member
- Insol International, Member
- The Hon. Larry E. Kelly Bankruptcy American Inn of Court, Barrister

## Honors and Distinctions

- III NextGen Delegate to UNCITRAL’s Working Group V
- ABI, 40 Under 40 Honoree, 2020
- Article chosen for *Best of ABI 2022: The Year in Business Bankruptcy*