Keith Costa

Of Counsel

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Education

- American University, Washington College of Law, JD
- University of Connecticut, Honors Program Scholar, BA

Practices & Industries

- Restructuring, Bankruptcy & Creditors' Rights
- White Collar & Government Investigations
- Health & Human Services Providers

Admitted to Practice

- New York
- District of Columbia

Biography

Keith has over 30 years of experience as a bankruptcy and corporate restructuring lawyer. He is the former assistant United States trustee for the Southern District of New York under United States Trustee Arthur J. Gonzalez. In addition to representing debtors and creditors, Keith has acted in a variety of fiduciary roles, including serving as Chapter 11 trustee and examiner and as counsel to official committees of unsecured creditors and corporate boards of directors.

Keith is a court-certified mediator for the US bankruptcy courts in New York State and Delaware, and he frequently serves as mediator or arbitrator in high-profile bankruptcy cases, such as the Madoff and Lehman Brothers bankruptcies.

Bar Associations

- New York State Bar Association
- Connecticut Bar Association

Selected Memberships & Affiliations

- American Bankruptcy Institute, Member
- Turnaround Management Association, Member
- *Law360* Bankruptcy Editorial Advisory Board, Former Member
- Local Rules Committee of the US Bankruptcy Court for the District of Connecticut, Former Member

Representative Experience

- Conducted Ponzi scheme liquidation work and receiverships (e.g., in the Madoff bankruptcy case and the Securities and

Exchange Commission receivership cases of Wextrust and Platinum Partners).

- Served as lead preference defense counsel in complex $9 million “clawback” lawsuit in RadioShack Corp. case.
- Served as counsel to numerous official and ad hoc unsecured creditors’ committees.
- Served as the Chapter 11 trustee for Action Redi-Mix Corp. (successful § 363 sale) and Dr. Howard Balensweig (succeeded in providing 100 percent distribution to all allowed unsecured creditors).
- Served as the Chapter 11 examiner for Finne Brothers Refuse Systems, Inc.
- Served as counsel to the board of directors of Global Capacity Group, Inc. (CGSY.OB).
- Served as debtor’s counsel to Waterford Wedgwood USA, Tavern on the Green Restaurant, and New York Crane & Equipment Corp. (successfully confirming a plan of reorganization for 100 percent distribution plus interest to all allowed creditors).

Prior Experience

- Faegre Drinker Biddle & Reath LLP, Partner
- Otterbourg PC, Partner
- Local, regional, and national law firms

Selected Community Activities

- FBI Citizens Academy Alumni Association, Member
- Shoreline Arts Alliance, Former Board of Directors Member
- Princeton Youth Soccer Association, Former Board of Directors Member

Selected Honors

- Selected to *Super Lawyers* New York Metro: Alternative Dispute Resolution, 2015–2021; Bankruptcy: Business, 2015–2024
- United States Department of Justice US Trustee Program, Outstanding and Sustained Superior Performance Award, 1996
- United States Attorney General’s Outstanding Performance Award, 1991

Selected Speaking Engagements

- Credit2B, “The Involuntary Bankruptcy Petition: Is It a Sword or a Shield – Should It be Utilized or Avoided?” Webinar, Panelist
- “Beware of Your Borrower’s Bankruptcy Case: Hidden Risks of a Customer’s Chapter 11 When Dealing With Distressed Commercial Real Estate Assets”

Selected Media

- *Collier on Bankruptcy* (2014), “Chapter 88: Commodity Broker Liquidation (Bankruptcy Code §§ 761–767),” Contributing Author