



## Margaret R. Westbrook

### Partner

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### OVERVIEW

Margaret Westbrook is a partner in the firm's Finance practice. She has two distinct areas of practice: restructuring and insolvency and campaign finance. Currently serving as the U.S. practice group coordinator for the restructuring and insolvency practice group within the firm, she represents secured and unsecured creditors in restructuring and insolvency matters both in and out of the state and federal courts in North Carolina, in other U.S. jurisdictions including New York, Delaware, Texas and Virginia. Margaret advises transactional clients with respect to insolvency risks and debt restructuring. She represents purchasers and sellers of debt and assets from financially distressed companies in a variety of structures, including foreclosure sales, Article 9 sales and Chapter 11 Section 363 sales. She has handled a variety of cross-border matters involving informal restructurings and formal Chapter 15 proceedings. She has extensive experience with agricultural cases, including Chapter 12 proceedings, and with healthcare insolvency issues both in and outside of formal insolvency proceedings. In 2021, Margaret became a Fellow in the American College of Bankruptcy.

Margaret also advises corporations and trade associations on matters relating to the regulation of corporate political activity, including the formation and administration of state and federal political action committees, campaign finance regulations and gift laws. She formerly represented clients in the North Carolina General Assembly and currently advises clients regarding the development of political compliance programs.

Prior to joining the firm, Margaret served as law clerk to the Honorable J. Rich Leonard, Judge of the United States Bankruptcy Court, Eastern District of North Carolina, 1996-1998. She works from the Raleigh, Research Triangle Park and Charlotte, North Carolina offices.

### ACHIEVEMENTS

- Recognized by *The Best Lawyers in America*® as "Lawyer of the Year" for Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law in Charlotte, 2022
- *American College of Bankruptcy*, Fellow, Class 32, 2021
- Recognized in *Chambers USA* for Bankruptcy/Restructuring, Band 1, since 2015

- Recognized by *The Best Lawyers in America*® for Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law in Charlotte since 2019
- Recognized in *Business North Carolina* Legal Elite for Bankruptcy Law, 2012-2015, 2017-2019, 2021-2024
- *Lawdragon* 500 Leading U.S. Bankruptcy and Restructuring Lawyers, 2020-2023
- *Triangle Business Journal*, Women in Business Award, 2007

## PROFESSIONAL / CIVIC ACTIVITIES

- American Bankruptcy Law Journal, Board Member (2020-2023)
- American College of Bankruptcy, Fourth Circuit Admissions Committee, Education and Programs Committee
- North Carolina Bar Association
  - Bankruptcy Section Chair (2021-2022)
  - Vice Chair (2020-2021)
  - Seminar Committee Co-Chair (2019)
  - Legislative Committee Chair (2008-2020)
- Turnaround Management Association-- Carolinas Chapter Vice Chair (2020-2021); Board Member (2015-present)
- American Bankruptcy Institute Southeastern Advisory Board Member (2016-present)
- Eastern Bankruptcy Institute Board Member (2016-present)
- Coach for Campbell Law School Conrad B. Duberstein Moot Court Team (2014-2021)
- Wake County Bar Association (Grievance Committee, 2006-2009; Professionalism Committee Member, 2002-present)
- United States Bankruptcy Court for the Eastern District of North Carolina, Local Rules Committee (2000-2019), Chair (2010-2019)

## SPEAKING ENGAGEMENTS

- "Managing Contract Counterparty Risks," K&L Gates "Under the Wire" CLE Seminar, February 2024
- "Buying Distressed Farm and Food Assets," American Agricultural Law Association Annual Agricultural Law Symposium, November 2023
- "Agricultural Insolvency: What's Different?" American Agricultural Law Association, September 2022
- "Overview of New North Carolina Receivership Act," Mecklenburg County Bar Association Webinar, January 2021

- “Receivership Statute Update,” North Carolina Bar Association Annual Seminar, December 2020
- “Corporate Political Engagement & Compliance: Preparing for the 2020 Election Cycle,” Eighth Annual Under the Wire CLE, February 2020
- “Attorney/Client Privilege and Agricultural Matters: Don't let the Cow out of the Barn Door,” American Agricultural Law Association Education Symposium, November 2019
- “Rescuing Hospitals from the Emergency Room,” 23rd Annual Southeast Bankruptcy Workshop, American Bankruptcy Institute, July 2018
- “Loose Lips Sink Ships, Top Ten Ways to Lose the Attorney Client Privilege,” Sixth Annual Under the Wire CLE, February, 2018
- “Agricultural Security Interests and Priority,” American Agricultural Law Conference, October 2018
- “Hot Ethics Topics for Bankruptcy Lawyers,” Eastern Bankruptcy Institute, June 2011, 2012, 2014-2016
- “Election Year Bootcamp – Is your organization in shape for the 2016 race?,” K&L Gates “Under the Wire” CLE Seminar, February 2016
- “Confirmation Issues in Municipal Bankruptcies,” Moderator, Campbell Law School Symposium, October 2014

## EDUCATION

- J.D., University of North Carolina at Chapel Hill School of Law, 1996 (*with honors; North Carolina Law Review, Member; Order of the Coif*)
- B.A., University of North Carolina, 1993

## ADMISSIONS

- Bar of North Carolina
- United States Bankruptcy Court for the Eastern District of North Carolina
- United States Bankruptcy Court for the Middle District of North Carolina
- United States Bankruptcy Court for the Western District of North Carolina
- United States District Court for the Eastern District of North Carolina
- United States District Court for the Middle District of North Carolina
- United States District Court for the Western District of North Carolina

## THOUGHT LEADERSHIP POWERED BY HUB

- 1 February 2024, Twelfth Annual “Under the Wire” CLE Webinar

- February 2022, February 2022 Accolades
- September 2021, September 2021 Accolades
- April 2021, April 2021 Accolades
- 31 March 2021, COVID-19: Bankruptcy Code Amendments in the Consolidated Appropriation Act and COVID-19 Bankruptcy Relief Extension Act
- June 2020, COVID-19: Perspectives on Navigating Uncertain Times, Opportunities, and Avoiding Pitfalls in the Energy Sector
- 16 June 2020, COVID-19: Distressed M&A in the Era of a Pandemic - Part 3
- 12 May 2020, COVID-19: Distressed M&A in the Era of a Pandemic - Part 2, Déjà Vu All Over Again?
- 7 May 2020, COVID-19: PPP Eligibility of Debtors in Bankruptcy
- 13 April 2020, COVID-19: Impact of the CARES Act on Subchapter V Reorganizations under the Bankruptcy Code
- 4 December 2019, Distressed Solutions: Don't Get Lost in the Weeds in Agriculture Bankruptcies
- 23 September 2019, Small Business Debtor Reorganization: An Overview of Chapter 11's New Subchapter V
- 8 August 2019, Dust Off Your Chapter 12 Knowledge: Increase to Debt Limits May Revive Family Farmer Bankruptcies
- 29 January 2019, Second Circuit Rejects Setoff Between PACA Merchants in Bankruptcy Cases
- 26 September 2018, "Dark Money" Gets a Little Light: *CREW v. FEC* and Its Implications for the 2018 Midterms
- 23 August 2018, K&L Gates Triage: Sales of Healthcare Businesses in Chapter 11— The Basics
- 12 April 2018, K&L Gates Triage: Protecting Patient Information in Bankruptcy Cases
- February 2018, Sixth Annual "Under the Wire" CLE Seminar
- 7 July 2017, Fisker's Reach: Liquidating Trustee May Pursue Overseas Fraudulent Transfers as Unjust Enrichment
- 6 July 2017, Bankruptcy Court Finds that Foreign Transactions May be Subject to U.S. Fraudulent Transfer Laws

## OTHER PUBLICATIONS

- Appeals Chapter of the North Carolina Bankruptcy Practice Manual, Eighth Edition, *North Carolina Bar Association*, 2018
- School Finance Litigation Comes to North Carolina, Comment, *73 North Carolina Law Review* 2123, 1995

## NEWS & EVENTS

- 1 June 2023, K&L Gates Receives Firm, Individual Rankings in 2023 *Chambers USA* Guide
- 16 May 2023, Women in Manufacturing: Navigating 2023 Disruptors
- 10 February 2023, K&L Gates Successfully Recovers Breakup Fee for Italian Pharmaceutical Company in Delaware Chapter 11 Case
- 22 December 2022, K&L Gates Co-Publishes Bankruptcy Guide for Advocates Representing Trafficking Survivors
- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 1 June 2022, K&L Gates Receives Firm, Individual Rankings in 2022 *Chambers USA* Guide
- 19 August 2021, Nearly 300 K&L Gates Lawyers Named Among 2022 Best Lawyers in America, Ones to Watch
- 23 April 2020, K&L Gates, Lawyers Recognized in 2020 Chambers USA Guide
- 26 April 2019, Chambers USA 2019 Guide Ranks K&L Gates, Lawyers Among Leaders
- 23 June 2016, K&L Gates, Lawyers Recognized as Leaders in Chambers USA 2016 Guide
- 20 May 2015, Chambers USA 2015 Guide Recognizes K&L Gates, Lawyers as Industry Leaders

## MEDIA MENTIONS

- 16 November 2020, American College of Bankruptcy, Announcing Class 32 (2021 Inductees)

## AREAS OF FOCUS

- Restructuring and Insolvency
- Commercial Disputes
- Energy Finance
- Health Care and FDA
- Maritime
- Public Policy and Law

## INDUSTRIES

- Agribusiness

- Consumer Products
- Energy
- Utilities

## REPRESENTATIVE EXPERIENCE

- Represented various entities in connection with a complex multi-party internal restructuring, JV investment by an experienced operator and investor, and modification of senior debt held by real estate investment trust with respect to a hotel in Raleigh, NC.