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Practice areas
[Financial Restructuring](#)
[Distressed Finance](#)
[Municipal Capital Markets](#)
[Distressed Municipal Finance](#)

Schools
Georgetown University Law Center
J.D. 1975

Cornell University
B.S. 1972

Clerkship:
● Hon. Thomas A. Flannery
US Dist Ct DC

Events:
● [Distressed Investing 2011](#)

Articles:
📄 [A Debtor-Friendly View Of Safe Harbors](#)
Law360
Mark C. Ellenberg, Douglas S. Mintz, Stephen M. Johnson
Aug 22, 2011

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Newsletters:
● [S.D.N.Y. Bankruptcy Court Continues to Construe Bankruptcy Code's Safe Harbor Provisions Narrowly](#)
Jun 27, 2011

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Clients & Friends Memos:
📄 [Bankruptcy Court for Southern District of New York Prohibits Triangular Setoff Provided for in Safe Harbored Contract](#)
Oct 12, 2011

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stated. "I do believe this court

Mark C. Ellenberg

Mark Ellenberg advises debtors and creditors in complex financial restructuring, workout, and bankruptcy matters. He is currently representing LyondellBasell in its Chapter 11 reorganization cases, where he assisted the company in obtaining an \$8 billion debtor in possession loan. His diverse experience also includes representation of Northwest Airlines, Geneva Steel, and Zenith Laboratories, Inc. in their chapter 11 reorganization cases. He has also represented a bond holder group that provided debtor-in-possession financing to Verasun, the largest U.S. producer of ethanol, and the official unsecured creditors committees for Grove Worldwide, the leading manufacturer of mobile cranes, for Winstar, a leading broadband services provider, and Jitney Jungle, a supermarket chain with close to 200 stores in the Southern United States.

In the Enron chapter 11 case, Mark was special counsel to the debtors for issues related to forward contracts, swaps, and other trading contracts. He regularly advised Bear Stearns on bankruptcy issues relating to trading contracts and derivatives, and actively participated in the preparations for a possible bankruptcy filing by that company in March 2008. In addition, he represented a number of creditors in the Lehman bankruptcies, and regularly advises financial institutions on trading contract and derivatives issues.

Mark represented XL Capital, a global insurance company, with respect to the successful termination of an \$80 billion guaranty of credit default swap and other liabilities of monoline insurance company SCA (now known as Syncora). In the case of Mutual Benefit Life Insurance Company, the largest insurance company failure then on record, Mark led the legal team drafting a rehabilitation plan for the \$12 billion institution and was lead counsel in the plan confirmation hearing. He played the same role in the rehabilitation of the Confederation Life Insurance Company, U.S. Branch.

Mark was a principal member of the team representing the official committee of Dalkon Shield claimants in the A. H. Robins bankruptcy, obtaining a \$2.5 billion trust fund to pay for Dalkon Shield injuries and participating in a pioneering estimation proceeding for the 300,000 filed Dalkon Shield claims. He has also advised secured creditors concerning a wide variety of real estate workout and bankruptcy matters, involving such properties as the Aladdin Hotel & Casino, shopping centers, office buildings, and apartment buildings.

Mark became a fellow of the American College of Bankruptcy in 2004 and is listed in *Who's Who Legal USA* and the *International Who's Who of Insolvency and Restructuring Lawyers*. He has also been recognized as a leading lawyer by several publications, including *Chambers USA*, *The Washingtonian* and *LawDragon*, which named him one of the 500 best lawyers in the United States. *The Best Lawyers in America* also selected Mark as a leading lawyer in Bankruptcy and Creditor-Debtor Rights Law and Bankruptcy Litigation where clients noted that he is "a top notch professional", "cool and calm in negotiations" and "delivers a top result." In addition, he is an Adjunct Professor at Georgetown University Law Center, teaching bankruptcy and creditors' rights. He was co-editor of *Bankruptcy Law & Practice* Sixth Ed., Cowans 1994.

Mark is a graduate of Cornell University, where he received a B.S. degree in 1972. He received his J.D. degree from Georgetown University Law Center in 1975 and served as Research Editor of the Georgetown Law Journal. Following law school, Mark served as law clerk for The Honorable Thomas A. Flannery, Judge, United States District Court for the District of Columbia.

Mark is a member of the American Bar Association and the District of Columbia Bar Association. He is admitted to practice in the District of Columbia and before the United States Supreme Court, the District of Columbia, 2d, 3d, 4th, 5th, 6th, 8th, 10th, and Federal Circuits of the United States Courts of Appeals, and the United States District Courts for the Districts of Columbia and Maryland.

would resolve this case in less
than the 18 to 24 months it
would take Texas courts to
resolve the matter."
- *Court Delays Ruling On Valuing
Lyondell, Dow Jones*
October 16, 2009

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