

# **TIMOTHY F. NIXON**

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## **PROFESSIONAL EXPERIENCE**

Godfrey & Kahn, S.C. Law Offices – Green Bay, Wisconsin ([www.gklaw.com](http://www.gklaw.com))

(LaFollette Sinykin, LLP prior to merger in January 2000)

Shareholder/Partner (January 1997-present)  
Lead Attorney for the Business Finance and Restructuring Team (2002-present)  
Associate Committee Member (2000-2002)  
Associate Attorney (January 1991-December 1996)  
Law Clerk (May 1990-December 1990)

Admitted to practice in New York, Wisconsin, United States Supreme Court, United States Court of Appeals for the Seventh Circuit, United States District Courts – Eastern and Western Districts of Wisconsin, Western District of Michigan, Northern and Central Districts of Illinois, Eastern and Southern Districts of New York

Areas of Concentration: Commercial Litigation, Bankruptcy, International Insolvency, Business Law, and Government Affairs

Law Clerk, Office of Administrative Legal Services University of Wisconsin – Madison  
(January 1989-May 1990)

Legal research and related duties in purchasing and research contracts, environmental law, constitutional law, intellectual property, and tax code

U.S. Merchant Marine Officer Licensed as a First Class Pilot and Great Lakes Mate for vessels of any gross tonnage

Responsible for the operations of a commercial Great Lakes ore freighter for eight hours a day, subject to the orders of the Captain

Bethlehem Steel Corporation; Seven Hills, Ohio (Summer 1986 and Summer of 1987) American Steamship Company; Buffalo, New York (1979-1985)

Cadet Sailor

Cleveland Cliffs Iron Company (Summer 1977)  
American Steamship Company (Summer and Fall 1978)  
United States Steel Corporation (December 1978, February and March 1979)

## **PROFESSIONAL RECOGNITION**

Martindale-Hubbell® Rated “AV” (CV, BV and AV are registered certification marks of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedures, standards and policies)

*The Best Lawyers in America*® 2006-2007 (© Woodward/White, Inc.)

“Leaders in the Law” award by the *Wisconsin Law Journal* 2006.

2005-2007 *Wisconsin SuperLawyer*  
Law & Politics, Milwaukee Magazine, Wisconsin Law Journal

*50 People You Should Know in Green Bay*  
Bay Business Journal (2005)

*Marquis Who’sWho in America and Who’s Who in American Law 30<sup>th</sup> Anniversary Edition*®  
2007, *Who’s Who in the World* 2008

*Who’s Who Legal USA* ([www.whoswholegal.com](http://www.whoswholegal.com)) by Law Business Research Limited, London, United Kingdom

Charter Fellow, Litigation Counsel of America

*Who’s Who in the Leadership in the United States*, ([www.leadershipdirectories.com](http://www.leadershipdirectories.com)) by The Leadership Library® on the Internet

*No Small Change: The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005*  
(Co-Author) selected for the “Best of New CLE Product” Award by the State Bar of Wisconsin

*Preclusion Issues: Been There Done That*, given at the American Bankruptcy Institute Central States Bankruptcy Workshop selected as a *Best of the ABI* presentation (2005)

Great Lakes Maritime Academy Alumni Association – *George B. Rector Community Service Award* (1999)

## EDUCATION

University of Wisconsin – Madison, Wisconsin (December 1990)

Law School – Juris Doctor, with Honors, Order of the Coif  
Robert M. LaFollette Institute of Public Affairs  
Master of Arts – Public Policy and Administration

University of Wisconsin – Green Bay, Wisconsin (1987)

Bachelor of Science – Public and Environmental Administration  
Cum Laude

Northwestern Michigan College – Traverse City, Michigan (1979)

Great Lakes Maritime Academy  
Associate of Science – Maritime Science  
With High Honors

## AUTHOR

Will the Hedges Grow in the Distressed Market “Gardens” of China and Asia?, *Turnaround & Corporate Renewal Review 2006* ([www.financierworldwide.com](http://www.financierworldwide.com)), United Kingdom, October 2006

Co-author *Inside the Minds: Bankruptcy and Financial Restructuring Settlements and Negotiations*, Aspatore, Inc., Boston, 2006

America’s New Bankruptcy Chapter 15: International Business Insolvency in the 21st Century, *Financier Worldwide Magazine* ([www.financierworldwide.com](http://www.financierworldwide.com)), United Kingdom, April 2006

From Clear Lake to Green Bay to Red Banks and Beyond: Northeastern Wisconsin and Gaylord A. Nelson, *Voyageur Magazine*, Winter/Spring 2006

One’s Loss Is Another’s Gain: A Traveler’s Guide To Buying Assets in American Bankruptcy Court, *Financier Worldwide Magazine* ([www.financierworldwide.com](http://www.financierworldwide.com)), United Kingdom, January 2006

Co-author *No Small Change: The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005*, State Bar of Wisconsin CLE Books

Co-author *Till et al. v. SCS Credit Corporation: Cramdown Interest Rates in Bankruptcy Debt Beat*, (quarterly publication of the Bankruptcy, Insolvency & Creditors Rights Section of the State Bar of Wisconsin) Spring 2005

U.S. Supreme Court Holds That Individual Retirement Accounts May be Shielded From Creditors, *Wisconsin Law Journal*, April 20, 2005, Vol. 19, No. 16

The U.S. Supreme Court on Bankruptcy: A review of the October 2003 Term, Wisconsin Law Journal, October 27, 2004, Vol. 18, No. 43.

Governor Signs Financial Services Modernization Bill Amending Wisconsin's Lien Laws, Wisconsin Law Journal, November 12, 2003, Vol. 17, No. 46

Lenders Beware, Wisconsin Law Journal, November 14, 2001, Vol. 15, No. 46

Improving Relations with Your Police and Fire Commission, The Wisconsin Police Chief, July 1998

Police Commission By-laws: Why You Should Have Them and What They Should Contain, The Wisconsin Police Chief, July 1996

Waunakee, Wisconsin Police Commission By-Laws, Distributed through the Wisconsin Police Chiefs Association (1993)

Co-author "The Malpractice Trap in Divorce Liens" Vol. 14, No. 3, Family Advocate, 48 (1992)

## **SPEAKER**

Diversity: Finding Common Ground—Affirmative Action Today  
Wisconsin Rural Leadership Program, UW Cooperative Extension (2008)

Annual Bankruptcy Update: Evidence for Bankruptcy Lawyers  
State Bar of Wisconsin CLE Programs (2007)

Alternatives to Chapter 11: Receiverships, Operating 7s, Mortgage Trusts and More  
American Bankruptcy Institute Central States Bankruptcy Workshop (2007)

Receiverships: The ABC's (in Illinois) of Section 128s (in Wisconsin)  
Turnaround Management Association (2007)

Bankruptcy Issues for Public Power Utilities  
Municipal Electric Utilities of Wisconsin (2007)

Liberal Education: It's Not About Politics  
University of Wisconsin-Green Bay Founders Association Annual Fall Dinner(2006)

Marital Property: Credit and Debtor-Creditor Rights and Bankruptcy  
State Bar of Wisconsin CLE Programs (2006)

Tap Dancing in the Minefields: Dealing with Financially Distressed Customers and Vendors  
State Bar of Wisconsin Convention (2006)

How Diversity Affects Business  
For New North at Leadership Fox Cities (2006)

The Bankruptcy Reform Act: What it Means for Real Lawyers  
Honorable Robert J. Parins Inn of Court (2006)

Bankruptcy Abuse Prevention & Consumer Protection Act: How Will it Affect Your Practice?  
Professional Education Systems Institute Bankruptcy Litigation and Practice in  
Wisconsin Seminars (2005)

Bankruptcy Reform and Municipal Electric Utilities  
American Public Power Association Legal Seminar (2005)  
Michigan Municipal Electric Association (2005)

Bankruptcy Reform Legislation and its Impact on Business  
Wells Fargo, National Association (2005)

Preclusion Issues: Been There, Done That  
American Bankruptcy Institute Central States Bankruptcy Workshop (2005)

What You Need to Know About The New Bankruptcy Code & Rules: Anticipating & Solving  
Problems  
The Chicago Bar Association, Federal Bar Association, Seventh Circuit Bar Association,  
the Chicago/Midwest Chapter of the Turnaround Management Association, and the  
American Bankruptcy Institute (2005)

No Small Change: Bankruptcy Abuse Prevention & Consumer Protection Act  
State Bar of Wisconsin CLE Programs (2005)

What a CFO Needs to Know About the Bankruptcy Code Changes  
Metropolitan Milwaukee Association of Commerce( 2005)

Roundtable Discussion on the Bankruptcy Abuse Prevention & Consumer Protection Act  
Wisconsin Law Journal, Milwaukee Bar Association,  
Eastern District of Wisconsin Bar Association (2005)

ABC's of Bankruptcy  
Wisconsin County Treasurers' Association Annual Meeting (2005)

Preclusion Issues: Been There Done That  
American Bankruptcy Institute Central States Bankruptcy Workshop (2005)

Consumer Issues: Protecting and Attacking the Discharge  
Professional Education Systems Institute Bankruptcy Litigation and Practice in  
Wisconsin Seminars (2005)

Update on Bankruptcy Reform Legislation  
Annual Meeting of the Eastern District of Wisconsin Bar Association (2005)

Business Bankruptcy Fundamentals for Corporate Lawyers  
28<sup>th</sup> Annual Corporate Practice Institute (2004)

Administrative Law and The ABC's of Bankruptcy  
Wisconsin County Treasurer Association (2004)

ABC's of Bankruptcy  
Wisconsin Clerk of Circuit Court Association (2004)

Bankruptcy Appeals  
State Bar of Wisconsin Convention (2004)

Claims Purchasing and 11 U.S.C. § 1126(e)  
Milwaukee County Bar Association (2004)

Interest Rates in Plans of Reorganization  
Western District Bankruptcy Bar (2004)

ABC's of Bankruptcy  
Door County Manufacturers and Commerce (2003)

Secured Loan Documentation and Enforcement Under the New UCC Article 9  
Lorman Educational Seminar (2003)

Administrative Law  
Wisconsin County Clerks Association (2002)

Wisconsin Employee Lien Law  
Western District Bankruptcy Bar Association (2002)  
Milwaukee County Bar Association (2002)

Police and Media Relations for Marian College  
Administration of Criminal Justice Program (2001)

“Bankruptcy: A Creditors’ Perspective”  
Lorman Educational Services (2001)

Intergovernmental Relations and Land Use Cooperation  
Kalamazoo College “Convening Our Communities” (2000)  
Wisconsin Blue-Ribbon Commission on State/Local Partnerships for the  
21<sup>st</sup> Century (2000)  
Green Bay Area Chamber of Commerce (1998)  
Central Wisconsin Small Cities Conference (1998)  
Wisconsin Economic Development Association (1997)

## Impact Fees

Wisconsin Environmental Initiative (1997)  
American Planning Association (1997)  
Wisconsin Alliance of Cities (1998)

## Municipal/Library Board Relations

Wisconsin South Central Library System (1997)

From Hortonville, Wisconsin to the United States Supreme Court: *Farrey v. Sanderfoot*  
and Avoiding Ex-Spouse's Lien on Home in Bankruptcy  
State Bar of Wisconsin Convention, (June 1991)

## **IN THE NEWS and EXPERT COMMENTATOR**

### *Solving the Mystery of Financial Troubles*

The Business Journal – Milwaukee (July 20, 2007)

### *Brendan Dassey Case: Dassey Rulings—Trial Differs From Avery Case*

WLUK-TV 11 News, Green Bay, WI, April 6, 2007

### *Museum Explores Bankruptcy Protection*

Milwaukee Journal Sentinel, March 23, 2007

### *Holistic Admissions Forum*

WUWM Radio, Milwaukee, WI, January 30, 2007

### *Steven Avery Case: Motion for Court to Take Control of Evidence*

WLUK-TV 11 News, Green Bay, WI, December 21, 2006

### *BBJ Viewpoint: Consider Amendment Side-Effects Before Voting*

Bay Business Journal, October 2006

### *Iraq is Topic Non Grata in Hot Races*

Milwaukee Journal Sentinel, October 1, 2006

### *Turnaround Gears Up for New Challenges*

Turnaround & Corporate Renewal Review, United Kingdom, October 2006

### *Probing ProBono: Studies Assess Lawyers' Contributions, Citizens' Needs*

Wisconsin Lawyer, July 2006

### *LaVoz Hispana – Guest*

Wisconsin Public Radio, July 2, 2006

### *State Considers Suing Westra*

The Daily Reporter, June 26, 2006

*SpecialtyChem Gets Cash Collateral*  
The Daily Deal, June 16, 2006

*A Few Good Men*  
Bay Cities Magazine, June 2006

*GOP Issues a Wake-up Call: With Bush Struggling, State Candidates Fight to Enliven their Base*  
Milwaukee Journal Sentinel, May 28, 2006

*Finances Are Strong Enough to Fend Off Bankruptcy*  
Milwaukee Journal Sentinel, May 7, 2006

*Defunct Factory's Owner Presses Onward With Deal*  
West Allis Star, April 27, 2006

*Green Bay Chamber Sees Diversity In Its Future*  
Marketplace Magazine, April 18, 2006

*Diversity Summit*  
WBAY-TV, Channel 2, Green Bay, WI, March 25, 2006

*Investors to Buy Tank-Maker: Group to Move Pressed Steel to Smaller Location*  
Milwaukee Journal Sentinel, March 24, 2006

*The Best Bill Money Could Buy - Attorneys Criticize Bankruptcy Reforms*  
Small Business Times, March 17, 2006

*Receivership Nixes Pressed Steel's Move*  
The Business Journal of Milwaukee, March 3, 2006

*Hardpressed: Financially Stressed Firm Creates Concerns for City  
and Others Who are Owed Money*  
West Allis Star, March 2, 2006

*Water Fight Anything But Neighborly: Dueling Pipelines Show Urban-Suburban Mistrust*  
Milwaukee Journal Sentinel, February 12, 2006

*Community Leaders Support Diversity* (statement co-author)  
Green Bay Press Gazette, January 19, 2006

*Guest Column: An Inclusive Community Fosters Excellence, Success*  
Green Bay Press Gazette, January 19, 2006

*Chamber of Commerce Joins Call for Van Den Heuvel's Resignation* (December 9-12, 2005)  
WBAY-TV, Channel 2, Green Bay, WI  
WLUK-TV, Channel 11, Green Bay, WI

*What Effect Will the New Bankruptcy Code Have on My Business?*  
Milwaukee Magazine Oct. 13, 2005

*Bankruptcy Boondoggle? – Attorneys Say Changes in Code are Bogus*  
Small Business Times, September 2, 2005

*Saving the Display Business: Four Employees Buy Baird Display Inc.*  
Milwaukee Journal Sentinel, August 22, 2005

*Bankruptcy Reform Roundtable Discussion Parts I & II*  
Wisconsin Law Journal, August 17, 2005, Vol. 19, No. 33  
Wisconsin Law Journal, August 10, 2005, Vol. 19, No. 32

*Charging Without a Net*  
Ozaukee News Graphic (May 23, 2005)

*Bankruptcy Filings Drop in Past Year*  
The Business Journal – Milwaukee (September 10, 2004)

*The ABC's of Bankruptcy*  
Green Bay News Chronicle (January 5, 2004)  
The Daily Bankruptcy News (January 5, 2004)

Wisconsin Wage Lien Law (2003)  
Milwaukee Journal-Sentinel

Effect of Airline Bankruptcies on Consumers (2002)  
Green Bay Press Gazette  
Manitowoc Herald Times Reporter  
WFRV-TV Channel 5 Green Bay, WI  
WLUK-TV Channel 11 Green Bay, WI  
WTCH-AM Radio Shawano, WI

*Laying Down the Law: “No Credit for Creditors”*  
In Business – Madison Magazine (October 2001)

## **OTHER**

University of Wisconsin – Green Bay (2001-present)

Adjunct Faculty Member

Public and Environmental Administration Department  
Lecturer on Administrative Law (2001- present) and Public and Non-Profit  
Management (2002)  
Moot Court Team Coach (2001-2002)

Outreach and Extension (2002-2006)

Instructor – Municipal Clerks Institute  
Instructor – Governmental Affairs Consortium  
Certificate in Public Management Essentials

Speaker on Administrative Law, Public Management, and Bankruptcy

UWGB Law Alumni Association (2004-present)  
Founder

Community Relations Service, U.S. Department of Justice (2006-2007)

Community Representative in City of Green Bay Mediation

Litigation Counsel of America (2007-present)

Wisconsin Co-Chair

Independent Expert on Receivership Cause of Action (2006)

*In the Matter of Communication Products Corporation,*  
Grant County Wisconsin Circuit Court Case No. 03-CV-285

Green Bay Area Chamber of Commerce (2004-present)

Board of Directors  
Board of Directors Chair Elect of (2007)  
Chair of the Business Cultural Diversity Committee (2005-present)

Brown County Bar Association

*Spectrum of Leeb Proyecto* Coordinator

Village of Waunakee (1993-2001)

President (1997-2001) (elected three times)

Planning Commission Chair, Economic Development Committee Chair, Growth Task Force, EMS District Board, Community Development Authority President (1998-2001), Fire District President (1999-2001), President Waunakee Tax Increment District Nos. 2 and 3 Board of Review (2000), American Public Power Association Legislative Rally Representative, Washington, D.C. (2000-2001)

Village Trustee (1995-1997)

Personnel Committee Chair, Police Committee, Industrial Development Committee, EMS District Board, Planning Commission, Stormwater Management

Committee Chair, Boundary Agreement Committee, Utility Commission,  
Planning Commission, Board of Review

Citizen Advisory Committees (1993-1995)

Police Commission-Vice President, Zoning Appeals Board, Utility Commission

Fox Valley Technical College (2001-2004)

Instructor at the Criminal Justice Department Executive Development Institute  
Police and Media Relations  
Budgeting  
Sun Tsu and Political Survival  
Open Meetings and Open Records

City of Green Bay (2003-present)

Appointed to Water Commission term ending October 1, 2007  
Vice President (2003-2004)  
President (2004-present)  
Lead Negotiator Suburban Water Sales Agreements

Bankruptcy, Insolvency & Creditors Rights Section, State Bar of Wisconsin (2003-present)

Board of Directors (2004-present)  
Chair of the Creditor Education Committee

Voyageur Magazine (2004-present)

Brown County Historical Society – Assistant Editor

Wisconsin Maritime Museum (2004-2005)

Board of Trustees  
Audit Committee Chair  
Collections Committee  
Director Search Committee Co-Chair

Notre Dame Academy – Green Bay (2003-2006)

Board of Education  
Finance Committee  
Finance Committee Chair (2004-2006)

League of Wisconsin Municipalities

Legislative Committee Member (2000-2001)  
DOT Roadway Grant Advisory Committee Member (2000)

Dane County North Mendota Parkway Planning Committee

Vice-Chair (2000-2001)

Police Management Assessor

Through Fox Valley Technical College, Criminal Justice Department (2000-2004)

South Central Wisconsin Regional Planning Commission Study Committee

Appointed by Governor Tommy Thompson (R) to study and make recommendations for multi-county regional planning commission for South Central Wisconsin (2000-2001)

Dane County United Way

Cabinet Member – Communities Division Chair 1999  
Account Executive 1998, 2000

Western District Bankruptcy Bar

President (1998-1999)  
Vice President (1997-1998)

St. John the Baptist Parish, Waunakee, WI (1991-2001)

Parish Council  
Maintenance Committee  
Facilities Committee  
Public Relation Committee  
Catechist  
Knights of Columbus  
Cantor

Boy Scouts (1998-2003)

Assistant Den Leader  
Merit Badge Coordinator  
Troop Committee Member

### Wisconsin Patients Compensation Panel

Appointed as alternate by Governor Tony Earl (D) to panel that in the first instance evaluated claims of medical malpractice (1983-1985)

### Board of Directors

Wisconsin Public Power Inc. (1996-1997)

### National Institute for Trial Advocacy

Graduate of National Session, Boulder, Colorado, July 1994

### Intern, Executive Office of the President

Office of Management and Budget, Washington, D.C., Summer 1988

Primary responsibility was to assist in preparation of President Ronald Reagan's (R) status report on implementation of ninety regulatory relief proposals from the National Governor's Association

### Democratic Party

National Convention Delegate (1976)

State Assembly Candidate (lost by 3 votes) (1982)

Manitowoc County and 6<sup>th</sup> Congressional District Officer (1974-1987)

Wisconsin Administrative Committee Member (1982-1988)

## **PROFESSIONAL MEMBERSHIPS**

American Bar Association

State Bar of Wisconsin

State Bar of New York

Brown, Dane, and Milwaukee County Bar Associations

Seventh Circuit Court of Appeals Bar Association

Western District of Wisconsin Bankruptcy Bar Association

Eastern and Western District of Wisconsin Bar Associations

American Bankruptcy Institute

Honorable Robert J. Parins Inn of Court

Commercial Law League of America

St. Thomas More Lawyers Society of Wisconsin

Turnaround Management Association

Litigation Counsel of America

INSOL International

## REPORTED CASES

*Farrey v. Sanderfoot*, 500 U.S. 291, 114 U.S. L.ed 2d 825, (1991) (liens granted in a divorce proceeding are not avoidable in bankruptcy)

*In re Tak Communication, Inc.*, 985 F.2d 916, (7<sup>th</sup> Cir. 1993) (lenders may not take a mortgage on the FCC broadcast license of a borrower)

*In re Specialtychem Products Corp.*, 2007 U.S. Dist. LEXIS 44897 (2007) (administrative claim not allowed without claimant proving the benefit with evidence not merely inference)

*In re ANR Advance Transportation Co., Inc.*, 302 B.R. 607 (E.D. Wis. 2003) (trustee can waive debtor's work produce privilege)

*Hodge Bros. v. Delong Co., Inc.*, 942 F. Supp. 412 (W.D. Wis. 1996) (parties can incorporate arbitration by reference)

*Messner Manor Associates v. WHEDA*, 204 Wis. 2d.492, 555 N.W.2d 156 (Ct. App. 1996) (unambiguous contract provision will be enforced)

*In re Miller*, 366 B.R. 408 (Bankr. E.D. Wis. 2005) (time to revoke discharge is jurisdictional and may not be extended by agreement).

*In re ANR Advance Transportation Co., Inc.*, 288 B.R. 208 (Bankr. E.D. Wis. 2002) (trustee can waive debtor's work produce privilege)

*In re ANR Advance Transportation Co., Inc.*, 283 B.R. 737 (Bankr. E.D. Wis. 2002) (proof of Claim disallowed where debtor offered nondiscriminatory reason for employee dismissal)

*In re ANR Advance Transportation Co., Inc.*, 247 B.R. 771 (Bankr. E.D. Wis. 2000) (right to review invoices and approve payment is insufficient "control" to make escrow funds property of bankruptcy estate)

*M&I Marshall & Ilsley Corp. v. Hougard*, 2004 WL 3252086 (Wis. Cir.) (guarantor is not discharged nor are there defenses which may be raised if the Guarantor waives the defenses)