

Robert P. Franke

Member

Bob Franke's practice focuses on creditor's rights, bankruptcy, and insolvency related matters. His practice includes the representation of financial institutions, privately and publicly held companies, insurance companies, fidelity and surety companies, indenture trustees and investors in financial restructurings, out-of-court workouts and bankruptcy cases. His representation encompasses all aspects of bankruptcy restructuring and litigation, including plan confirmation, post-petition financing, cash collateral disputes, reclamation claims, preferences, fraudulent conveyances, turnover actions, stay litigation, lease claims, executory contracts and objections to claims.

In addition, Bob provides clients with advice on structuring transactions. He has provided legal opinions on such issues as substantive consolidation, fraudulent conveyance exposure, "true lease" and "true sale" characterizations and the validity and perfection of liens.

Bob currently serves as Member-In-Charge of the firm's Dallas office and is co-leader of the Corporate Restructuring and Bankruptcy Practice Group.

EXPERIENCE

Financial Institutions

- Representation of lenders in out-of-court workouts and bankruptcies in various industries including real estate, construction, healthcare, transportation, oil and gas, technology, manufacturing and retail.
- Representation of a lender in defeating Chapter 11 debtors "Roll Up" case involving \$20 Million in real estate properties.
- Representation of a lender in workout of \$20 million obligation secured by aircraft.
- Representation of a lender in workout of obligation secured by trucking inventory manufactured overseas.
- Representation of a secured lender in Chapter 11 reorganization of psychiatric hospital.
- Representation of a secured lender in Chapter 11 reorganization of real estate development company in Grapevine, Texas.
- Representation of a secured lender in Chapter 11 case of Debtor that provided brokerage clearing and clearing-related operational technology services.

Energy, Oil & Gas

- Representation of upstream company in protecting seismic data licenses in the Global Geophysical Services, Inc. bankruptcy case.
- Representation of midstream company in enforcing claims and maritime liens in the O.W. Bunker bankruptcy case.
- Representation of midstream company in enforcing claims in the Cal Dive International, Inc. bankruptcy case.
- Representation of upstream company in enforcing claims in the New Gulf Resources and Sabine Oil & Gas bankruptcy cases.
- Representation of oil field service company in enforcing claims in the Swift Energy Company, White Star Petroleum, and Cloud Peak Energy Inc. bankruptcy cases.
- Representation of upstream company in enforcing claims in connection with decommissioning obligations in Harvest Oil & Gas Co. bankruptcy case.
- Defend upstream & oil field service companies in preference and avoidance actions.

Manufacturing and Industrial

- National representation of the manufacturer of valves, pumps and seals in energy exploration and production bankruptcies including, Abensia Holding (D. Del), Westinghouse Electric (D. Del), Lockwood Holdings, Inc. (SD. Tex.), M&G USA (D. Del.), Murphy Energy (ND. Tex.), Mid-States Supply Company, Inc. (WD. Mo.), SHERWIN ALUMINA COMPANY, LLC (SD. Tex) and Hoku Corporation and Hoku Materials (D. Idaho) . Issues include critical vendor treatment, executory contracts, asset sales, plan treatment and preference defense.
- Representation of a manufacturer of high-speed printers and wide format copiers in bankruptcy cases filed throughout the United States. Issues involve the company's software licenses, equipment leases and the recovery of equipment.



Office

Dallas

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Education

J.D., Southern Methodist University,
Dedman School of Law, Dallas,
Texas, 1982

B.A., magna cum laude, Trinity
University, San Antonio, Texas,
1979

State Bar Licenses

Texas

Court Admissions

U.S. District Ct., N.D. of Texas

U.S. District Ct., S.D. of Texas

U.S. District Ct., E.D. of Texas

U.S. District Ct., W.D. of Texas

U.S. Court of Appeals, 5th Circuit

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- Representation of manufacturer on the committee of unsecured creditors in Chapter 11 distributor case.
 - Representation of manufacturer in out of court workouts with distributors and customers.

Transportation

- Representation of custom brokerage and freight forwarding firm in enforcing claims with Chapter 11 case and preference defense.

Fidelity & Surety

- Representation of fidelity and surety companies in bankruptcy cases filed by principals and indemnitors.

Media

- Representation of global media company in professional sports franchise bankruptcy.

PRESENTATIONS

- Frequent Internal Client Training Seminars - Creditors Rights & Bankruptcy

PUBLICATIONS

- Incomplete Description of Collateral in the Financing Statement May Negatively Impact Priority and Bankruptcy Rights, Strasburger Business Reorganization and Bankruptcy News Alert (January 2014)
- Co-author. When a Mortgage Company Goes into Bankruptcy (December 2006)

Practices, Industries & Services

Automotive & Manufacturing
Banking & Financial Services
Corporate Restructuring & Bankruptcy
Energy & Utilities
Healthcare
Oil & Gas
Retail
Transportation & Logistics

Areas of Emphasis

Workout

Memberships

- State Bar of Texas, Member
- Dallas Bar Association, Bankruptcy Section
- American Bankruptcy Institute, Member
- John C. Ford Inn of Court, Master
- Notre Dame School of Dallas, Board Member
- St. Patrick's Catholic School Advisory Council, Former President
- PHorum (Presbyterian Hospital of Dallas) - The Heartbeat 5K and Healthy Heart Fair, Former Planning Committee Chair

Honors

- Recipient of Strasburger's Mentor of the Year (2016) selected by Strasburger Associates
- Named D Magazine Best Lawyer by Best Lawyers (2009, 2018, 2019)