



P. Sabin Willett

Partner

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Sabin Willett concentrates his practice in commercial litigation and bankruptcy litigation. He is experienced in complex commercial disputes and the representation of lenders and other institutional creditors in lender liability cases and complex Chapter 11 disputes, as well as general commercial litigation. He has tried jury trials and numerous bench or “issues to court” trials. Since 2005, he has also been active in the firm’s work attempting to restore the rule of law at Guantanamo Bay, Cuba.

REPRESENTATIVE MATTERS

Recent Bankruptcy Engagements

- Various creditors in *In re Lehman Brothers Holdings Inc.* (Bankr. S.D.N.Y. 2008-09)
- Creditors’ Committee in *In re Sea Containers, Ltd.* (Bankr. D. Del. 2008) (litigation concerning UK pension claims)
- Trustee in *In re Refco Capital Markets* (Bankr. S.D.N.Y.) (numerous matters)
- U.S. Bank as Indenture Trustee for \$1.2 billion in noteholders in successfully resisting recharacterization of a leveraged lease in *In re Mirant Corp* (Bankr. N.D. Texas)
- ING in Enron Commercial Paper Litigation
- Citigroup Global Markets in deepening insolvency litigation in *Litigation Trustee v. Citibank N.A. et al. (In re Metromedia Fiber Networks, Inc.)* (Bankr. S.D.N.Y.)
- Deutsche Bank in plan litigation in *In re Genuity* (Bankr. S.D.N.Y.)
- Fleet Bank in plan litigation in *In re Republic Steel* (Bankr. S.D. Ohio)
- Various creditors in Commercial Paper Litigation in *In re Enron Corp.* (Bankr. S.D.N.Y.)
- Raytheon Company in disputes involving in excess of \$1b in *In re Washington Group*, (Bankr. D. Nevada)

Federal Jury Trials

- Jury verdict for plaintiff in *Bero v. Illinois Tool Works* (D. Mass.)
- Jury verdict for defendant in *Zuker v. General Electric Capital Corp.* (D. Mass.)

First Circuit Cases

- Obtained summary judgment for major law firm sued by post-bankruptcy litigation trustee in *Gray v. Evercore Restructuring L.L.C.*, 544 F.3d 320 (1st Cir. 2008), and for CFO in related case
- Represented Fleet National Bank in obtaining reversal of an adverse bankruptcy judgment in *Fleet National Bank v. Gray (In re Bankvest Capital Corp.)*, 375 F.3d 51 (1st Cir., 2004)
- Represented Concourse Holding Co., the prevailing party on appeal in *In re NTA, LLC*, 380 F.3d 523 (1st Cir. 2004)

Other Work

- Led the Bingham team that in 2008 won landmark victories in its representation of Guantanamo prisoners. Won the first-ever review of a Guantanamo prisoner’s case under the Detainee Treatment Act in the unanimous decision of *Parhat v. Gates*, 532 F.3d 834 (D.C. Cir. 2008).

- In October, in the first-ever merits review of Guantanamo habeas cases, obtained the first-ever habeas judgment, ordering their immediate release into the United States. *Kiyemba v. Bush*, 581 F. Supp. 2d 33 (D.D.C. 2008) (stayed pending emergency appeal).

PUBLICATIONS

- "The Doctrine of Robin Hood: A Note on 'Substantive Consolidation'," *DePaul Business & Commercial Law Journal*, Vol. 4 (Fall 2005)
- "Bankruptcy Trial Tactics," *ABA Judicial Division Bench/Bar Bankruptcy Conference* (March 2005)
- "The Shallows of Deepening Insolvency," *The Business Lawyer*, Vol. 60 (February 2005)
- "The Doctrine of Necessity: A Polemic," *Journal of Bankruptcy Law and Practice*, Vol. 13, No. 4 (2003)
- *Present Value* (Random House, 1998)
- *The Betrayal* (Villard, 1996)
- *The Deal* (Random House, 1996)

AWARDS AND HONORS

- Selected as a leading lawyer in Bankruptcy and Creditor-Debtor Rights Law, *The Best Lawyers in America* (2009)

MEMBERSHIPS

- Boston Bar Association
- Massachusetts Bar Association
- New Hampshire Bar Association
- American Bar Association

ADMISSIONS

- Admitted to practice in Massachusetts
- U.S. Court of Appeals, District of Columbia Circuit
- U.S. Court of Appeals, First Circuit
- U.S. Court of Appeals, Tenth Circuit
- U.S. Bankruptcy Court
- U.S. District Court, District of Massachusetts
- U.S. District Court, District of New Hampshire
- U.S. Supreme Court

EDUCATION

- Harvard Law School, Juris Doctor, cum laude, 1983
- Harvard College, Artis Baccalaureate, magna cum laude, 1979