



SpencerFane®

Eric M. Van Horn

Partner

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Overview

Eric M. Van Horn assists clients nationwide with all aspects of bankruptcy, reorganizations, negotiations, collection actions, multi-jurisdictional insolvencies, and corporate liquidations. His work in complex Chapter 11 and Chapter 7 bankruptcy cases has involved representing committees of unsecured creditors and investors, debtors, trustees, secured lenders, landlords, and general unsecured creditors, including critical vendors and suppliers. He also defends clients against bankruptcy preference and fraudulent transfer (clawback) lawsuits, and assists clients in bidding on and acquiring assets out of bankruptcy cases. His specific industry experience includes clients in oil and gas, manufacturing, health care, restaurant, manufacturing, retail, and technology industries.

Eric is licensed to practice before all state courts in Texas and the federal district and federal bankruptcy courts in the Northern, Southern, Western, and Eastern districts of Texas. After graduating from the University of Texas School of Law, he served as a federal judicial law clerk for the Honorable Leif M. Clark — a now-retired U.S. Bankruptcy Judge for the Western District of Texas. During law school, he worked as a Research Assistant to Professor Jay L. Westbrook, one of the world's leading experts on Chapter 11 and international bankruptcy law; interned for the Honorable Frank R. Monroe (retired U.S. Bankruptcy Judge for the Western District of Texas); and served as an Editor for the *Texas International Law Journal*.

Outside of his practice, Eric is a frequent speaker and published author on a variety of business bankruptcy and creditors' rights issues. Eric has previously served on the State Bar of Texas' Bankruptcy Law Section Council. He also assisted in developing and served as an instructor for the Financial Crisis & Restructuring Law course at The University of Texas at Austin's McCombs School of Business and School of Law. Eric is also a frequent volunteer for various activities and events for Dallas public schools.

Education

- The University of Texas School of Law, 2005 (J.D.)
- The University of Texas at Dallas, 2001 (B.A.), *magna cum laude*

Bar Admissions

- Texas, 2005

Court Admissions

- All Texas State Courts
- U.S. Bankruptcy Court for the Eastern District of Texas
- U.S. Bankruptcy Court for the Northern District of Texas
- U.S. Bankruptcy Court for the Southern District of Texas
- U.S. Bankruptcy Court for the Western District of Texas
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Northern District of Texas
- U.S. District Court for the Southern District of Texas
- U.S. District Court for the Western District of Texas

Distinctions

- *Best Lawyers in America*, 2024–2025
- *Texas Super Lawyers*, 2022
- *Texas Super Lawyers*, Rising Stars, 2016–2018
- *D Magazine*, *Best Lawyers in Dallas*, Bankruptcy, 2017–2019

Memberships

- Commercial Law League of America
- State Bar of Texas
- Dallas Bar Association
- American Bankruptcy Institute, Commission to Study the Reform of Chapter 11, Advisory Committee on Executory Contracts and Leases, Research Fellow

Presentations and Publications

- “ABI Talks: Chapter 11 Cases of Interest,” American Bankruptcy Institute Rocky Mountain Conference, January 2023
- “Out of the Pan and Into the Fire: Controversial Third-Party Releases and Mass Tort Chapter 11 Cases,” Commercial Law League of America, 128th National Convention, May 2022
 - The S.D.N.Y.’s recent Purdue Pharma plan confirmation appeal decision rejecting nonconsensual, third-party releases of the Sackler family dropped like a bomb on Chapter 11 practice. Other recent cases, such as Boy Scouts of America, USA Gymnastics, and several Catholic dioceses, have also attracted academic and political attention to the practice of releasing non debtors from liabilities without having to file bankruptcy themselves, despite creditor objections. Besides fairness and due process concerns, the legality of these releases outside the asbestos context is now under serious attack. Supporters argue that the releases are essential for complex settlements superior to drawn out tort litigation. Critics may have an upper hand following Purdue Pharma, and the U.S. Supreme Court or Congress may finally weigh in. This panel will discuss releases in Chapter 11 practice, the simmering controversy and circuit split regarding nonconsensual, third-party releases, and where the practice is headed in mass tort cases

- "Impact of Purdue Pharma's Chapter 11 and 2022 Outlook for Bankruptcy Filings," Bankruptcy Roundtable Sessions for Ravinia Capital LLC and Saul Ewing Arnstein & Lehr LLP, March 2022
 - Focused on the legal maneuver known as the "Texas Two-Step." He provided an overview of the applicable Texas law and its history, along with its usage by companies to address mass tort liabilities in bankruptcy and the role bankruptcy venue shopping plays to execute the strategy.
- "New Bankruptcy Law Impacts Preference Litigation," Dallas Bar Association, April 2020
- Presentation of the Lawrence P. King Excellence in Bankruptcy Award to Professor Jay L Westbrook, Annual Commercial Law League of America Luncheon, 2018 National Conference of Bankruptcy Judges
- "Intellectual Property in Bankruptcy," American Bar Association roundtable, September 2015
- "Potential Bankruptcies in the Oil and Gas Industry," American Bar Association, June 2015
- "Analysis of the Supreme Court's *Baker Botts v. ASARCO* Decision," State Bar of Texas, Bankruptcy Law Section, June 2015
- "Ethics Panel," 2011 Texas Statewide Bankruptcy Bench / Bar Conference
- "Reconciling Woerner and ASARCO in Everyday Practice," 34th Annual Jay L. Westbrook Bankruptcy Conference
- "Restructuring the Misperception of Lawyers: Another Task for Bankruptcy Professionals," Bankr. Inst. J., Vol. XXVIII, No. 7, Sept. 2009
- "The Art and Technique of Estimating Claims for Plan and Other Purposes," 27th Annual Jay L. Westbrook Bankruptcy Conference
- "I Just Got My Pay," Western District of Texas Bankruptcy Bench / Bar Conference presentation, 2008

Related Experience

- Represented the committees of unsecured creditors in the Chapter 11 cases of an energy trading and oil and gas transportation company, a steel manufacturing company, and a construction roofing company.
- Represented the committee of investors and the liquidating trustee in a Chapter 11 case in federal district court for an oil and gas company involving a \$485 million Ponzi scheme and parallel SEC receivership.
- Represents a health care services provider as a creditor in multiple related Chapter 11 cases of hospitals.
- Represents a durable medical equipment provider as a creditor in Chapter 11 cases of skilled nursing and assisted living facilities.
- Represents a public company as a creditor, landlord, and IP licensor in the Chapter 11 case of its tenant / licensee.
- Represented a publicly traded company as a creditor and preference defendant in Chapter 11 cases of hospitals and free standing emergency centers.
- Represented a foreign-based publicly traded oil and gas technology investment fund, resulting in the successful dismissal of a \$1 million fraudulent transfer suit brought in federal district court.
- Represented a potential bidder for the oil and gas assets of an energy company.