



## ◀ Randall L. Klein

Principal T: 312.201.3974 F: 312.863.7474 randall.klein@goldbergkohn.com

Randy Klein is a Principal at Goldberg Kohn and Co-Chair of the firm's Bankruptcy & Creditors' Rights Group. He concentrates his practice on the protection and enforcement of creditors' rights.

Mr. Klein is nationally recognized as a leader in his field, and for his experience in the drafting and enforcement of intercreditor agreements and unitranche agreements. He participated extensively in the drafting of the Loan Syndications and Trading Association's (LSTA) "Form of Agreement Among Lenders," published in 2019, and has been a frequent lecturer on the topic. He also served as Vice Chair of the ABA's Committee on Commercial Finance's Model Intercreditor Agreement Task Force, and was a contributing author of the Report and Model ABA Form Intercreditor Agreement. In 2012, he co-authored the First Report of the Commercial Finance Association to the ABI Commission to Study the Reform of Chapter 11.

At the invitation of his peers, Mr. Klein was named a Fellow in the American College of Bankruptcy. Also among his accolades, every year since 2005 he has been individually ranked in *Chambers USA* for his work in Bankruptcy/Restructuring Law. In the years 2020, 2022 and 2023 he was honored by Lawdragon as one of the 500 Leading U.S. Bankruptcy & Restructuring Lawyers in the United States.

### Publications and Presentations

Mr. Klein has written extensively on creditors' rights issues, including:

- "Enforcement of the Board Flip - Delaware Bankruptcy Court Confirms Validity of Secured Lender's Proxy Exercise," a Goldberg Kohn Alert, April 18, 2023.

### Practice Areas

Bankruptcy & Creditors' Rights  
Creditors' Rights

### Industry Focus

Banking & Financial Services

### Education

Northwestern University Pritzker School of Law, J.D., *cum laude*, 1990

University of Illinois Urbana-Champaign, B.A., 1987

### Bar Admissions

Illinois

### Professional Activities

Fellow of the American College of Bankruptcy

ABA Model Intercreditor Agreement Task Force, Vice Chair

American Bankruptcy Institute, Member

Turnaround Management Association, Member

American Bar Association, Member



- "Lender Liability Management: Contractual Traps for Minority Lenders or Fraudulent Transfer Risk for the Majority?," a Goldberg Kohn Alert, Nov. 14, 2022.
- "Lender Liability Management: Restoration of the Duty of Good Faith," a Goldberg Kohn Alert, April 22, 2022.
- "Opposition to PEB Commentary No. [ ], Injunction Against a Noncomplying Disposition Under Section 9-610 of the Uniform Commercial Code," *The Secured Lender*, Nov. 2021.
- "How the New UST Fee Schedule Is a Ticking Tax-Bomb for Middle Market Debtors," *The Bankruptcy Strategist*, May 4, 2018.
- "ABI Bankruptcy Reform: Will It Destroy Cash Flow Lending," *The Bankruptcy Strategist*, April 2015.
- "Majority Rules: Non-Cash Bids and the Reorganization Sale," *American Bankruptcy Law Journal*, September 2010. (The article resulted from Mr. Klein's novel structuring and implementation of the acquisition of Ames Taping & Tooling by a subset of junior secured lenders for non-cash consideration, including debt and equity securities issued by the acquisition entity.)
- "The Pre-Petition Right to Post-Petition Income Streams and the Misinterpretation of Section 552," *American Bankruptcy Institute Journal*, December 2010.

His presentations have included:

- "An Analysis of the Final Report of the ABI Commission to Study the Reform of Chapter 11," a joint webinar for The Loan Syndications and Trading Association and the Secured Finance Network, Dec. 11, 2014.
- "Discussion of the Bankruptcy Reform Commission's Recommendations to Reform Chapter 11," at the Secured Finance Network's Annual Convention, 2014.
- "The New ABA Model Intercreditor Agreement," an American Bar Association's Section of Business Law's Commercial Finance Committee teleconference, March 25, 2010.
- "Dealing with Intercreditor Issues in Today's Loan Markets – The Role of the ABA Model Intercreditor Agreement," at the Secured Finance Network's 65th Annual Convention, Nov. 6, 2009.

Mr. Klein joined Goldberg Kohn in September 1993. He earned his J.D., *cum laude*, from Northwestern University Pritzker School of Law in 1990, and his B.A. from the University of Illinois Urbana-Champaign in 1987.

