

James H. Lister



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Practice Areas

- * [Bankruptcy and Creditors' Rights](#)
- * [Telecommunications and Technology Law](#)
- * [Business and Commercial Transactions](#)
- * [Commercial and Employment Litigation](#)
- * [Wildlife Law](#)

Mr. Lister began his bankruptcy and telecommunications practice in 1995 at Birch, Horton, Bittner and Cherot. From 1999 to 2005, he enhanced his experience at two large national law firms before rejoining BHBC. Mr. Lister also assists with the firm's natural resources litigation.

Education

- * College of William and Mary (J.D., 1994)
- * College of William and Mary (B.A., *with honors*, 1991)

Admitted to Practice

- * Maryland
- * Virginia
- * District of Columbia

Other Professional Experience

- * Arter & Hadden, LLP
- * McGuire Woods, LLP

Representative Matters and Selected Clients

- * Represented multiple telecommunications companies as trade creditors of debtors including WorldCom, Global Crossing, e.spire, Touch America, ICG and others. Obtained enhanced creditor recoveries through objecting to Chapter 11 plan confirmation. Prosecuted contested administrative claims, obtained

- adequate assurance of payment and negotiated global settlements of creditor/debtor claims.
- * Represented a national bank in defending multiple adversary proceedings filed by consumer debtors asserting violation of the discharge injunction and/or automatic stay. Obtained rulings dismissing cases in which debtors who had not incurred actual damages sued without first sending a demand letter.
 - * Litigated various billing disputes between telecommunications carriers in federal district courts across the country and in the U.S. courts of appeals. Obtained reversal in U.S. court of appeals of a summary judgment against clients seeking to collect access charges for "transit traffic" (presented oral argument).
 - * Member of team representing a major U.S. airline in its Chapter 11 case. Successfully resolved contested tax claims and helped prepare case for the filing of the Chapter 11 petition.
 - * Successfully briefed and argued a contested motion on behalf of regulated parties seeking to intervene in a lawsuit filed by an environmental group that alleged that a state agency was violating the Endangered Species Act by inadequately regulating the taking of wildlife.
 - * Supervised defense of mid-sized long distance carrier against complaints filed in four states by a Bell Company claiming millions of dollars of access charges.
 - * Obtained summary judgment in favor of small rural company client defending against a lawsuit by a Bell Company seeking "collection" under an alleged revenue sharing agreement.
 - * Represented Chapter 11 creditors committee in defeating a motion by a trade association debtor with \$20 million in assets to voluntarily dismiss its bankruptcy case.
 - * Counseled clients on compliance with federal and state telecommunications regulations.
 - * Represented clients in the negotiation of agreements for the interconnection of telecommunications networks.
 - * Defended numerous lawsuits that sought to recover allegedly preferential payments made within 90 days before a bankruptcy filing, or that alleged that a transfer of property was voidable under the Bankruptcy Code for some other reason.
 - * Prosecuted and defended formal complaints and other contested cases before the Federal Communications Commission and state public utilities commissions.
 - * Assisted in prosecution of numerous fraudulent conveyance actions in federal and state court, and enforced money judgments (garnishment, levy, attachment before judgment, etc).
 - * Handled the fifty-state telecommunications due diligence issues for the purchase of one mid-sized long distance carrier by another such carrier.
 - * Negotiated and closed sales of FCC wireless licenses.