



Name Evan Flaschen

Born July 1957, New Jersey

Interests Whitewater rafting, motorcycling (he recently spent two weeks riding round South Africa with his 27-year-old son) and cycling (he has raised more than \$400,000 cycling for charity, mainly the MS Society). In his spare time, Flaschen also likes "releasing tension" by chopping wood with an axe and chainsaws on four hectares of land at his home outside Hartford

See you in court

Aaron Kelley shadows attorney Evan Flaschen as he prepares for the hearing into TMT's Chapter 11 application

○ When shipowners are on the brink of bankruptcy, many turn to Evan Flaschen of Bracewell & Giuliani before taking the plunge.

If the 56-year-old attorney from Hartford, Connecticut determines that the debtor is a good candidate for relief under Chapter 11 of the US bankruptcy code, he often encourages it to file petitions in the Southern District of Texas in Houston, where his firm has its headquarters.

Greek tanker operator Omega Navigation Enterprises pursued a reorganisation in Houston after hiring Flaschen to serve as lead counsel in 2011, and Today Makes Tomorrow (TMT) of Taiwan followed suit in the summer of 2013.

On a hot Monday morning in mid-July, Flaschen walked from The Lancaster, a boutique hotel at the centre of Houston's theatre district, to Pennzoil Place, an office complex of two 36-storey towers overlooking the federal courthouse.

There, in one of the law firm's executive conference rooms, he met TMT chairman Nobu Su and a team of advisers to make final preparations for hearings

that would begin at 9am the next day.

TMT opened an office in Houston a week before entering Chapter 11 protection, which gives foreign debtors with limited ties to the US a fighting chance to reorganise while shielding assets from creditors. The decision was made after failed attempts to renegotiate the terms of loans with banks that began seizing the company's ships when it fell behind on payments this year.

At the time TMT listed more than \$1.5bn in debt and \$1.46bn of assets, including three car carriers, a VLCC, an ore carrier, five bulkers and seven combination carriers.

"The day before a complex trial is spent looking over all the work that went on beforehand," Flaschen tells *TW+*. "We review the preparations, make sure everyone is on the same page and focus on how best to make our case."

"We cover things like opening statements [and] order of witnesses, and really narrow the focus of the case to the truly essential points. For this particular hearing our goal was to answer: who is this company and who is Nobu Su?" Flaschen

says many lawyers walk their clients through all the questions that might be asked when they take the stand, but in bankruptcy cases he relies on a more casual approach, so the responses don't sound rehearsed.

That evening, after a few cocktails with long-time colleague Robert Burns back at the hotel lounge, the attorney went up to his room, where he played Scrabble for several hours before turning in.

"A lot of lawyers get butterflies the night before a big trial, but usually I am the opposite, I get excited, and on this day I actually couldn't wait for the hearing to begin, couldn't wait for our chance to tell our side of the story," he says.

On Tuesday morning Flaschen, Burns and Su stopped by The Lancaster's breakfast buffet before walking the five minutes to the courthouse. After passing through metal detectors, they took the lift to a courtroom on the second floor.

Flaschen, flanked by a team of six attorneys, called the Taiwanese shipping magnate as his first witness after delivering an opening statement to Judge Marvin Isgur. The stakes were high; Su's testimony would be used by the court to determine if TMT's Chapter 11 filing was

made in good faith and whether or not its case would be kicked out of the US courts.

Early on, it was clear that Flaschen had carefully chosen each question and knew exactly when to crack his boyish smile when addressing the judge, countering objections from the opposition and examining witnesses.

After hours of questioning continuing well into the afternoon, the hearing was put on hold for a brief lunch break, spent eating sandwiches from a delicatessen and discussing strategy back at Bracewell's office at Pennzoil Place.

Outside the courthouse hundreds of activists were gathering to protest at the recent verdict in the trial of George Zimmerman, who was found not guilty in a high-profile criminal case that stemmed from the fatal shooting of a black teenager, Trayvon Martin, in Florida.

Flaschen says he was not fazed by the crowd, news helicopters or dozens of police in riot gear on horses and motorcycles, but admits there have been times in his career when demonstrations have been a cause for concern. He recalls a visit to Chile when he and his colleagues were forced to sneak out the back door of a courthouse during a protest against former dictator

Augusto Pinochet, in which 5,000 students clashed with soldiers in tanks with water cannons.

"When these things happen, I remind clients that no matter how many zeros are involved, at the end of the day we are fortunate in that our cases are just about money," Flaschen explains. "Business is business, but life is life — and life is more important. In Houston our case was about money. The Zimmerman case was about life. We try not to get distracted by protests, we press on, but they do put things in perspective."

Su's testimony continued into the evening, and the hearings dragged on for two more days. On Thursday afternoon Flaschen and his client emerged victorious, but there was little time for celebration. The attorney sped to the airport and caught a flight home to Hartford.

On Friday morning he was back in Houston, where he and his team began briefing Su on how they would proceed in the coming weeks, a time frame he likened to the first part of a marathon that could take months.

"To quote Winston Churchill, I can't say it's the beginning of the end, but it is the end of the beginning and we are looking forward to the next steps." ✕

✕ How do you identify a good lawyer?

Who better to ask than Evan Flaschen's colleague Rudolph Giuliani, who was mayor of New York before becoming Bracewell's namesake partner

"What makes a good attorney is relentless preparation and a genuine passion for your work," Giuliani tells *TW+*. "There is simply no substitution for rolling up your sleeves and immersing yourself in the needs of your client and preparing to overcome each obstacle that is placed between the client and the successful attainment of its goals

"Add to all that a passion for what you do — and you have a great lawyer ... Evan Flaschen represents just that combination of great skill, unparalleled work ethic and a real love for what he does"



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01 Flaschen in his Hartford office, its walls adorned with pictures of former lawyer — and sometime US president — Abraham Lincoln. When Flaschen's uncle died, he inherited some Lincoln paraphernalia and has been collecting ever since (Photograph: Rocky Prozano)
02 Flaschen and Nobu Su on their way to the court in Houston (Photograph: Aaron Kelley)