

Eric D. Madden

Partner

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Eric Madden heads the Dallas office of Reid Collins. A key member of the leadership team that has built Reid Collins into a top national trial boutique, Eric is widely recognized by his peers and the industry as one of the leading business litigators in the nation, with his practice focused on complex business and bankruptcy-related litigation. He has represented trustees, receivers, creditor and bondholder committees, and defrauded investors in a number of major cases throughout the country. These cases often involve breaches of fiduciary duty, professional malpractice, Ponzi schemes, financial fraud, and/or significant fraudulent transfers.

His work has earned the recognition and respect of his peers, including:

- Named to the Lawdragon 500 Leading Lawyers in America (2019-2025);
- Ranked as a leading lawyer in Chambers USA (2019-2025);
- Listed in The Best Lawyers in America (2016-2025);
- Recognized as a “Litigation Star” by Benchmark Litigation (2019-2025);
- Appointed as a Fellow in Litigation Counsel of America (2025);
- Named a “Super Lawyer” by Thomson Reuters (2014-2025); and
- Earned an AV Preeminent rating by Martindale-Hubbell (2012-2025).

In addition, Eric was selected as the “U.S. Bankruptcy Litigator of the Year” by Benchmark Litigation (2025), and as the “Lawyer of the Year” for bankruptcy litigation work by The Best Lawyers in America (2022).

Eric has served in leadership positions within several organizations, including as:

Related Practice Areas

Legal Malpractice

Bankruptcy and Receivership

Credentials

EDUCATION

- University of Kansas School of Law (J.D., 1999) Order of the Coif Editor-in-Chief, Kansas Law Review
- University of Kansas (B.A. in English and Environmental Policy, with honors, 1996) Phi Beta Kappa Honors thesis in environmental policy

ADMISSIONS

- Texas
- New York
- U.S. Court of Appeals, 3rd Circuit
- U.S. Court of Appeals, 5th Circuit
- U.S. Court of Appeals, 10th Circuit
- U.S. Court of Appeals, 11th Circuit
- U.S. Supreme Court

CLERKSHIPS

- Member of the ABI Board of Directors;
- Programming Co-Chair of the ABA Bankruptcy and Insolvency Litigation Committee;
- Co-Chair of the ABI Commercial Fraud Committee; and
- Co-Chair of the ABI Bankruptcy Litigation Committee.

He also frequently serves as an author and speaker regarding corporate governance, legal ethics, and trial strategy.

Notable Representations

- Representation of the liquidating trustee for Insys Therapeutics, Inc., a former public company and a key contributor to the national opioid crisis, in obtaining a \$175 million judgment against its former outside directors. The underlying misconduct has been the subject of extensive media coverage, including an HBO documentary (“The Crime of the Century”) and a Netflix movie (“Pain Hustlers”).
- Representation of the National Association of Bankruptcy Trustees, as amicus curiae, in a certified appeal to the Texas Supreme Court arising from the \$7 billion Ponzi scheme perpetrated by Allen Stanford and Stanford International Bank. The Court’s ruling significantly restricted the scope of a good-faith defense to fraudulent transfer claims under Texas law. See *Janvey v. GMAG, LLC*, 592 S.W.3d 125 (Tex. 2019).
- Representation of the GTAT Litigation Trust, the successor to GT Advanced Technologies Inc., a former publicly traded company, in pursuing claims against its former officers related to a failed \$1 billion contract with Apple Inc. to manufacture sapphire display screens for the iPhone. See *Davis v. Gutierrez*, 2018 WL 1514869 (D.N.H. 2018).
- Representation of the liquidating trustee for Seahawk Drilling Company, Inc., a former publicly traded company and the second largest offshore drilling company in the Gulf of Mexico, which filed bankruptcy in the months following the Deepwater Horizon incident. The trustee’s claims against BP were selected, from among thousands of other claims in pending MDL proceedings, to be tried as a test case on the issue of causation and damages under the Oil Pollution Act.

- Representation of Petroleum Wholesale, LP, a full-service gasoline distributor with operations in nine western states, in connection with a two-week jury trial regarding an alleged breach of a fuel supply agreement. The jury awarded all of the damages and attorney's fees sought by Petroleum Wholesale, and nothing to the defendants on their \$10 million counterclaim. Texas Lawyer ranked it as a Top 10 verdict in a contracts case for 2014.
- Representation of the Official Committee of Unsecured Creditors of Fresh & Easy, a large grocery company, in pursuing claims against its former insiders—including billionaire Ronald Burkle—for breach of fiduciary duty and fraudulent transfer of certain assets. The claims were settled for a \$21.5 million cash payment and the release of \$104 million of insider claims against the estate, thereby doubling the projected distributions to creditors.
- Representation of the USACM Liquidating Trust in connection with various litigation claims arising out of the failure of USA Capital, a commercial loan servicer with more than \$960 million in outstanding loans. Substantial claims against several of the company's former professional advisors were settled for confidential amounts. In addition, Eric served as lead counsel in a trial against a reputed member of the Gambino crime family, resulting in a \$4.3 million judgment.
- Representation of the Official Committee of Unsecured Creditors of the Millennium Multiple Employer Welfare Benefit Plan, a purported section 419A(f)(6) plan with approximately \$112 million in assets that the IRS declared to be an abusive tax shelter. See *Aviva Life and Annuity Company v. White (In re Millennium Multiple Employer Welfare Benefit Plan)*, 772 F.3d 634 (10th Cir. 2014).
- Representation of the post-confirmation trustee of LJM2 Co-Investment, LP, the Enron-affiliated partnership managed by Andrew Fastow, in connection with claims against its former counsel, accountants, and investment bankers. The claims were settled for confidential amounts prior to filing suit and after mediation and/or substantial negotiations.

- Representation of the Grey Goose Bottling Company and a minority shareholder in a derivative suit filed in Delaware Chancery Court, involving breach of fiduciary duty related to the misallocation of the \$2.5 billion purchase price paid by Bacardi Limited to acquire the Grey Goose Vodka label. The lawsuit was settled for a confidential amount after the court issued a lengthy ruling denying a motion to dismiss. See *Bakerman v. Sidney Frank Importing Co.*, 2006 WL 3927242 (Del. Ch. 2006).

Publications

Speaker, Who Killed the Company? Tips and Trends in Claims and Defenses, presented at CLLA Frank Koger Educational Program, held at the 97th Annual Meeting of the National Conference of Bankruptcy Judges

OCTOBER 2023

Speaker, Making the Most of a Litigation Trust's Retained Causes of Action, presented at the 34th Annual Winter Leadership Conference, sponsored by the American Bankruptcy Institute

DECEMBER 2022

Contributing author, ABI's Quick Evidence Handbook, published by the American Bankruptcy Institute

2D ED. 2018

Speaker and author, In the Hot Seat: In-House Counsel as Witnesses, presented at the 37th Annual Jay L. Westbrook Bankruptcy Conference, sponsored by the University of Texas School of Law

OCTOBER 2018

Speaker and author, Litigators Behaving Badly: Ethics and Trial Tactics, presented at the 37th Annual Midwestern Bankruptcy Institute, sponsored by the American Bankruptcy Institute

OCTOBER 2017

Speaker, War and Peace: Recent Trends in Bankruptcy Litigation and Mediation, presented at the 34th Annual Spring Meeting, sponsored by the American Bankruptcy Institute

APRIL 2016

Speaker, A Road to Recovery: How to Navigate the Twists and Turns of Insider Litigation, presented at the 27th Annual Winter Leadership Conference, sponsored by the American Bankruptcy Institute

DECEMBER 2015

Speaker, "I Don't Have to Tell You That" - Evidentiary Privileges in Bankruptcy, presented at the 34th Annual Midwestern Bankruptcy Institute and Professional Development Workshop, sponsored by the American Bankruptcy Institute

OCTOBER 2014

Panelist, In Pari Delicto: What Are the Recent Cases Saying?, a national webinar hosted by The American Bar Association

DECEMBER 2010

Speaker and author, Recovering from the "Bad Guys" and Their Advisors - Fiduciary Duties to Creditors, Deepening Insolvency, and In Pari Delicto, presented at Bankruptcy Institute 2007, sponsored by the Houston Bar Association

FEBRUARY 2007

Speaker and author, Fiduciary Duties in Distressed Corporations: Avoiding Director Liability in the Zone of Insolvency, presented at the Northern District of Texas Bankruptcy Bench-Bar Conference

SEPTEMBER 2006

Co-author, Recovering for the Wrongful Death of a Company: A Dialogue on the Rights and Remedies Available to Victims of a Corporate Collapse, ATLA's Trial magazine

JUNE 2006

Author, Keeping the Catch - Post-Confirmation Jurisdiction, presented at Bankruptcy Litigation: Advanced Pre-Trial Practice and Procedure Workshop, sponsored by the State Bar of Texas and the University of Texas School of Law

FEBRUARY 2006

Speaker, Developing and Pleading Effective Causes of Action in Bankruptcy Cases, Bankruptcy Litigation: Advanced Pre-Trial Practice and Procedure Workshop, sponsored by the State Bar of Texas and the University of Texas School of Law

JANUARY 2005

Speaker, Deepening Insolvency: Practical Reality and Emerging Legal Theory, presented to the Dallas Bar Association, Bankruptcy Section

NOVEMBER 2003

Co-author, Shareholder Litigation in the Shadow of Bankruptcy: The Low Priority Claimants' Search for Justice, presented at the Houston Bar Association Seminar "Lessons from Enron - The Issues We Face When Big Companies Fail"

APRIL 2002

Author, The Voluntary Cleanup and Redevelopment Act: The Limits of the Kansas Brownfields Law, 46 Kan. L. Rev. 593

1998

Accolades

- Named to the Lawdragon 500 Leading Lawyers in America (2019-2025);
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