



## Scott A. Chernich

Shareholder

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Scott Chernich's practice areas include representing numerous financial institutions including community banks and credit unions and Chapter 11, 7 and 13 bankruptcy as well as commercial litigation and construction law. Recently, Scott has successfully resolved several insolvent probate estates and has assisted financially challenged agribusinesses. In 2003, Scott was appointed as a Chapter 7 Panel Trustee by the U.S. Justice Department and in 2020 appointed as a Subchapter V Chapter 11 Trustee. While he spends a significant portion of his time representing creditors in prosecuting claims and recovering collateral, he also has significant experience as a debtor's lawyer and as a trustee. As a result, he offers clients (businesses and individuals) a perspective that includes familiarity with common strategies for all sides and the ability to spot and resolve issues early in the process.

Scott is very involved in several professional associations, including the American Bankruptcy Institute and the National Association of Bankruptcy Trustees and served in numerous leadership roles in the Lansing community. He was also a popular adjunct professor of Bankruptcy at his alma mater, Western Michigan University Thomas M. Cooley Law School for 12 years.

He has served several terms on Foster Swift's Executive Committee, acting as the first Treasurer for 6+ years. For several years previous, Scott was the practice group leader for the firm's Finance, Real Estate & Bankruptcy section.

### REPRESENTATIVE MATTERS

- Scott has administered over 2,000 Chapter 7 cases as a Trustee.
- Scott has been appointed as Subchapter V Trustee in the following cases:
  - Turbo Components Inc.

### PRACTICE AREAS

Financial Institution Law  
Credit Union Representation  
Commercial Litigation  
Collections / Creditor - Debtor Rights  
Bankruptcy & Restructuring  
Finance, Real Estate & Bankruptcy Law  
Real Estate Litigation  
Agri-Business  
Cannabis Law

### EDUCATION

Western Michigan University Thomas M. Cooley Law School, J.D., 1993, *cum laude*  
Shippensburg University, M.I.M., 1986  
Shippensburg University, B.S., 1984

### BAR AND COURT ADMISSIONS

Michigan  
U.S. District Court for the Western District of Michigan  
U.S. District Court for the Eastern District of Michigan  
U.S. Sixth Circuit Court of Appeals

- Atlas Heave Engine Co.
  - Douglas M.
  - Purple East Plus Inc.
  - Krieger Craftsmen Inc.
  - Residential Marketing Concepts
- Scott was appointed Chapter 11 Trustee in CDDM Corporation case and successfully completed a plan of reorganization.
  - Scott successfully assisted an international broker/dealer avoid a threatened suit by a prominent figure in a nationally known Chapter 11 case.
  - In a very complicated, multi-million dollar construction case, five parties (a general contractor, sub-contractors and insurers) were fighting over the contracts, state lien law rights and surety issues. Scott was hired and, in one day, mediated a resolution to all of the disputes and satisfaction of all parties.
  - When a large credit union was sued on a lien avoidance action, Scott was hired to defend. He succeeded in having the case dismissed on Summary Judgment.
  - A commercial landlord was being sued by a tenant who was in Chapter 11. Scott successfully defended the landlord and recovered back rent in the amount of \$250,000.
  - A creditor, sued by a Chapter 11 debtor, hired Scott, who resolved the preference action and then recovered in excess of \$1 million for his client on a 503(b)(9) claim.

### **SPEAKING ENGAGEMENTS**

**SBRA Deep Dive**, *Federal Bar Association's Bankruptcy Seminar*, September 24, 2021

**Trigger Point to Avoid Financial Ruin: Perspectives from a Bankruptcy Lawyer**, *Great Lakes Crop Summit*, January 31, 2018

**Federal Bar Association - Featured Speaker on Bankruptcy**, 2007, 2009, 2010, 2014-2016, 2018-2022

### **PUBLICATIONS**

**How to Handle Bankruptcy Amid Record Levels of Debt in the Farm Industry**, *Foster Swift Finance Real Estate & Bankruptcy Law News*, November 17, 2022

### **HONORS & RECOGNITIONS**

*Best Lawyers in America*®  
2010-2024 (Banking and Finance Law, Bankruptcy and Creditor-Debtor Rights / Insolvency and Reorganization Law)

*Best Lawyers*® 2015 Banking and Finance Law "Lawyer of the Year" in Lansing



**Bio-Digesters: A New solution for a New Era**, *Foster Swift Agricultural Law News*, September 17, 2021

**The Significance of the Consolidated Appropriations Act for Bankruptcy Trustees**, *Thomson Reuters WestLaw Today*, July 27, 2021

**Economic Support for Agricultural Producers Under the CARES Act**, *Foster Swift Agricultural Law News E-blast*, April 3, 2020

**Key Details of the Paycheck Protection Program Under the CARES Act**, *Foster Swift Legal Update E-blast*, April 3, 2020

**Essentials of the SBA Economic Injury Disaster Loan Application Process for Your Business**, *Foster Swift Legal Update E-blast*, March 26, 2020

**The Small Business Reorganization Act—Coming to a Bankruptcy Court Near You in February 2020**, *Foster Swift Finance Real Estate & Bankruptcy Law News*, November 4, 2019

**Don't Overlook Legal Counsel When Addressing Agribusiness Financial Challenges**, July 31, 2019

**When an Inheritance Gets Entangled in a Bankruptcy Proceeding, Smart Estate Planning Can Help**, *Foster Swift Finance Real Estate & Bankruptcy Law News*, October 31, 2018

**How to Avoid Bankruptcy and Build a Strong, Successful Business**, *Foster Swift Finance Real Estate & Bankruptcy News*, March 1, 2018

**Michigan Enacts the New Uniform Voidable Transactions Act**, *Foster Swift Finance, Real Estate & Bankruptcy News*, June 8, 2017

**Dower Rights are Abolished in Michigan**, *Foster Swift Finance, Real Estate & Bankruptcy News*, February 7, 2017

**Michigan Authorizes New Asset Protection Trusts**, *Foster Swift Finance, Real Estate & Bankruptcy News*, February 7, 2017

## **MEMBERSHIPS & AFFILIATIONS**

### **Legal Affiliations:**

- Ingham County Bar Association
- Federal Bar Association
- Commercial Law League of America
- ACADEMIC POSITION: Western Michigan Thomas M. Cooley Law School, Adjunct Professor

### **Industry & Professional Associations:**

- American Bankruptcy Institute
- National Association of Bankruptcy Trustees

### **Community Involvement:**

- Lansing Regional Chamber of Commerce, Financial Oversight Committee, past member
- Capital Area Humane Society, Past Chairman of the Board
- Volunteers of America



- Wharton Center for the Performing Arts, Advisory Council

**RECENT BLOG POSTS**

**Michigan Bankruptcy Blog**

Collect Your Money in Bankruptcy: Chapter 13

Collect Your Money in Bankruptcy: Chapter 7

Do People Owe You Money?

