



# MICHAEL D. COOPER, ESQ.

## Mediator



Prominent bankruptcy attorney, Michael D. Cooper, Esq., provides mediation services that are strengthened by his decades of experience as an attorney handling complex bankruptcy and commercial law matters, including the representation of debtors, creditors and trustees in insolvency, workouts and bankruptcy cases.

As a recognized expert in the field, Mr. Cooper served on the State Bar Consulting Group that established certification procedures for bankruptcy specialists in California. He has been active in committees charged with consulting and drafting several sets of guidelines for rules and procedures related to bankruptcy law for the United States Bankruptcy Court, Northern District of California. In recognition of his contributions to the law, he has been selected by his peers for inclusion in *The Best Lawyers in America*® in the areas of Bankruptcy and Creditor/Debtor Rights/Insolvency, and Reorganization Law and Bankruptcy Litigation.

Since 1995, Mr. Cooper has drawn upon his substantive knowledge and expertise to successfully mediate and resolve bankruptcy and commercial law disputes involving a myriad of contract, commercial and other business matters. He was appointed by the United States Bankruptcy Court as a Resolution Advocate for its Bankruptcy Dispute Resolution Program, and he has successfully mediated more than 125 matters through this program. He is known for his flexible approach to mediation, marked by extensive preparation and follow up, effective listening, and a strong focus on the needs of the parties. His expertise in evaluating the technical and complex legal issues involved in bankruptcy disputes is instrumental in overcoming the stumbling blocks to settlement and has led to the successful resolution of numerous business and commercial law disputes.

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### AREAS OF SPECIALIZATION

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- **Bankruptcy and Commercial Law**  
Specialization in Chapter 11 reorganization, Chapter 7 liquidation, representing debtors, creditors and trustees. Representative cases involve all aspects of Commercial Law and Real Estate Law.
- **Representation of State Court Receivers and other Fiduciaries**

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### PROFESSIONAL EXPERIENCE

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- **Wendel Rosen LLP**  
Mr. Cooper served for 30 years as a partner in the firm's insolvency and restructuring practice group. He represented debtors, trustees, and creditors in insolvency, workouts and bankruptcy matters. He has also represented receivers and other fiduciaries in state court litigation.

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### AWARDS/RECOGNITION

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- Selected by his peers for inclusion in *The Best Lawyers in America*® in two practice areas:
  - Bankruptcy and Creditor Debtor Rights/Insolvency, 2008-2019
  - Reorganization Law and Bankruptcy Litigation, 2008-2019
- Selected for inclusion in Northern California *Super Lawyers* magazine, 2004-2020
- AV® Preeminent™ rated by Martindale-Hubbell

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## PROFESSIONAL AFFILIATIONS

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### Bay Area Bankruptcy Forum:

- Board of Directors, 1994 to 2000
- Member since inception

### Bar Association of San Francisco

- Commercial Law and Bankruptcy Section
- AIDS Legal Referral Panel, Pro Bono Representation

### Alameda County Bar Association

- Commercial Law and Bankruptcy Section, Executive Committee Member and Former Chair
- Voluntary Legal Services Bureau of Alameda County (pro bono representation of indigent clients in bankruptcy matters)
- Lawyers in the Library Program (counsel indigent clients in consumer matters)

### Bankruptcy Dispute Resolution Program

- Resolution Advocate since 1995

### State Bar of California

- Personal and Small Business Bankruptcy Law Advisory Commission, Chair 1995 to 1996, Vice Chair 1994-1995
- Bankruptcy Law Consulting Group, Member, 1989-1992

### Court Appointed Special Committees

- Committee of Lawyer Representatives of the Northern District of California to the Ninth Circuit, Member 2000-2003
- Lawyer Representatives of the United States Bankruptcy Court for the Northern District of California, Former Committee Member and Chair
- Drafting committee member for General Order No. 12 - Adoption of Dispute Resolution Procedures for Bankruptcy Cases and Adversary Proceedings, United States Bankruptcy Court, Northern District of California, 1993-1994
- Rules subcommittee member to revise bankruptcy rules for the Northern District of California, 1991-1992
- Bankruptcy Committee to Establish Guidelines for the U.S. Trustee in Bankruptcy Cases for Northern California and Nevada, 1988-1990
- Bankruptcy Court Automation Committee for the Northern District of California, Former Member

### California Receivership Forum

- Member of Bay Area Chapter

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## SPEAKING AND TEACHING

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- Bay Area Bankruptcy Forum Panelist
- PESI Ninth Circuit Bankruptcy Symposium, Panelist, 1993
- Pacific Bankruptcy Law Institute, Faculty Member, 1991
- CPA Associations, Lecturer
- Bay Area Legal Secretaries' Forum, Lecturer
- Other civic and professional organizations

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## PUBLICATIONS

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- "Asset Protection Planning – An Overview," Fall 2006

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## EDUCATION

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- University of San Francisco, J.D.
- San Francisco State University, B.A.

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## ADMISSIONS

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- State Bar of California
- United States District Court; Northern, Southern, Eastern and Central Districts of California
- United States Court of Appeals, Ninth Circuit
- United States Supreme Court

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## REPRESENTATIVE MATTERS

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### Mediation Matters:

- Appointment approved by the U.S. Bankruptcy Court to mediate disputes in the PG&E bankruptcy case.
- Mediated a procedural dispute involving both a bankruptcy case and state court action relating to a municipality's eminent domain claims.
- Resolved a six-figure dispute in an adversary proceeding in bankruptcy court involving issues of alleged fiduciary fraud, injury to property and the dischargeability of debt.
- Mediated a multiparty, pre-litigation dispute involving ownership of trust assets valued in the seven figures. The parties reached a settlement shortly after conclusion of the mediation, which allowed them to avoid litigation.
- Mediated a dispute between multiple parties involving four active lawsuits in both federal and state courts. The lawsuits involved alleged fraudulent conveyances and willful injury to property. The settlement resulted in a dismissal of all the pending litigation and mutual releases of the multiple claims between the parties.
- Mediated a dispute relating to a development project on multi-acre property on Cannery Row in Monterey between the owners and lien holders.
- Mediated a dispute in the bankruptcy of a prominent San Francisco law firm that had filed Chapter 11 bankruptcy. The issues involved the recovery of payments made to over 50 of the firm's attorneys. The parties settled shortly after the mediation.
- Mediated a twelve-year dispute relating to 6,000 acres of rural land in Santa Clara and Santa Cruz Counties valued in excess of \$50 million. The issues involved ownership, foreclosures, development and bankruptcy.
- Mediated a dispute of multiple issues over three sessions between a bankruptcy debtor and numerous creditors relating to real estate, lien properties and claims for personal injuries. The settlement was approved by the Bankruptcy Court and the debtor was able to confirm a Chapter 11 reorganization plan.

### Attorney Matters:

- Represented all types of business entities in Chapter 7 liquidation bankruptcies, involving real estate and contract disputes.
- Represented state court appointed receivers involving partnership disputes, real estate, and commercial law issues.
- Represented prominent San Francisco based landlord in major, national bankruptcy cases.
- Represented debtor in a Chapter 11 bankruptcy preventing foreclosure of a multi-million dollar residence in Pacific Heights.
- Represented a public utility in various matters involving its regulatory claims against rate payers.
- Represented local pizza chain in debt workout, involving landlord/tenant issues.
- Represented major steel company in Chapter 11 reorganization, involving regulatory and commercial law issues.

- Represented prominent San Francisco based landlord in major bankruptcy cases involving client's tenants.
- Represented prominent general contractor in out-of-court workout.
- Represented major local port in its claims large national entity that filed bankruptcy.
- Represented a computer technology company in an out-of-court debt workout.
- Represented the major shareholder of sporting goods conglomerate in excess of \$100M in debt owed to one the largest international banks. Briefs filed with the United States Supreme Court, which denied a hearing to the bank.
- Represented a professional football player in a contested bankruptcy case.
- Represented a prominent entertainer in a Chapter 11 reorganization.
- Represented debtors, creditors, and trustees in bankruptcy cases.
- Represented state court receivers in actions involving automobile dealerships and other businesses involving a multitude of legal issues, including partnership disputes, real estate and commercial matters

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#### **EXPERT WITNESS MATTERS**

- Retained as consultant and expert witness in federal and state court litigation on bankruptcy, commercial law and professional negligence issues.