

Michael S. Tucker

Partner | Group Leader, Corporate Restructuring & Creditors' Rights



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Practices/Industries

- Corporate Restructuring & Creditors' Rights
- Foreclosures, Receiverships & Distressed Property
- Bankruptcy & Insolvency Litigation
- Real Estate

Education

Miami University
(B.A., 1983)
Case Western Reserve
University School of Law
(J.D., 1986)

Overview

Michael Tucker practices in bankruptcy law and creditors' rights, and is a certified specialist in business bankruptcy law by the American Board of Certification. He represents debtors, creditors, and trustees in all aspects of business/commercial Chapter 7, 11, and 13 bankruptcies, and represents commercial creditors in out-of-court workouts, foreclosure actions, receiverships, and replevins. He is experienced in the representation of receivers in state court receiverships. He also protects the rights of commercial landlords in the retail industry when tenant-retailers file for bankruptcy.

His participation in courtroom proceedings, negotiations, appellate brief writing, and oral arguments is extensive. Michael is a member of the Cleveland Metropolitan Bar Association Committee on Receivership Rules, as well as the Ohio State Bar Association Receivership Subcommittee. He is rated AV Preeminent[®] by Martindale-Hubbell[®], has been named to the Ohio Super Lawyers list every year since 2004, and has been named to *The Best Lawyers in America*[®] every year since 2008.

Experience

- Represents commercial creditors in out-of-court workouts, foreclosure actions, receiverships, and replevins.
- Represents receivers in asset sales involving operating and non-operating businesses.
- Represents debtors, creditors, and trustees in all aspects of business/commercial Chapter 7, 11, and 13 bankruptcies.
- Represents the interests of commercial landlords in the retail industry when tenant-retailers file for bankruptcy, including issues relating to lease assumptions, modifications, and rejections, cure disputes, and rejection damages claims.
- Represents Chapter 7 trustees in cases involving post-petition inheritance, lien avoidance, exemption challenges, fraudulent transfer, preference avoidance, and asset sales.
- Represents business debtors in out-of-court workouts and restructurings.
- Served as Chapter 11 examiner to investigate potential avoidance actions and claims of business diversion by the debtor's principal and related entities.

Presentations

- "Commercial Retail Leases in Bankruptcy: You Can't Always Get What You Want," William J. O'Neill Great Lakes Regional Bankruptcy Institute (May 2018)
- "Preference Actions," National Business Institute Bankruptcy Litigation Seminar (November 2014)
- "Sub. H.B. 9 (Receivers): The Taming of the Wild West?" The Ohio Society of CPAs, Financial Institutions Conference (August 2014)

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Presentations (Cont)

- "Judgment Enforcement," Lorman Education Services (December 2013)
- "Real Estate Foreclosures as Part of Judgment Enforcement," Lorman Education Services (December 2013)
- "Receiverships: Finally Free and Clear ?!?" Cleveland Metropolitan Bar Association's 35th Annual Real Estate Law Institute (November 2013)
- "Judgment Enforcement in Ohio: Foreclosures," Lorman Education Services (November 2008, November 2009, June 2011)
- "Introduction to Chapter 11 of the Bankruptcy Code: Claims Process; Priority of Claims; Reclamation and 503(b)(9) Claims," Cleveland Metropolitan Bar Association (December 2009)
- "Protecting Your Collateral," NACM Midwest Regional Meeting (November 2006)
- "Tight Deadlines and the Limits on Judicial Discretion under BAPCPA," William J. O'Neill Great Lakes Regional Bankruptcy Institute (May 2006)

Involvement

Professional Affiliations

- Cleveland Metropolitan Bar Association (*Section Chair, Bankruptcy and Commercial Law Section, 2002-2003; Member, Executive Board, 1999-2004; Co-chaired William J. O'Neill Bankruptcy Institute, 1996, 2016; Member, Legislative Review Committee to review Senate Bill 540; Member, Bar Admissions Committee, 1998-present; Member, Committee on Receivership Rules*)
- Cleveland Metropolitan Bar Foundation (*Fellow, 2014-present; Board of Directors, 2020-present*)
- Ohio State Bar Association (*Council of Delegates, 2015-2016; Committee Chair, Banking, Commercial, and Bankruptcy Committee, 2013-2015; Receivership Subcommittee, 2012-present*)
- American Board of Certification (*Director, 2001-2010; Chair of Standards Committee, 2010; Dean of Faculty, 2006-2008; Executive Committee, 2006-2008, 2010*)
- American Bankruptcy Institute
- Ohio JumpStart Coalition for Personal Financial Literacy (*Director, 2003-2006; Treasurer, 2003-2006*)
- Strategic Planning Committee for the U.S. Bankruptcy Court, Northern District of Ohio (*Attorney Constituent Member, 1997-2002*)
- Notre Dame Academy Bankruptcy for Paralegals Adjunct Professor (*1995-1998*)

Community Involvement

- Glenville High School (*2010-2011 academic year; co-taught Rights, Responsibilities, Realities, sponsored through CMBA 3R's program*)
- Jane Addams – Design Lab (*2011-2012 academic year; co-taught Rights, Responsibilities, Realities, sponsored through CMBA 3R's program*)
- Cleveland Metropolitan Bar Association (*Volunteer, Bankruptcy Bypass Program, 2009-present*)
- Jewish Big Brothers Big Sisters Association (*Volunteer at Bowl for Kids Sake*)

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Involvement (Cont)

Community Involvement (Cont)

- 1-2-3 Read Program (2018-2019 and 2019-2020 academic years; assisted in reading program for students in grades 1-3; sponsored by the Cuyahoga County Public Library)

Honors & Distinctions

- Named to *The Best Lawyers in America*[®], Bankruptcy and Creditor-Debtor Rights/Insolvency and Reorganization Law; Litigation - Bankruptcy; Commercial Litigation (2008-2022)
- Named to The BTI Client Service All-Stars (2022)
- Named to the Ohio Super Lawyers list (2004-2022)
- Recognized as one of the Top 100 Lawyers in the State of Ohio by Super Lawyers (2016; 2021; 2022)
- Recognized as one of the Top 50 Lawyers in the city of Cleveland by Super Lawyers (2021; 2022)
- AV Preeminent[®] Peer Review Rated – Martindale-Hubbell[®]

Certifications

- Certified as a specialist in Business Bankruptcy Law by the American Board of Certification (1998-present)

Admissions

- State of Ohio
- U.S. Supreme Court
- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, Northern District of Ohio
- U.S. District Court, Southern District of Ohio