

## Judy A. O'Neill

### Partner/Retired

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Detroit



Judy A. O'Neill is a retired partner and was a litigation attorney with Foley & Lardner LLP. She practiced in bankruptcy, insolvency, reorganization, commercial transactions and corporate law and handled business transactions, concentrating on issues arising under the Bankruptcy Code. Judy was the firm's national Automotive Crisis Insolvency chair and former vice chair of the Bankruptcy & Business Reorganizations Practice. She also co-headed the firm's State and Local Fiscal Crisis Group.

At her former firm, Dykema, Judy managed the Business Department which housed the real estate, bankruptcy, tax, employee benefits and corporate practice groups. Prior to that time, she assisted in the leadership of the Bankruptcy and Creditor's Rights/Reorganization Practice group.

### Representative Experience

Her experience has spanned a variety of industries, including the real estate, automotive, retail and health care industries. She has represented clients in all aspects of debt restructurings and debt enforcement, including real and personal property foreclosures. She has counseled companies on strategies to prevent court proceedings and represented troubled public and private companies in bankruptcy and in out-of-court proceedings. Her cases have included the representation of purchasers and sellers in acquisitions and sales arising from receiverships, foreclosures and bankruptcy proceedings, and unsecured creditors' committees, and secured lenders in bankruptcy and out-of-court restructurings. Her representations of troubled companies has included Groeb Farms, Inc., Blue Water Automotive Systems, Inc. and its affiliates, Noble International LLC and its affiliates, Internet Corporation and its subsidiaries, Venture Holdings, LLC and its subsidiaries, The 1/2 Off Card Shop, Steinbach Stores, Inc., Pilot Industries and its subsidiaries, Metaldyne Corporation and its affiliates, and special counsel to Oxford Automotive, Inc. and its subsidiaries. Her representation of unsecured creditors' committee has included The Unsecured Creditors' Committee of Energy Conversion Devices, Inc., and United Solar Ovanics, Inc., J.L. French, Inc., Folands, Inc., River City Plastics, Inc. and The

Unofficial Committee in Fort Wayne Foundry, Inc. In addition, she has represented a major public school district in analyzing its restructuring alternatives. She assisted with drafting Michigan's Public Act 4, to address municipal insolvency and restructuring issues. She has instructed at two Emergency Manager training sessions conducted after enactment of P.A. 4, sponsored by Michigan State University and Turnaround Management Association (Michigan Chapter).

Judy has counseled many companies on supply chain management. This counseling has included advice with respect to contractual rights and obligations, including the impact of bankruptcy by customers and vendors on the same.

Judy is a facilitator for the Eastern District of Michigan Bankruptcy Court. In addition, the Chief Judge of the Eastern District of the Michigan Bankruptcy Court appointed her as an examiner to investigate various issues surrounding the decline of the business in the Chapter 11 bankruptcy case of Collins & Aikman and its affiliates, a multi-billion dollar automotive supplier. In that role, she examined the causes and timing of the issues thwarting the reorganization of the multi-billion dollar revenue auto supplier, and the impact of those issues on the fees incurred by professionals. She concluded her role by facilitating consensual resolutions of all the disputes that prompted the examination, saving the estate multiple millions of dollars.

She also represented a significant creditor in the Alleghany Health and Education Foundation, Mariner Healthcare and Sun Healthcare bankruptcy proceedings. Judy represented several purchasers in the Michigan Healthcare Corporation bankruptcy.

## **Awards and Recognition**

Martindale-Hubbell's peer review rating system indicates that Judy has been Peer Review Rated as AV® Preeminent™, the highest performance rating in their system. In 2014 and 2015, *Corporate International Magazine* gave her the Global Award – Automotive Bankruptcy Attorney of the Year in Michigan. In 2002, the American College of Bankruptcy Fellows invited Judy to become a fellow in the College. She now serves as the Sixth Circuit Regent for the College. Also in 2002, the National Registry of *Who's Who* made her a lifetime member. The *Best Lawyers in America*® has listed Judy each year since 1995, and selected her for inclusion in the 25th Anniversary Edition of *Best Lawyers* in 2008. She is also listed in *Who's Who Legal USA: Insolvency & Restructuring 2006*, and *Who's Who in American Law*, 2000 edition, and has also been selected for inclusion in the *Guide to the World's Insolvency and Restructuring Lawyers*, 2003 and 2006. *Crain's Detroit Business* selected Judy as one of the "100 Most Influential Women in Michigan," March 2002. She has been recognized continuously, since inception, in the lists of *Michigan Super Lawyers*®. In addition, she has been named as one of the Top 100 Super Lawyers, Top 50 Women Super Lawyers, and Top 50 Super Lawyers in Michigan for receipt of the highest point totals in the 2007 – 2013 *Michigan Super Lawyers*® nomination, research and blue ribbon review process. *Corporate Counsel* has also named Judy as one of the Top Lawyers. *DBusiness* magazine named her in its 2011, 2012 and 2013 lists of *Top Lawyers* in the areas of bankruptcy and creditor/debtor rights law. Judy was accepted as a member of Leadership Detroit Class XXXIII, a year-long community program established to enhance leadership skills and create awareness of key

regional issues among senior-level executives in southeast Michigan.

*The Legal 500*, “*The Client’s Guide to the Legal Profession*,” identified Foley and Judy as an excellent choice in the bankruptcy and restructuring arena. They noted, based upon the combined opinions of many corporate counsel and law firm clients, that she is “bright, hard-working, creative and attentive to the client.”

## Affiliations

Judy is an adjunct professor at the University of Michigan Law School, where she teaches a Chapter 11 bankruptcy practicum. Previously, she was an adjunct professor at the University of Toledo Law School, where she taught business reorganization in bankruptcy.

In 2016, she was appointed by the Governor of the State of Michigan to the Executive Committee of the Early Childhood Investment Corporation. Ms. O’Neill is a member of the Detroit Metropolitan Bar Association, the Michigan Bar Association, and the American Bar Association. Judy served as a regional membership director of the American Bankruptcy Institute, a member of its Unsecured Trade Creditors Committee, an advisory board member of the American Bankruptcy Institute Central States Conference, an advisory committee member of the Eastern District of Michigan Bankruptcy Court, and the chairperson of the Debtor/Creditor Committee of the Detroit Metropolitan Bar Association.

In addition, the American Board of Certification has certified Judy as a Business Bankruptcy and Creditor’s Rights Attorney.

## Presentations and Publications

- Co-author, “Michigan’s Local Government and School District Fiscal Accountability Act of 2011,” *Lawyers Weekly*, Vol. 25. No. 40 (August 15, 2011)
- Co-author, “PA 4 expands powers of emergency manager – will be significant for years,” *Michigan Lawyer’s Weekly* (August 12, 2011)
- Co-author, “Case Study: In Re Visteon Corp.,” *Law360* (August 12, 2010)
- Co-author, “Leveraging Critical Vendor Status and Assumption of Contracts to Obtain More Favorable Commercial Trade Terms in Supply Contracts,” *Inside the Minds, Chapter 11 Bankruptcy and Restructuring Strategies*, 2010 Ed. (Aspatore Books, a Thomson Reuters business)
- Co-author, *American Bankruptcy Institute’s Creditors’ Committee Manual*
- Co-author, “Franchisor Beware: Using the Bankruptcy Forum to Resolve Disputes with Franchisors,” *Michigan Business Law*
- Co-author: “Inside the Minds: Chapter 11 Bankruptcy and Restructuring Strategies,” Aspatore Books, 2008

She is also a frequent speaker on the topics of bankruptcy and trial advocacy.

## Education

- University of Michigan Law School (J.D., with high honors, 1980)

- Michigan State University (B.A., magna cum laude, 1976)