

## William J. McKenna

### Partner

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William J. (Bill) McKenna has over 40 years of experience representing clients in a wide variety of commercial litigation, focusing on insolvency proceedings; financial institution and lender-liability litigation; real estate litigation; construction litigation; and energy-related litigation. He is a member and former vice chair of the firm's Bankruptcy & Business Reorganizations Practice as well as a member of the Business Litigation & Dispute Resolution and Construction Practices.

Bill has conducted numerous commercial trials (jury and non-jury) in circuit, federal district, and bankruptcy courts around the country. He has also conducted numerous contested administrative hearings before federal and state administrative bodies of all types. He has prosecuted or defended many appeals in the Illinois Appellate Court, the Illinois Supreme Court, and various federal courts of appeals.

He has frequently represented secured lenders, creditor committees, indenture trustees, debtors-in-possession, and trustees in Chapter 11 bankruptcy proceedings. In this setting he has conducted trials in various bankruptcy courts around the country on subjects including relief from stay, Section 363 sales, continued use of cash collateral, contested trustee elections, assumption or rejection of executory contracts, contested claims, and confirmation of plans of reorganization. He has also litigated adversary proceedings raising an array of commercial litigation scenarios.

He has had extensive experience representing developers, lenders, landowners, lessors, and lessees in all types of litigation relating to real estate. His trial work has included groundbreaking condemnation, land-use, and zoning cases, as well as significant commercial foreclosures and disputes over leaseholds.

Bill's experience in financial-institution and lender-liability litigation includes representation of foreign and domestic banks in all types of disputes with their borrowers, as well as significant trial experience in lender-liability actions. Bill is a frequent lecturer and author on lender-liability issues.

In the field of construction litigation, Bill has worked on behalf of owners, lenders, contractors, and subcontractors in all types of disputes relating to private and public construction projects.

### Awards and Recognition

- AV Preeminent, the highest performance rating in the *Martindale-Hubbell*® Peer Review Ratings system.
- *Illinois Super Lawyers* (2005-2016).
- *The Best Lawyers in America*, Commercial Litigation (2008, 2010-2024)
- *The Best Lawyers in America*, Litigation, Real Estate (2011-2023)
- Fellow, American College of Trial Lawyers (2000)

### Affiliations

- Member, American Bar Association
- Adjunct Professor, Trial Advocacy, Northwestern University Law School

### Publications and Presentations

Bill is a frequent lecturer and author on lender-liability issues. He is the co-author of chapters on lender liability in the consumer and commercial contexts in two treatises. Bill is also the co-author of a chapter on commercial mortgage foreclosure in a treatise and lectures frequently on the subject of commercial mortgage foreclosure.

His publications and presentations include:

- Co-author, "Fiduciary Duties of Trustees in the Age of COVID," *Wealth Management Journal* (September 7, 2022).
- Co-author, "Mortgage Foreclosure: Practice and Procedure," *Illinois Mortgage Foreclosure 2021 Edition*, Illinois Institute for Continuing Legal Education (IICLE®) (2021, 2020, 2013 and 2010 Editions).
- Co-author, "The Sky Isn't Falling: Why the Seventh Circuit Got It Right in I80 Equipment LLC," *American Bankruptcy Institute Journal* (May 1, 2020).
- Co-author, "The Bargains and Risks of Buying Assets During A Chapter 11," chapter in *Inside the Minds™, Buying and Selling Distressed Businesses, 2012 Edition*, Aspatore Books (2012).
- Lender Liability chapter in "Secured Transactions" Treatise, Illinois Institute of Continuing Legal Education (2007, updated 2010).

### Sectors

- [Energy](#)

### Practice Areas

- [Asset Acquisition](#)
- [Bankruptcy & Business Reorganizations](#)
- [Business Litigation & Dispute Resolution](#)



FOLEY & LARDNER LLP

- Construction
- Consumer Law, Finance & Class Action Group
- Creditor Committee Representation
- Fiduciary Representation
- Financial Institutions
- Litigation

## Education

- University of Chicago (J.D., 1979)
- Middlebury College (B.A., 1975)

## Admissions

- Illinois
- Numerous trial, appellate, and bankruptcy courts around the country