

Michael J. Small

Partner

msmall@foley.com

Chicago

312.832.5832



As a restructuring attorney and litigator, Michael Small focuses his practice on corporate restructuring, bankruptcy, and finance, as well as litigation related to each. He represents financial institutions, asset purchasers, creditors' committees, secured and unsecured creditors, and debtors in reorganization cases, liquidations, workouts, transactions, and a variety of federal and state court litigation.

Michael has been a partner with the firm since 2000 and previously led the firm's Bankruptcy & Business Reorganizations Practice Group. He is a member of the firm's Sports & Entertainment and Food & Beverage Industry Teams, the Health Care & Life Sciences Sector, and the Environmental, Social, and Corporate Governance (ESG) Team. He continues to be a member of the Trial Bar of the U.S. District Court for the Northern District of Illinois.

Representative Experience

Michael's notable engagements include:

- *In re AmeriMark Interactive, LLC* (asset purchaser)
- *In re Meridian Restaurants Unlimited* (creditors committee)
- *In re FTX Trading Ltd.* (sports sponsorship counterparty creditor)
- *In re Diamond Sports Group* (contract counterparties)
- *In re Proterra Inc. et al* (supplier-critical vendor)
- *In re Los Angeles Dodgers LLC* (acquisition of L.A. Dodgers)
- *In re Chicago National League Ball Club, LLC* (acquisition of Chicago Cubs)
- *In re Texas Rangers Baseball Partners* (acquisition of Texas Rangers)
- *In re Universal Cooperatives, Inc., et al* (debtors' counsel)
- *In re AgFeed Industries, Inc. et al* (special counsel to the debtors)
- *In re Loves Furniture, Inc.* (creditors committee)

- *In re SquareTwo Financial Services Corporation* (acquisition by plan sponsor)
- *In re GenCanna Global USA, Inc.* (creditors committee)
- *In re The Financial Oversight and Management Board Puerto Rico* (infrastructure creditor)
- *In re Farmland Industries* (bondholder committee and liquidating trustee)
- *In re Sears Holdings Corporation, et al* (sale-leaseback counterparty)
- *In re Velocity Holding Company, Inc. et al* (creditors committee)
- *In re Giordano's Enterprises, Inc.* (largest ingredient supplier)
- *In re Standard Forwarding* (DIP lender)
- *In re Murray, Inc.* (creditors committee)
- *In re Bridge Information Systems, Inc.* (creditors committee)
- *In re Corcoran Hospital District* (chapter 9 debtor)

Awards and Recognition

- Recognized, *Chambers USA: America's Leading Lawyers for Business* in the practice area of Bankruptcy/Restructuring (2014-2018, 2021-2023)
- Recognized, AV Preeminent®, 5.0 out of 5 Peer Review Rated, the highest performance rating in Martindale-Hubbell® Peer Review Ratings™ system
- Recognized by the *Legal 500* for his work in finance – corporate restructuring (including bankruptcy) (2013)
- Recognized, *The Best Lawyers in America*® in the fields of:
 - Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law (2011-2024)
 - Litigation – Bankruptcy (2011-2024)
- Selected for inclusion to the Illinois Super Lawyers lists (2007-2023)*

*The Illinois Supreme Court does not recognize certifications of specialties in the practice of law and no award or recognition is a requirement to practice law in Illinois.

Affiliations

- Adjunct professor, chapter 11 and trial advocacy, Northwestern University's Pritzker Law School and Washington University in St. Louis

Thought Leadership

Michael has lectured and participated in panels at conferences throughout the United States and in Europe and Japan. His publications include:

- Co-authored, "Limited Options for Cannabis-Related Company Liquidations," *Foley's Coronavirus Resource Center* (April 3, 2020)
- "7th Circ. Does The Math, Settlement Upheld," *Bankruptcy Law360* (January 6, 2012)
- "Learning From Recent Insider Preference Cases," *Bankruptcy Law360* (October 2011)
- Co-authored, "'Unequivocal And Specific' Claim Preservation," *Bankruptcy Law360* (July 2011)

- Co-edited “Involuntary Bankruptcy” as a chapter within *Business Bankruptcy Practice* for Illinois Institute for Continuing Legal Education (2011 and 2013 Editions) [co-edited the same chapter in the subsequent editions]
- Co-authored “Protecting the Value of Potential Tax Refunds for Secured Creditors” *Bankruptcy Law* 360, (June 8, 2010)
- Co-authored, “Financing Renewable Energy,” *Commercial Lending Review*, Volume 23, Number 2 (March – April 2008)
- “A Bankruptcy and Restructuring Conversation: From Alchemy to Taxidermy,” chapter in *The Roles and Motivations of Key Players in Bankruptcy Cases*, Aspatore Books (2006)

Sectors

- Automotive
- Energy
- Family Offices
- Food & Beverage
- International Trade & National Security
- Manufacturing
- Racial Justice & Equity
- Renewables
- Smart Manufacturing
- Sports & Entertainment
- Supply Chain
- Sustainability & Product Stewardship

Practice Areas

- Asset Acquisition
- Bankruptcy & Business Reorganizations
- Creditor Committee Representation
- Environmental, Social, and Governance (ESG)
- Fiduciary Representation
- Finance
- Financial Institutions
- Israel
- Litigation

Education

- University of Chicago Law School (J.D., 1991)
- Jewish Theological Seminary of America (M.A., 1988)
- Brown University (B.A., magna cum laude, 1985)

Admissions

- Illinois
- United States Court of Appeals for the First, Fourth, Seventh, Eighth, and Ninth Circuits
- United States District Courts for the Northern District of Illinois
- Eastern and Western Districts of Michigan
- Eastern District of Missouri
- United States Supreme Court

He has also appeared in federal and state courts in Delaware, Wisconsin, California, Florida, Georgia, Alabama, Indiana, Missouri, Michigan, New York, New Jersey, North Carolina, Tennessee, Colorado, Texas, Louisiana, Utah, and Massachusetts.

* The Illinois Supreme Court does not recognize certifications of specialties in the practice of law and no award or recognition is a requirement to practice law in Illinois.