



DALE C. SCHIAN

Shareholder

Gallagher & Kennedy
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My Practice

BANKRUPTCY & CREDITORS' RIGHTS - Creditors' Rights and Advisory Services, Financing and Financial Restructuring

PROFESSIONAL SUMMARY

Dale represents businesses and individuals in commercial creditor and debtor matters, emphasizing out-of-court workouts, restructurings, and Chapter 11 reorganizations. Over the years, he has represented clients in a wide variety of businesses, including manufacturing, retail, high-tech, agribusiness, commercial real estate, multi-family housing, and real estate development.

Dale's peer recognition includes his 2016 and 2018 selections as Phoenix "Lawyer of the Year" (Litigation – Bankruptcy) by The Best Lawyers in America®.

His experience in complex financial litigation provides a solid foundation for his services in alternative dispute resolution, both as an advocate and as a neutral, and as a leader in the emerging practice area of settlement advocacy. His many years of experience in resolving matters after judgments have been entered gives him a special skill set in analyzing the parties' underlying objectives and working to resolve complex matters without the time, expense and delay associated with a trial.

Dale is a member of the American Bar Association's Business Law Section and Dispute Resolution Section (Mediation Committee, ADR Practice Management, Business and Skills Development Committee). He also served on the ABA Law Practice Division's Ethics & Professional Responsibility and Member Development committees.

In 2017, Dale was appointed to a three-year term as a Lawyer Representative to the Ninth Circuit Judicial Conference. He is a past chair of the Bankruptcy Section of the State Bar of Arizona and is a member of the State Bar's Bankruptcy and Business Law Sections. He is also a member of the American Bankruptcy Institute, was a founding member of the Arizona Bankruptcy American Inn of Court, and a past member of Bankruptcy Advisory Commission to the Arizona Board of Legal Specialization.

He is a Super Lawyers and Best Lawyers in America honoree, a member of Arizona's Finest Lawyers, and listed in Corporate Counsel's Top Lawyers in Bankruptcy Debtor-Creditor Rights Law.

EDUCATION

American University
J.D., *cum laude*, 1985

Michigan State University
B.A., 1982

BAR & COURT ADMISSIONS

- Arizona, 1985
- U.S. Supreme Court, 2010
- U.S. Court of Appeals, Ninth Circuit, 1985
- U.S. District Court, District of Arizona, 1985

ASSOCIATIONS & MEMBERSHIPS

- American Bar Association: Business Law Section, Dispute Resolution Section, Law Practice Division; Southwest Region Coordinator, Mediation Week (2017), Dispute Resolution Section
- American Bankruptcy Institute
- Lawyer Representative, Ninth Circuit Judicial Conference, 2017-2020
- Federal Bar Association, Phoenix Chapter
- State Bar of Arizona: Bankruptcy Section, Member and Past Chair; Business Law Section, Member
- Arizona Bankruptcy American Inn of Court

HONORS & AWARDS

- AV Preeminent Peer Review Rating, *Martindale-Hubbell*
- Best Lawyers' Phoenix Litigation - Bankruptcy: Lawyer of the Year, 2016, 2018
- *The Best Lawyers in America*®, Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law (2009-2020); Bankruptcy Litigation (2011-2020)
- *Southwest Super Lawyers*®, Bankruptcy & Creditor/Debtor Rights, 2010-2019
- Arizona's Finest Lawyers, 2011-Present

PUBLISHED WORKS

- "Chapter 11 Plan Negotiations," Sandra Day O'Connor College of Law, Arizona State University, Chapter 11 Bankruptcy, Spring 2017
- "The Circuits Agree: Absolute Priority Rule Applies in Individual Chapter 11 Cases," ABI Real Estate Committee Newsletter, March 2016
- "Recharacterization of Debt to Equity in Bankruptcy Proceedings: A Split in the Circuits" (co-author), ABI Bankruptcy Litigation Newsletter, January 2016
- "Loop Becomes a Knot: The Importance of More than One Impaired, Consenting Class and Other Takeaways from In re Loop 76 LLC (co-author), ABI Real Estate Committee Newsletter, September 2014
- "In re Loop 76: Bankruptcy Court for the District of Arizona Holds Separate Classification of Undersecured Creditor's Deficiency May Be Required by § 1122(a)," ABI Real Estate Committee Newsletter, February 2011
- "Section 1111(b)(2): Preserving the In Rem Claim," 67 Am. Bankruptcy L.J. 479, 1993
- "Real Estate Bankruptcies" (co-author), Maricopa County Bar Association CLE, 1990

SPEAKING ENGAGEMENTS

- "Focus on Single Asset Real Estate" (webinar panelist), West LegalEdcenter, May 2019
- "The Nature of Single Asset Real Estate," Arizona Trustee Association, 24th Annual AIA Convention, September 2011
- "The Nature of Single Asset Real Estate," Bankruptcy Section Program, State Bar of Arizona Convention, June 2011
- "Bankruptcy Symposium" (Seminar Chair), State Bar of Arizona, 2010 "Planning for a Fresh Start," Maricopa County Bar Association CLE, 1999
- "Planning for a Fresh Start," Maricopa County Bar Association CLE, 1999
- "Partnership Bankruptcies," Maricopa County Bar Association CLE, 1990 "Receiverships: The Nuts & Bolts," State Bar of

Arizona, 1991

- “Advanced Guaranty Litigation,” State Bar of Arizona, 1992
- “Receiverships: The Nuts & Bolts,” State Bar of Arizona, 1991 “Advanced Guaranty Litigation,” State Bar of Arizona, 1992
- “Single Asset Bankruptcies: The Journey to Legitimacy,” State Bar of Arizona, 1995

REPRESENTATIVE CASES

- *In re Sky Harbor Hotel Properties, LLC*, 246 Ariz. 531, 443 P.3d 21 (2019)
- *In re Loop 76, LLC*, 442 B.R. 713 (Bankr. D. Ariz. 2010)
- *In re Building Blocks Child Care Centers, Inc.*, 234 B.R. 762 (B.A.P. 9th Cir. 1999)

OTHER

Dale was born in Marlette, Michigan.