



## DALE C. SCHIAN

### Shareholder

Gallagher & Kennedy  
2575 East Camelback Road, Suite 1100  
Phoenix, AZ 85016  
DIR: (602) 530-8140  
dale.schian@gknet.com

### My Practice

BUSINESS LAW & TRANSACTIONS  
BANKRUPTCY & CREDITORS' RIGHTS  
CORPORATE COUNSEL  
ALTERNATIVE DISPUTE RESOLUTION

## PROFESSIONAL SUMMARY

As a veteran insolvency strategist and counsellor, Dale represents businesses and individuals involved in the full array of commercial creditor and debtor-related endeavors. With more than three decades of hard-earned, hands-on experience, Dale is regularly involved in complex out-of-court workouts, restructurings, and Chapter 11 reorganizations. Notably, Dale has represented myriad business clients from a wide variety of specialized and traditional industry sectors, a sampling of which includes manufacturing, retail, high-tech, agribusiness, commercial real estate, multi-family housing, and real estate development.

A Super Lawyers and Best Lawyers in America honoree, member of Arizona's Finest Lawyers, and listed in Corporate Counsel's Top Lawyers in Bankruptcy Debtor-Creditor Rights Law, Dale is valued by clients and colleagues alike for this legal acuity, business acumen, prudent judgement, and laser-sharp focus on each client's ultimate goals. Ranked a 2016 and 2018 Phoenix "Lawyer of the Year" (Litigation – Bankruptcy) and listed among The Best Lawyers in America®, Dale remains diligently committed to guiding clients through difficult economic conditions and protecting their assets at every turn when devising a favorable path to realizing the best possible result.

Dale's extensive experience in complex financial litigation provides a solid foundation for his alternative dispute resolution talent—both as an advocate and as a neutral—and as a leader in the emerging discipline of settlement advocacy. Moreover, Dale's many years of problem solving after judgments have been entered gives him insight into each parties' underlying objectives when working to resolve complicated matters without the time, expense, and delay associated with a trial.

A member of the American Bar Association's Business Law Section and Dispute Resolution Section and Litigation Section. Dale also served on the ABA Law Practice Division's Ethics & Professional Responsibility, and Member Development Committees. He serves as a Lawyer Representative to the Ninth Circuit Judicial Conference and has served as a co-chairperson of the Arizona Lawyer Representatives since 2018. Furthermore, Dale served as 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. A thought-innovator in bankruptcy law, Dale was a founding member of the Arizona Bankruptcy American Inn of Court and is a member of the American Bankruptcy Institute. He previously served on the Bankruptcy Advisory Commission to the Arizona Board of Legal Specialization.

## EDUCATION

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

## 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, 2017-2021
- 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 in America*®, Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, 2009-2024; Litigation - Bankruptcy, 2011-2024
- *Best Lawyers in America*®, Phoenix Lawyer of the Year, Litigation - Bankruptcy, 2016, 2018
- *Southwest Super Lawyers*®, Bankruptcy: Business, 2010-2023
- *Phoenix Magazine*, Top Lawyer, Bankruptcy & Reorganization, 2023
- Arizona's Finest Lawyers, 2011-Present
- ALM Media Legal Leaders, Top Rated Litigator, 2019

## PUBLISHED WORKS

- Chapter 5: Fiduciary Duties in the Context of the Limited Liability Company, *Litigating Fiduciary Duty Claims*, January 27, 2022
- "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, 24<sup>th</sup> 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

- *Swift Air, LLC* – represented plan trustee in recovering in avoidance and breach of fiduciary duty claims.
- *Diamond Sports Chapter 11* – represented Arizona Diamondbacks in enforcing telecast rights agreement with regional television broadcast networks.
- *Potential Dynamix Chapter 11* – represented Chapter 11 trustee in connection with stay violation and inventory reconciliation litigation against Amazon.
- *Sky Harbor Properties, LLC* – established breach of fiduciary cause of action for managers of limited liability companies before Arizona Supreme Court.
- *Loop 76, LLC*, – established separate classification of deficiency claim under plan of reorganization.
- *Prescott Brewing Co.* – represented 30-year Prescott landmark in Chapter 11 and related litigation after wrongful termination of its lease.
- *Star Mountain Resources* – represented former members of creditors’ committee in recovering avoidable transfers after plan confirmation.

## OTHER

Dale was born in Marlette, Michigan.