



Gallagher & Kennedy



## JOSEPH E. COTTERMAN

Shareholder

Gallagher & Kennedy  
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### My Practice

BANKRUPTCY & CREDITORS' RIGHTS - Bankruptcy Litigation, Corporate and Individual Chapter 11 Bankruptcy, Creditors' Rights and Advisory Services, Examiners, Receivers and Trustees, Financing and Financial Restructuring, Unsecured Creditors and Other Statutory Committees

## PROFESSIONAL SUMMARY

Joe practices bankruptcy and creditors' rights law. He has over 25 years of experience representing clients in the areas of corporate restructuring, business bankruptcy, creditors' rights, and commercial litigation. Joe advises corporate debtors, creditors, and committees in Chapter 11 cases, and lenders and borrowers in commercial and real estate foreclosure litigation. His restructuring experience includes the representation of creditors and debtors in the real estate development, retail, manufacturing, health care, telecommunications, airline, firearms, and high-tech industries.

Joe also has extensive experience representing creditor clients in provisional remedy and post-judgment proceedings and enforcement, and representing clients in both state and federal courts, including the Supreme Court of the State of Arizona, the Ninth Circuit Bankruptcy Appellate Panel, and the Ninth Circuit Court of Appeals. He has served as a presenter, author, and instructor on topics relating to bankruptcy law and procedure, and foreclosure and collection litigation.

## EDUCATION

Arizona State University  
J.D., *magna cum laude*, 1991  
Editor, *Jurimetrics*, The Journal of Law, Science, and Technology

Arizona State University  
B.S., *summa cum laude*, 1988

## BAR & COURT ADMISSIONS

- Arizona, 1991
- Arizona Supreme Court, 1991
- U.S. Court of Appeals, Ninth Circuit, 2013

## ASSOCIATIONS & MEMBERSHIPS

- The Arizona Bankruptcy American Inn of Court, Member

## HONORS & AWARDS

- AV Preeminent Peer Review Rating, *Martindale-Hubbell™*
- *The Best Lawyers in America®*, Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law; Commercial Litigation; Litigation – Bankruptcy, 2009-2020
- *Southwest Super Lawyers®*, Bankruptcy, 2009-2013
- *Az Business Magazine*, Arizona's Top Lawyers: Bankruptcy/Reorganization, 2013
- ASU Alumni Association Award for Outstanding Graduate of The College of Law, 1991
- Schmidt Memorial Award for Outstanding Graduate of the School Of Justice Studies, 1988

## COMMUNITY & PHILANTHROPY

Attorney Volunteer, St. Vincent DePaul, 2007-2011

## PUBLISHED WORKS

- Those Buying a Business or Selling Should Beware in 2019, December 17, 2018

## SPEAKING ENGAGEMENTS

Joe lectures locally and nationally on bankruptcy law, judgment enforcement, provisional remedies and creditor's rights before professional and trade organizations.

## REPRESENTATIVE CASES

- Represented secured judgment creditor in successfully pursuing recovery in multistate collection dispute, establishing precedent for interstate choice of law on creditor's remedies, *First Community Bank v. Gaughan (In re Miller)*, 853 F.3d 508 (9th Cir. 2017);
- Represented private lender in bankruptcy proceedings involving \$32 million development loan, through foreclosure, to litigation of foreclosure dispute to Arizona Supreme Court, *BT Capital v. Point Center Financial* 229 Ariz. 299 (2012);
- Represented creditor in dismissal of Chapter 13 case for bad faith filing, establishing precedent for dismissal of bankruptcy with prejudice, *In re Ellsworth*, 455 B.R. 904 (Bankr. 9th Cir. 2011);
- Represented \$25 million secured creditor in restructure of master planned community in Sedona Arizona;
- Represented judgment creditor in successfully collecting \$1.2 million on judgment and preventing judgment debtor from filing bankruptcy.