



## James C. Brand

SHAREHOLDER

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### Services

Bankruptcy, Restructuring & Workouts

Bank & Finance

Debt Finance

Litigation

Finance & Securities

**James represents and advises businesses, commercial lenders and individuals in the areas of corporate restructuring, creditors' remedies, bankruptcy, commercial litigation and related matters.**

James guides businesses through the Chapter 11 process, including both asset sales and plan confirmation. He regularly consults with clients and other lawyers regarding the structure of commercial transactions to minimize exposure in the event of insolvency. He has represented trustees and receivers in preference and fraudulent transfer litigation and has defended similar actions across the nation. He has both brought and defended nondischargeability actions.

James is a former adjunct professor at the University of Minnesota Law School and Mitchell Hamline School of Law in the areas of bankruptcy and secured transactions.

### Experience

- Represented retail business in Chapter 11 proceedings, including DIP financing, asset sales and plan confirmation.
- Represented multiple secured creditors in connection with Article 9 foreclosure proceedings and related matters.
- Represented printed circuit board manufacturer in section 363 sales of two operating divisions to separate buyers.
- Defended numerous avoidance actions, including preference and fraudulent transfer matters.
- Successfully opposed appointment of receiver in state court action.
- Successfully led an assisted living facility through Chapter 11 reorganization.
- Successfully led auto-industry franchisee through Chapter 11 reorganization, including the sale of dozens of locations and the restructuring of a core group of locations.
- Negotiated and confirmed Chapter 11 plan of reorganization on behalf of individual debtor.
- Represented data services company in section 363 sale of its operating assets.
- Repeatedly negotiated—and litigated—issues of cash collateral, adequate protection and stay relief for both creditors and commercial debtors.

## Credentials

### Education

- University of Chicago Law School, J.D., 2006
- Valparaiso University, B.A., 2002, *summa cum laude*

### Admissions

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota
- U.S. Bankruptcy Court for the Eastern District of Wisconsin
- U.S. District Court for the Eastern District of Wisconsin

### Clerkships

- Clerk, Honorable Eugene Wedoff, U.S. Bankruptcy Court for the Northern District of Illinois, 2006-2007

## Recognition

- *Best Lawyers in America*, Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, 2020-2024
- North Star Lawyer, Minnesota State Bar Association, 2012-2014, 2018
- Transaction of the Year, Turnaround Management Association, Minnesota Chapter, 2018
- *Minnesota Super Lawyers Rising Star*, Bankruptcy: Business, 2014-2017
- Transaction of the Year, Turnaround Management Association, Upper Midwest Chapter, 2016

## Civic & Professional

### Professional Activities

- American Bar Association
- Minnesota State Bar Association
- Hennepin County Bar Association
- American Bankruptcy Institute
- *Bankruptcy Bulletin*, Contributing Editor

## Community

- Hennepin County District Court Pilot ADR Project, Volunteer Mediator
- Volunteer Lawyers Network, Volunteer
- University of Minnesota Law School, Former Adjunct Associate Professor of Law
- Mitchell Hamline School of Law, Former Adjunct Associate Professor of Law

## News

Firm News | 08.17.2023

Fredrikson Attorneys Recognized in The Best Lawyers in America© 2024

Article | 08.18.2022

Fredrikson & Byron Attorneys Recognized in The Best Lawyers in America© 2023

Firm News | 06.10.2019

Fredrikson & Byron's Somali 92 Team Receives Recognition for Its Pro Bono Legal Representation

Firm News | 11.26.2018

Fredrikson & Byron Wins Turnaround Management Association's 2018 Chapter Transaction of the Year Award

Firm News | 09.15.2016

Fredrikson & Byron Wins Turnaround Management Association's 2016 Transaction of the Year Award for the Sale of HEI, Inc.

## Legal Updates

Legal Update | 03.30.2020

A Beacon in a Storm: Responding to the COVID-19 Financial Crisis

## Publications & Presentations

Presenter, *Case Law Overview*, 2018 & 2019 Bankruptcy Institute

Co-Author, "Corporations" and "Limited Liability Companies," *Minnesota Business Law Series*, 2015

Co-Author, "Chapter 11 Reorganization," *Minnesota Continuing Legal Education Bankruptcy Practice Deskbook*

Presenter, *Buying at the Bankruptcy Bazaar*, April 29, 2014

Bankruptcy, *Contempt, and the Durability of Environmental Obligations*, 24 Tul. Envtl. L.J. 221 (2011)

## Blog Posts

The Restructuring Report | 11.13.2023  
Confirmation of First Known Sub V Prepack

The Restructuring Report | 03.27.2023  
Practical Advice for Addressing Guarantees in Bankruptcy

The Restructuring Report | 08.29.2022  
Ninth Circuit BAP Weighs in on Subchapter V Eligibility

The Restructuring Report | 11.04.2021  
Warren Targets Private Equity

The Restructuring Report | 06.17.2021  
Current Developments in “Critical Vendor” Payments

The Restructuring Report | 06.25.2020  
Developments in PPP Loans: Sidestepping the SBA’s Anti-Debtor Stance

The Restructuring Report | 02.11.2020  
Section 363 Sale Survives Collateral Attack by Chapter 7 Trustee

The Restructuring Report | 05.13.2019  
Continuing Risks for Businesses Connected to the Marijuana Industry

The Restructuring Report | 10.10.2018  
Squandered Claim? Creditor’s “Veil Piercing” Cause of Action Held to Be Receivership Property – Even After the Receivership Ended

The Restructuring Report | 04.17.2018  
Navigating Disputed Chapter 11 Trustee Elections