

PRACTICE

Restructuring & Bankruptcy

20+

Dedicated attorneys

Benesch's Restructuring & Bankruptcy Practice Group delivers strategic, business-minded counsel to clients navigating the complexities of financial distress, special situations, insolvency and financial-related litigation.

We represent a diverse range of stakeholders—lenders, debtors, capital partners, committees, trade creditors and investors—in both in-court and out-of-court restructurings across the country.

“We rely on their team for incredibly complex work in the restructuring space and they always deliver. They are 100% client-focused.”

—Client, Chambers USA

Focus Areas

DEBTOR & DISTRESSED COMPANY REPRESENTATION

We advise lenders, distressed companies and sponsors through Chapter 11 proceedings, out-of-court workouts, debt restructurings and recapitalizations. Our team structures and executes solutions involving debtor-in-possession (DIP) financing, debt-to-equity conversions, 363 sales, corporate wind-downs and assignments for the benefit of creditors (ABCs).

CREDITOR, COMMITTEE & TRUSTEE PRACTICE

Benesch regularly acts for secured lenders, DIP lenders, trade creditors, landlords and trustees in bankruptcy and enforcement matters. We have extensive experience representing official committees (creditor, equity and ad hoc) and guiding clients through intercreditor arrangements, subordination disputes and enforcement under the UCC and related remedies.

CAPITAL PARTNERS, CO-GPs & SPECIAL SITUATIONS

Our team counsels capital partners and co-GPs in distressed investment scenarios, including preferred equity and mezzanine investments, recapitalizations and note purchases. We have deep experience advising on governance disputes, fiduciary issues and special servicer mandates, providing clear strategies in high-stakes environments.

FINANCIAL SERVICES & LITIGATION

We bring particular strength in financial services litigation, including lender liability claims, repurchase and securitization disputes, credit default swaps, LMEs, and foreclosure litigation. Our litigators are trial ready and regularly handle fraudulent transfer claims, indemnity and guarantor disputes, D&O liability matters, lien avoidance, and bankruptcy appeals.

REAL ESTATE & COMMERCIAL RESTRUCTURING

With significant capabilities in real estate restructuring, our team handles distressed acquisitions, landlord/tenant disputes, brokerage and construction conflicts, mechanics' liens, and real estate litigation. We advise clients across the full capital stack in lender-on-lender disputes and investment vehicle structuring.

What We Do

Financial Services & Capital Markets Litigation

Bankruptcy Litigation

- Preferences
- Lien avoidance
- Fraudulent conveyances
- Subordination and reclassification

Financial Services Litigation

- Foreclosures
- Receiverships
- Guarantor litigation
- Lender liability
- Intercreditor disputes
- Securitization disputes
- Repurchase disputes
- Partnership, LLCA and capital partner disputes
- Article 2 and 2A disputes
- Article 9 disputes
- Asset recovery

D&O Liability & Fiduciary Litigation

- Corporate governance disputes
- Director and officer liability
- Books and records
- Equitable remedies
- Indemnity disputes

Real Estate Litigation

- Construction litigation
- Brokerage disputes
- Mechanics' liens
- Insurance/title claims
- Landlord/tenant disputes

Restructuring

Bankruptcy

- Debtor practice
- Committee practice (creditors, equity and ad hoc)
- Secured and DIP lender practice
- Trade creditor practice
- Trustee practice
- Section 363 acquisition practice

Distressed Investments & Capital Markets

- Recapitalizations
- Note sales
- Mezzanine investments
- Preferred equity investments
- Capital partner and co-GP investments
- Intercreditor arrangements
- Investment vehicle structuring
- Capital markets and lender-on-lender transactions
- Distressed M&A

Special Situations

- Forbearances
- Workouts
- Corporate wind-downs
- ABCs
- Debt-to-equity conversions
- Uniform commercial code enforcement
- LMEs
- Credit default swaps