

Bryan E. Jacobson

PARTNER

Chicago

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Bryan Jacobson is a partner in Chapman's Banking and Financial Services Department and a member of the Litigation Group. He has experience representing corporate clients and individuals at the state and federal level in a variety of complex litigation matters involving bankruptcy, banking, consumer finance, contract disputes, trust and fiduciary duties, and general commercial lending and restructuring issues.

Prior to joining the firm, Bryan served as Senior Law Clerk to the Honorable Justice Stuart J. Palmer at the Illinois Court of Appeals, First District.

Representative Matters

- Representation of major national and local lending institutions on numerous multi-million dollar credit facilities in state and federal court.
- Successfully defended institutional client against breach of fiduciary duty allegations relating to administration of trust at trial and appellate court levels.
- Obtained dismissal of multi-million dollar breach of contract and consumer fraud claims against national Chicago-based bank.
- Negotiated complex multi-million dollar recovery in favor of secured creditor within Chapter 11 corporate debtor's plan of reorganization.
- Obtained \$7 million judgment on counterclaim against banking client borrowers that asserted numerous affirmative defenses.
- Advised institutional co-trustee on a number of construction and corporate fiduciary risk issues.
- Successful pro bono representation of qualified individuals seeking Executive Clemency in proceedings before the Illinois Prison Review Board.

Admitted

Illinois, 2009

U.S. District Court, Northern District of Illinois, 2012

U.S. Court of Appeals for the Seventh Circuit, 2015

U.S. District Court, Western District of Michigan, 2020

U.S. Court of Appeals for the Ninth Circuit, 2022

Education

Syracuse University College of Law, J.D., *cum laude*, 2009

- Notes Editor, *Syracuse Law Review*

- Associate Editor, *The Labor Lawyer*

Syracuse University, B.A., *magna cum laude*, 2006

Practice Focus

Bank Defense

Commercial Foreclosure and Real Estate Litigation

Commercial Litigation and Alternative Dispute Resolution

Fiduciary Litigation

Mortgage and Home Equity Lending

Memberships

Turnaround Management Association

Secured Finance Network

Chicago Bar Association

- Legislative Liaison, Commercial Litigation Committee

Illinois State Bar Association

Daniel Murphy Scholarship Fund

- Associate Board Member

Honors & Awards

- Credit Abuse Resistance Education (CARE) Volunteer of the Year, 2018
- Selected as a "Rising Star" by *Super Lawyers*, 2016 – 2017
- Chapman and Cutler's Pro Bono Honor Roll, 2012 – 2020

Publications

- Co-Author, "Consolidated Appropriations Act, 2021 Offers Temporary Relief to Certain Landlords and Suppliers from Preferential Transfer Liability," *Client Alert*. January 13, 2021.
- Co-Author, "The Impact of COVID-19 on Pending and Newly Scheduled Court Hearings," *Client Alert*. April 1, 2020.
- Co-Author, "Application of *Force Majeure* and Material Adverse Change Clauses on Contractual Obligations in the Context of the COVID-19 Pandemic," *Client Alert*. March 24, 2020.
- Co-Author, "The Impact of COVID-19 on Pending and Newly Scheduled Court Hearings," *Client Alert*. March 19, 2020.
- Co-Author, "The New Illinois Trust Code: What It Means for Trustees and Trustmakers, Part V," *Client Alert*. February 3, 2020.
- Co-Author, "The New Illinois Trust Code: What It Means for Trustees and Trustmakers, Part IV," *Client Alert*. December 2, 2019.
- Co-Author, "The New Illinois Trust Code: What It Means for Trustees and Trustmakers, Part III," *Client Alert*. October 1, 2019.

Real Estate

Restructuring and Bankruptcy

Special Situations and
Restructuring

- Co-Author, "Beyond the Four Corners: Seventh Circuit Holds That a UCC Financing Statement May Incorporate a Collateral Description by Reference to Sufficiently 'Indicate' the Collateral for Purposes of Perfection," *Client Alert*. September 26, 2019.
- Co-Author, "The New Illinois Trust Code: What It Means for Trustees and Trustmakers, Part II," *Client Alert*. August 19, 2019.
- Co-Author, "The New Illinois Trust Code: What It Means for Trustees and Trustmakers," *Client Alert*. July 15, 2019.
- Co-Author, "Chapter 7 Ruling Protects Banks from Debtor-Account Dilemma," *Law360*. May 3, 2019.
- Co-Author, "The Proof Is in the Pudding: Seventh Circuit Holds That the Illinois Department of Revenue Must Present Evidence to Support the Value of Its Claim for Adequate Protection in a Section 363 Sale," *Pratt's Journal of Bankruptcy Law*. November/December 2018.
- Co-Author, "All Is Not Lost: Courts Allow Debtors to Redeem Sold Real Estate Taxes in Bankruptcy to Avoid Losing Their Property," *LexisNexis Emerging Issues Analysis*. May 2018.
- Co-Author, "New Jersey District Court Holds That a Real Estate Tax Foreclosure Sale Can Be Set Aside as a Preference under Section 547 of the Bankruptcy Code," *Client Alert*. May 14, 2018.
- Co-Author, "All Is Not Lost: Courts Allow Debtors to Redeem Sold Real Estate Taxes in Bankruptcy to Avoid Losing Their Property," *Pratt's Journal of Bankruptcy Law*. April/May 2018.
- Co-Author, "Diamonds Really Are Forever: Illinois Bankruptcy Court Concludes That Wedding Rings are Largely Exempt from the Bankruptcy Estate," *Client Alert*. December 13, 2017.
- Co-Author, "When Is a Deadline Really a Deadline? U.S. Supreme Court Clarifies the Distinction Between a Jurisdictional Appeal Filing Deadline and a Mandatory Claim Processing Deadline," *Client Alert*. November 14, 2017.
- Co-Author, "In Case of First Impression, Illinois Appellate Court Holds That Senior Lender's Material Breach of Intercreditor Agreement Warrants Partial Subordination of Senior Debt," *Pratt's Journal of Bankruptcy Law*. September 2017.
- Co-Author, "Sixth Circuit Holds That a Perfected Assignment of Rents Precludes a Debtor's Use of Rents as Cash Collateral," *Client Alert*. May 23, 2017.
- Co-Author, "Not Everything You Bargained For? Ninth Circuit Holds That a Secured Creditor Holding a Non-Recourse Mortgage is Barred from Asserting a Deficiency Claim Following the Foreclosure of the Collateral," *Client Alert*. May 5, 2017.
- Co-Author, "Notable Updates in the Law of the Uniform Commercial Code," *Client Alert*. May 2, 2017.
- Co-Author, "From 12 to 6 and Back Again: Illinois Supreme Court Strikes Down Statute Mandating Six-Member Juries in Civil Trials," *Client Alert*. October 5, 2016.
- Co-Author, "The Seventh Circuit Ups the Ante in an Instructive Decision Affirming the Power of Bankruptcy Courts to Stay Litigation," *Pratt's Journal of Bankruptcy Law*. April/May 2016.
- Co-Author, "Seventh Circuit Holds Illinois Tax Sales May Be Set Aside as Fraudulent Transfers," *Client Alert*. January 27, 2016.

- Co-Author, "Hidden Mortgagor-Tenants in Ill. Commercial Properties," *Law360*. November 16, 2015.
- Co-Author, "Judgment Creditors: How Building a Strong Record During Citation Proceedings Can Pay Dividends in Bankruptcy," *Pratt's Journal of Bankruptcy Law*. September 2015.
- Co-Author, "If It Walks Like a Duck...*In Re Duckworth*: Another Warning to Lenders to Take Care in Drafting Security Documents," *Pratt's Journal of Bankruptcy Law*. February/March 2015.
- Co-Author, "To Have and to Hold: Update on Litigation Holds in Light of *Corinthians*," *Chapman Sidebar*. July 16, 2014.
- Co-Author, "The Dangers of Ambiguities in Negotiating Settlement Agreements," *Chapman Sidebar*. May 28, 2014.
- Co-Author, "Senate Bill 56 (735 ILCS 5/9-207.5): New Protections Offered to Illinois Renters," *Client Alert*. September 3, 2013.
- Co-Author, "Protecting Tenants in Foreclosed Rental Property Ordinance: What Lenders Need to Know," *Client Alert*. August 20, 2013.

Presentations

- Presenter, "The Last Resort: Creditor Considerations When a Debtor Files a Bankruptcy Petition and What You Need to Know," CLE Program, January 29, 2020
- Presenter, "Collective Action Clauses in Intercreditor Agreements," Chicago Mortgage Attorneys Association, November 19, 2019
- Presenter, "Play Nice in the Sandbox: Collective Action Clauses in Intercreditor Agreements," CLE Program, June 12, 2019
- Presenter, "The New Illinois Trust Code: What's Changed, What's the Same and How Uniform is It?," Chapman and Cutler's 2019 CLE Marathon, May 8, 2019
- Presenter, "Fiduciary Rule Litigation Update," Chicago Bar Association Investment Management Subcommittee, July 27, 2017