

Dan S. Schechter
Professor of Law
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EDUCATION:

1974 B.A., Loyola Marymount University, National Merit Scholar.
1977 J.D., UCLA Law School

1977 Admitted to California Bar.

EXPERIENCE:

1988-present Professor of Law, Loyola Law School.
 Courses taught: Bankruptcy; Property; Secured Transactions in Personal
 Property; Secured Transactions in Real Property; Asset-Based Commercial
 Finance; Legal Writing.

1984-1987 Associate Professor, Loyola Law School.
 Courses taught: Property; Agency and Partnership; Secured Transactions in
 Personal Property; Debtor-Creditor Law; Bankruptcy; Legal Method.

1983-1984 Acting Professor, Loyola Law School.
 Courses taught: Property; Agency and Partnership; Secured Transactions in
 Personal Property.

1981-1983 Visiting Professor, Loyola Law School.
 Courses taught: Civil Procedure; Civil Procedure Workshop; Property; Agency
 and Partnership; Secured Transactions in Personal Property.

1980-1981 Instructor in Law, Loyola Law School.
 Course taught: Civil Procedure Workshop.

1979-1980 Attorney, Levy & Norminton, Beverly Hills.
 Insolvency, commercial finance, and business litigation.

1977-1979 Attorney, Gendel, Raskoff, Shapiro and Quittner, Los
 Angeles. Insolvency, commercial finance, and business litigation.

ACADEMIC COMMITTEES:

Admissions Committee; member since 1982.

Co-Chair, Instructional Technology Committee, 2006-2007.

Coach of Hispanic National Bar Association Moot Court Team, 2005.

Member, Career Services Committee, 2000-2001.

Member, Academic Support and Externships Committees, 1997-1998.

PUBLICATIONS:

Author, "Commercial Finance Newsletter," weekly current developments column published by Westlaw [database COMFINNL], 2002 -- present; over 700 essays published to date. Discussion and analysis of secured transactions in real and personal property, bankruptcy, and civil law issues affecting financial transactions and litigation.

"Recent Developments in Insolvency and Commercial Finance," California Business Law News, Spring, 2010.

"Recent Developments in Insolvency and Commercial Finance," California Business Law News, Spring, 2009.

Co-author, California Real Estate Finance, 5th Ed., Carolina Academic Press (2008).

"Recent Developments in Insolvency and Commercial Finance," California Business Law News, Spring, 2008.

Quarterly columnist for Commercial Law and Bankruptcy Section, Los Angeles County Bar Association, 1994 -- 2008.

"Recent Developments in Insolvency and Commercial Finance," California Business Law News, Spring, 2007.

"Recent Developments in Insolvency and Commercial Finance," California Business Law News, Spring, 2006.

"Recent Developments in Insolvency Law," California Business Law News, Spring, 2005.

"Recent Developments in Insolvency Law," California Business Law News, Spring, 2004.

"The Perfect Storm: Bankruptcy Reform and the Economic Downturn," Loyola Lawyer, 2003.

"Comments on the New Romanian Collateral Law, and Its Effect on the Development of Commercial Finance," International Insolvency Review (November, 2000).

"Comments on the Pending Bankruptcy Legislation," Loyola Law Review (July, 1999.)

Monthly columnist for Journal of Lending & Credit Risk Management, 1997 -- 1999.

Quarterly columnist for Bankruptcy and Insolvency Committee, Litigation Section of the American Bar Association, 1994 -- 1997.

"Comments on Selected Portions of the March, 1993 Version of the Heflin-Grassley Bankruptcy Amendments Bill," 21 California Bankruptcy Journal 29 (1993).

"The Proposed Reform of California's Antideficiency Statutes: A Good Start Toward a Rational Law of Real Property Secured Transactions," 10 Calif. Real Prop. J. 39 (Spring, 1992).

Cases and Materials on Asset-Based Commercial Finance (Loyola Law School: 1989).

"Judicial Lien Creditors vs. Prior Unrecorded Transferees of Real Property: Rethinking the Goals of the Recording System and Their Consequences," 62 So. Cal. L. Rev. 105 (1988).

"The Purchase Money Security Interest In Inventory: Advantages and Techniques For The Supplier," 91 Bus. Credit 59 (1988).

"The Judicial Lien Creditor vs. the Prior Unrecorded Transferee," in Credit Manual of Commercial Laws (Nelson, ed.), 1987.

"The Principal Principle: Controlling Creditors Should Be Held Liable For Their Debtors' Obligations," 19 U.C. Davis Law Review 875 (1986).

Co-Author, "State Taxation of Computer Programs: Tangible or Intangible?," 63 Taxes 54 (1985).

Co-Author, "For Whom The Bell Curves: A Brief Discussion Of The Reasons For And Against Law School Grade Normalization, and A Comparison of Some Normalization Methods," Learning and Evaluation in Law School (AALS: 1984), pp. 504-558.

Co-Author, "Normalization of First Year Law School Grades," 58 College and University Journal 159 (1983).

"Executory Contracts Under the 1978 Bankruptcy Code," in Recent Developments In Bankruptcy (Practicing Law Institute, 1980).

"Post-Judgment Amendments to Pleadings" and "Recovery of Attorneys' Fees as Costs," in Motions During and After Trial (California Continuing Education of the Bar, 1979).

PUBLIC SERVICE:

Co-drafted two separate bills re renewal of judgment liens on personal property (C.C.P. §697.510) and scope of judgment liens (C.C.P. §697.530); testified before Assembly and Senate Judiciary Committees (2008 and 2009); both bills enacted in 2009.

Co-drafted legislation re deficiency liability for refinancing of purchase money transactions (C.C.P. §580b); pending in 2010.

Amicus counsel *pro bono* in In re Wingerter (2008) before 6th Cir. BAP, re claims trading in bankruptcy.

Co-drafter of "in rem" amendment to §362(d)(4) of Bankruptcy Code (enacted in 2005).

Drafted amendment to Calif. Civil Code §3439.04(b) (enacted in 2004); testified before Legislature.

Member of California State Bar Insolvency Law Committee, 2002-present; legislative liaison. Responsible for review and drafting of legislation.

Amicus counsel *pro bono* in DeBerard v. Lim (1999), a real property finance case; sought and achieved hearing in California Supreme Court.

Reporter, Unidroit Space Working Group, 1997-1999. United Nations organization; responsible for drafting international treaty governing financing of satellites and other space ventures.

Member of California State Bar UCC Committee, 1997-2000. Responsible for review and drafting of commercial and financial legislation.

Legislative Reporter, Bankruptcy Foreclosure Fraud Task Force, Central District of California, 1996-1998. Responsible for drafting federal legislation to combat fraudulent bankruptcy filings and state legislation to combat “rent skimming.”

Chairman, 1990-2003, Joseph Bernfeld Memorial Scholarship Committee, Los Angeles Bankruptcy Forum, a writing competition focusing on insolvency and commercial issues.

Member, Commercial Law Committee, Commercial and Bankruptcy Section of Los Angeles County Bar Association, 1990-present.

Chairman, Legislative Monitoring Committee, Commercial and Bankruptcy Section of Los Angeles County Bar Association, 1990-1997. Responsible for analyzing pending state legislation and for recommending appropriate action by the Bar Association.

Reporter, Task Force Re: 1993 Bankruptcy Amendments Bill, Los Angeles County Bar Association.

Moderator, California Commercial Finance and Bankruptcy Forum, an on-line service of Counsel Connect, 1994-1997. Responsible for national electronic discussion group on current developments.

Co-counsel pro bono publico in Merrill v. Ballard, 1992-1993, an adverse possession case; sought and achieved decertification of appellate opinion by the California Supreme Court.

Counsel pro bono publico in County of Los Angeles v. Dobbs, 1991-1992, a welfare rights case.

Director of Continuing Legal Education, Buchalter, Nemer, Fields & Younger, 1988-2003.

Counsel pro bono publico in Barnes v. State Farm, 1988-1990, a class action alleging that State Farm's use of statutorily-compelled policyholder premiums for political activities violated plaintiffs' First Amendment rights.

Filed pro bono amicus brief in Santa Cruz Lumber v. Bank of America, 1984, a circular priority case; sought and achieved decertification of appellate opinion by the California Supreme Court.

PUBLIC SPEAKING:

Keynote Speaker, California Receivership Forum, January, 2009. Topic: “Drafting the Model Order of Appointment.”

Panelist, California State Bar Association, May, 2008. Topic: "Recent Developments Affecting Real Estate Finance."

Panelist, Los Angeles County Bar Association, April, 2008. Topic: "Current Developments in Bankruptcy Avoidance Powers."

Panelist, Foley Forum, Pepperdine Law School, March, 2008. Topic: "Regulatory Responses to the Subprime Crisis."

Panelist, American Bankruptcy Institute, September, 2007. Topic: "Current Developments in Commercial Finance and Insolvency."

Panelist, Beverly Hills Bar Association, May, 2006. Topic: "Current Developments Affecting the Automatic Stay."

Panelist, Beverly Hills Bar Association, June, 2005. Topic: "Current Developments in Business Insolvency."

Panelist, Los Angeles County Bar Association, April, 2005. Topic: "Current Developments in the Bankruptcy Estate's Avoidance Powers: Standing, Tort Theories, and Recovery."

Panelist, Los Angeles County Bar Association, February, 2005. Topic: "Current Developments in Fraudulent Transfers and Preferences."

Panelist, National Association of Bankruptcy Trustees, September, 2004. Topic: "Alter Ego Claims in Bankruptcy."

Panelist, Beverly Hills Bar Association, May, 2004. Topic: "New Developments in Insolvency Law."

Panelist, Los Angeles County Bar Association, April, 2004. Topic: "Loan Workout Documentation."

Panelist, American Bankruptcy Institute, March, 2004. Topic: "New Developments in Insolvency Law."

Speaker, American Bar Association, April, 2003. Topic: "Business Tort Issues Affecting Article 9 Transactions."

Speaker, Orange County Bankruptcy Forum, March, 2003. Topic: "Recent Developments in Commercial and Insolvency Law."

Speaker, Financial Lawyers' Conference, December, 2002. Topic: "Recent Developments in the Trustee's Avoidance Powers."

Speaker, Orange County Bankruptcy Forum, February, 2002. Topic: "Recent Developments in Commercial and Insolvency Law."

Panelist, California Bankers Association, April, 2001. Topic: "Commercial Credit Roundtable."

Speaker, Inland Empire Bankruptcy Forum, March, 2001. Topic: "Recent Developments in Commercial and Insolvency Law."

Speaker, Orange County Bankruptcy Forum, February, 2001. Topic: "Recent Developments in Commercial and Insolvency Law."

Panelist, Orange County Bankruptcy Forum, November, 2000. Topic: "Recent Developments in the Trustee's Avoidance Powers."

Panelist, California State Bar Association, April, 2000. Topic: "Recent Developments Affecting Real Estate Finance."

Speaker, California Receivers Forum, April, 2000. Topic: "Protecting the Receiver Under the Order of Appointment."

Panelist, Los Angeles County Bar Association, March, 2000. Topic: "Enforcement of Creditors' Remedies Under Revised Article 9."

Speaker, Orange County Bankruptcy Forum, February, 2000. Topic: "Recent Developments in Commercial and Insolvency Law."

Speaker, Colloquium of Romanian Bankruptcy Judges, Bucharest, Romania, December, 1999. Topic: "The New Romanian Collateral Law and Its Effect on Reorganizations."

Moderator and Panelist, California State Bar Convention, October, 1999. Topic: "Common Mistakes of Secured Creditors."

Moderator and Panelist, Orange County Bar Association, September, 1999. Topic: "Recent Developments in Commercial and Insolvency Law."

Moderator and Panelist, Orange County Bankruptcy Forum, February, 1999. Topic: "Recent Developments in Commercial and Insolvency Law."

Speaker, FDIC , Washington, D.C., August, 1998. Topic: "Recent Developments in Commercial and Insolvency Law."

Moderator and Panelist, Orange County Bankruptcy Forum, February, 1998.
Topic: "Recent Developments in Commercial and Insolvency Law."

Panelist, Financial Lawyers Conference, November, 1997. Topic: "On the Fringes of Article 9: Current Developments Affecting Secured Parties."

Moderator and Panelist, Century City Bar Association, October, 1997. Topic: "Assignments of Rents and the Interaction of California Law with the Bankruptcy Code."

Moderator, Orange County Bankruptcy Forum, June, 1997. Topic: "Should Post-Petition Rents Apply To Pre-Petition Debt?"

Moderator, Orange County Bankruptcy Forum, February, 1997. Topic: "Recent Developments in Insolvency Law."

Speaker, Orange County Bankruptcy Forum, February, 1996. Topic: "Recent Developments in Insolvency Law."

Speaker, Los Angeles County Bar Association, Corporate Counsel Section, April, 1995. Topic: "Insolvency Issues Affecting Corporate Credit Management."

Speaker, Orange County Bankruptcy Forum, February, 1995. Topic: "Recent Developments in Ninth Circuit Insolvency Law."

Moderator and Panelist, Orange County Bankruptcy Forum, April, 1994. Topic: "The Pending Bankruptcy Amendments Bill." [Benefit Program for American Red Cross Fire and Earthquake Fund.]

Panelist, Los Angeles County Bankruptcy Forum, April, 1994. Topic: "Hot Topics in the Trustee's Avoidance Powers."

Moderator and Panelist, Commercial Law and Bankruptcy Section of Los Angeles County Bar Association, February, 1994. Topic: "Current Developments in Commercial Law, Bankruptcy, and Real Property." [Benefit program for American Red Cross Earthquake Fund.]

Panelist, Bankruptcy Section of the Los Angeles County Bar Association, November, 1993. Topic: "Chapter 11: Toss It, Fix It, or Leave It Alone?"

Panelist, Los Angeles County Bar Association Commercial Law Section, September, 1993. Topic: "Recent Developments in Commercial Law."

Speaker, State Bar of California, Business Law Section, Third Annual Commercial and Bankruptcy Law Update, April, 1992. Topic: "Comments on the Heflin-Grassley Bankruptcy Amendments Bill."

Panelist, Los Angeles County Bar Association, Commercial and Bankruptcy Section, December, 1991. Topic: "Refinancing the Troubled Leveraged Buyout: Is the Refinancer an Angel or a Pigeon?"

Panelist, Financial Lawyers Conference, October, 1991. Topic: "Ethical Problems in Lending Transactions and Workouts."

Panelist, 1991 California Bankers Association, Sacramento, California. Topic: "Loan Commitments, Participations, And Subordination Agreements."

Speaker, 1990 Joint Credit Conference of National Food Manufacturers, La Jolla, California. Topic: "Inventory Suppliers and Preference Liability: Problems and Solutions."

Panelist, Los Angeles County Bar Commercial Law Committee. Topic: "Current Developments Affecting the Drafting of Commitment Letters," April, 1990.

Speaker, 1990 Joseph Bernfeld Memorial Lecture, Los Angeles Bankruptcy Forum. Topic: "Derivative Insider Preference Liability After Deprizio: Defenses, Drafting, and Dangers."

Speaker, 1988 convention of National Association of Credit Managers. Topic: "Lender Liability Litigation From The Viewpoint of the Trade Creditor."

Speaker, 1987 convention of National Association of Credit Managers. Topic: "Protecting Unsecured Creditors From Secured Creditor And Debtor Misconduct."

CONSULTING AND EXPERT TESTIMONY [in reverse chronological order]:

On Behalf of Plaintiffs:

Garfield Beach CVS vs. Southgate CPE, LASC: Expert witness re purchase option held by sublessee.

Loan Link vs. NCB, C.D. Cal.: Consultant re wrongful foreclosure by mortgage pool participants.

In re Copia, Bankr. N.D. Cal.: Consultant re fraudulent transfer liability of participants in mortgage-backed bond issuance.

In re SonicBlue, Bankr. N.D. Cal.: Consultant re misconduct by bankruptcy counsel.

New Stream Finance vs. Bloomfield Estates, C.D. Cal.: Expert witness re use of special purpose entity in nonrecourse financing.

In re Conseco Life Insurance, C.D. Cal.: Consultant re effect of corporate predecessor's bankruptcy on successor's alter ego liability.

Wolkowitz vs. Western Commerce Corp., Bankr. C.D. Cal.: Consultant re fraudulent transfer liability stemming from parent/subsidiary transactions.

Chalk & Vermilion vs. L&W, LASC: Expert witness re effect of UCC on rights of consignors of fine art.

Beal Bank vs. Ng., LASC: Expert witness re application of antideficiency legislation.

Colgrove vs. Arrowhead Community Surgical Medical Group, Inc., Riverside S.C.: Consultant re breach of fiduciary duty in sale and purchase of medical practice.

In re Powerlift, Bankr. C.D. Cal.: Consultant re estate's standing to pursue alter ego claims.

Platinum Capital v. Sylmar Plaza, LASC: Consultant re judicial foreclosure and enforcement of remedies.

Charles v. Los Angeles Turf Club, LASC: Consultant re effect of noncompliance with safety regulations.

In re Airmotive, Bankr. C.D. Cal.: Consultant re fraudulent transfer stemming from sham successor entities.

Kohut v. BMG, S.B.S.C.: Consultant re tortious interference with medical practice.

In re ProGen, Bankr. C.D. Cal.: Consultant re preference liability of purchase money secured creditor.

California Bank & Trust vs. Keo Pyung Group, L.A.S.C.: Expert witness re effect of Article 9 filings.

Fontana v. Spartech Plastics, C.D.Cal.: Consultant re breach of warranty under UCC.

Western Auto v. Savage Arms, Alaska S.C.: Expert witness re effect of sham asset purchase on successor liability.

First TD Investments v. Chang, Bankr. C.D. Cal.: Expert witness re fraudulent loan brokerage scheme.

Dutton v. Anderson, L.A.S.C.: Expert witness re effect of antideficiency statutes on rights of secured lender.

Lederer v. Sun World, L.A.S.C.: Expert witness re landlord's remedies against bankrupt lessee.

People v. Greenberg, Riverside County S.C.: Expert witness for prosecution re fraudulent use of adverse possession.

Gantes v. PERS, Sacramento County S.C.: Consultant re breach of fiduciary duty claim brought by retirees against pension system.

In re Casablanca Fan Co., Bankr. C.D. Cal.: Consultant re fraudulent transfer claim brought by creditors' committee against leveraged buyout lender.

Milk Producers v. Citicorp, L.A.S.C.: Consultant re fraud claim brought by trade creditors against leveraged buyout lender; control/agency liability.

LaBorde v. Bank of America, Kern County S.C.: Consultant re fraud and bad faith claim brought by borrower against lender; wrongful termination of line of credit.

Kessler v. Bank of Los Angeles, L.A.S.C.: Consultant re fraud claim brought by borrower against lender; breach of commitment to finance accounts receivable.

Long v. California State Bank, L.A.S.C.: Consultant re fraud claim brought by borrower against construction lender for failure to supervise disbursements to contractor.

Triano v. Capital Bank, L.A.S.C.: Consultant re fraud and bad faith claim brought by guarantor against lender for mishandling of supervision of liquidation of assets of primary obligor.

New Onyx v. Sunwest Bank, Orange County S.C.: Consultant re claim for breach of loan commitment brought by investors against lender.

National Steel v. Bank of America, Bankr. C.D. Cal.: Expert witness re settlement value of lender liability action in bankruptcy case.

On Behalf of Defendants:

Lake Las Vegas v. Transcontinental, D. Nev.: Consultant re fraudulent transfer arising from leveraged recapitalization.

City of West Covina v. Chrysler Financial Services, LASC: Expert witness re lien priority and debt subordination.

VIA v. SBC, N.D. Cal: Consultant re fraudulent transfer arising from assignment of bankruptcy claims.

USACM v. Petersen, D. Nev.: Consultant re fraudulent transfers arising from alleged Ponzi scheme.

Shell v. PEMG, C.D. Cal.: Expert witness re interpretation of loan provisions dealing with subordination agreements.

In re J.T. Thorpe, Inc., C.D. Cal.: Expert witness re alleged bad faith participation by insurers in asbestos reorganization.

Antin v. Amusement, Inc., L.A.S.C.: Consultant re effect of noncompliance with contract for sale of real property.

Kuramoto v. Downey Savings, L.A.S.C.: Expert witness re effect of bankruptcy filing on depository institution's response to levy.

1340 N. Moorpark, Ltd., v. Woodcrest Schools, L.A.S.C.: Consultant re breach of lessor's covenant of title.

Proctor v. Bank of America, Alameda S.C.: Expert witness re trustee's duty to administer bankrupt's assets.

In re Setzer, Bankr. C.D. Cal.: Consultant re equitable subrogation of secured creditor.

Bekhor v. Graham & James, L.A.S.C.: Expert witness re fraudulent transfer issues in complex corporate acquisition.

In re Coupon Clearinghouse Service, Bankr. C.D. Cal.: Consultant re conversion action brought by creditors against secured party.

Capital Bank v. European Select, L.A.S.C.: Consultant re lender's tort liability in wrongful attachment case.

Nielson v. California United Bank, Bankr. C.D. Cal.: Expert witness re fraudulent conveyance, breach of fiduciary duty, fraud, and equitable subordination case brought by trustee against lender stemming from multilevel corporate acquisition.

Other transactional issues (identities of participants are confidential):

Served as transactional consultant re documentation and structuring in a broad range of financial and corporate matters, such as financing secured by real and personal property, title problems, leveraged acquisitions and recapitalization, asset acquisitions both before and within bankruptcy proceedings, leasehold financing, commercial leasing of real and personal property, cross-corporate credit facilities, guarantees, foreclosures, workouts, subordinations, and intercreditor agreements; served as state and federal legislative consultant to private corporations.