

DETROIT

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Services

Bankruptcy, Restructuring and
Insolvency

Bankruptcy Litigation and
Appeals

Creditor and Creditors'
Committee

Debtor Representation

Distressed Automotive Supplier

Distressed Transactions and
Bankruptcy Sales

International and Cross-Border
Insolvency

Loan Enforcement and
Restructuring

Corporate and Transactions

Financial Services

C&I and Asset-Based Finance

Commercial Lending
Enforcement, Insolvency and
Litigation

Public Finance

Distressed Municipalities and
Debt Restructuring

Industries

Automotive

Financial Institutions

Government and Public Sector

Education

University of Minnesota Law
School, J.D., 2007

University of Michigan, B.A., 2004

Marc N. Swanson

Principal
Managing Director
Bankruptcy Group Leader



Marc Swanson leads the Bankruptcy and Insolvency Group at Miller Canfield, which from 2022–2025 has received the highest possible ranking (Band 1) by Chambers and Partners. Marc is also recognized as a leading individual practitioner by Chambers, with clients calling him "a fabulous lawyer" and "a pleasure to work with." In 2024, Marc was elected as one of the Managing Directors of Miller Canfield.

Marc specializes in representing debtors, lenders, creditors, equity holders and unsecured creditors' committees in bankruptcy cases and litigation in Michigan and throughout the country. Marc has extensive experience in the health care, municipal, energy, automotive, banking and building supply industries.

In 2021, *Crain's Detroit Business* selected Marc as one of its "40 Under 40" who have achieved business success at an early age. In 2019, the American Bankruptcy Institute also selected Marc for its prestigious 40 Under 40 program, which identifies top industry professionals under the age of 40 and recognizes them for their leadership and professional accomplishments. Marc has been consistently recognized by Best Lawyers in America (Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization) and by Michigan Super Lawyers as a rising star in business bankruptcy. Marc is also co-chair of the Debtor/Creditor Rights section of the State Bar of Michigan and Past President of the Turnaround Management Association (Detroit Chapter).

In his role as counsel to the City of Detroit in its bankruptcy case, Marc argued and won two bankruptcy appeals at the U.S. 6th Circuit Court of Appeals for the City. One of these appeals sought to unravel the City's entire bankruptcy plan and Grand Bargain, and the other appeal challenged the Detroit Water and Sewerage Department's ability to collect past due bills and set its rates. Marc also successfully

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Bar Admissions

Michigan

Court Admissions

United States Supreme Court

U.S. Court of Appeals for the Sixth Circuit

U. S. District Court

- Western District of Michigan
- Eastern District of Michigan

represented the City at the U.S. Supreme Court in the appeal of its bankruptcy plan.

Marc frequently speaks at restructuring conferences and seminars and publishes articles on insolvency-related topics. Marc has co-authored three chapters for the Institute of Continuing Legal Education on buying and selling businesses in Michigan and representing creditors and debtors in bankruptcy cases. He has also co-authored guides for Practical Law on Uniform Commercial Code Article 9 Sales in Michigan, Assignment for the Benefit of Creditors in Michigan and Receiverships in Michigan.

Marc is a graduate of Leadership Detroit and serves as the President of the board of Cass Community Social Services, a non-profit based in Detroit.

Representative Matters

Appellate Court Rules that Creditors Deserve Reimbursement for Bankruptcy Participation

In the first appellate decision of its kind, a team of Miller Canfield attorneys, led by Marc Swanson, successfully represented a credit insurer at the Sixth Circuit Court of Appeals in recovering all of its expenses and attorneys' fees due to the substantial contribution it made in a large trucking firm's bankruptcy case.

City of Detroit Bankruptcy: Detroit Water and Sewerage Department

Marc Swanson, with a team of Miller Canfield attorneys, represented the City in an appeal to the Sixth Circuit Court of Appeals regarding challenges to the Detroit Water and Sewerage Department's ability to collect past due bills and set rates according to the cost of providing services.

City of Detroit Bankruptcy: Challenge to Bankruptcy Plan and Pension Grand Bargain

A team from Miller Canfield, led by Marc Swanson, represented the City in an appeal to Sixth Circuit Court of Appeals regarding a challenge to the City's confirmed bankruptcy plan, including the Grand Bargain reached in the City's bankruptcy negotiations.

City of Detroit Chapter 9 Bankruptcy Restructuring

Miller Canfield served as local counsel to the City of Detroit in connection with its Chapter 9 bankruptcy case filed in July 2013 and its ongoing restructuring efforts. Since the City confirmed its Plan of Adjustment in December 2014, Miller Canfield has continued to represent the City in connection with many aspects of its Plan implementation, appeals of Plan confirmation, set up of the Great Lakes Water

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Authority, and a variety of financings.

Energy Company Back Royalty Payments/Chapter 11 Bankruptcy Protection

Represented an energy company that leased significant natural gas rights to another energy company that filed for Chapter 11 bankruptcy protection. At stake was almost \$2 million in back royalty payments under the lease. The court held that under Michigan law the oil and gas lease was indeed a lease under the Bankruptcy Code, entitling the client to all past due royalty payments before the debtor could continue extracting natural gas.

Teaching

University of Minnesota, Teaching Assistant, "Cases that Shocked and Shaped the Nation," September 2006-May 2007

Honors

Chambers USA, Bankruptcy/Restructuring, 2024–present

The National Law Review Go-To Thought Leadership Award, Bankruptcy Law, 2022

Crain's Detroit Business, 40 Under 40, 2021

State Bar of Michigan Pro Bono Honor Roll, 2021

Detroit Bar Association Pro Bono Awardee, 2021

American Bankruptcy Institute, 40 Under 40, 2019

Best Lawyers in America, Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, 2018–present

Super Lawyers: Bankruptcy - Business, 2024–2025

Detroit Turnaround Management Association, nextGen Top of the Class, 2018

DBusiness Magazine, Top Lawyers, 2018-present:

Bankruptcy and Creditor/Debtor Rights Law

Michigan Super Lawyers, Business Bankruptcy, 2023; Rising Star, 2016–2022

M&A Advisor 7th Annual Emerging Leaders Award, 2016

University of Minnesota Law School, cum laude; Dean's List; First Year Legal Writing Honors; International Law Moot Court

University of Michigan, University Honors; James B. Angell Scholar; University of Michigan Democrats Club; Junior Year Abroad

Kings College, London, England, 2003

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Professional Activities

American Bar Association

State Bar of Michigan

State Bar of Michigan, Business Law Section, Debtor-Creditor Rights Committee, Co-Chair 2019-present, Co-Vice Chair 2016-2019

American Bankruptcy Institute

Michigan Oil and Gas Association

Turnaround Management Association (Detroit Chapter), President 2021-2022; Programming Committee 2015-present (Co-Chair, 2019-2020); Board of Directors 2019-2022

Civic, Cultural & Social Activities

Leadership Detroit, Class XXXIX Graduate

University of Michigan Alumni Association

University of Michigan Club of Greater Detroit

Cass Community Services Board of Directors

Speeches

"Hot Topics in Avoidance Actions," Panelist, West Michigan Chapter of the Federal Bar Association 2024 Bankruptcy Summer Seminar, Harbor Springs, July 27, 2024

"Post-Confirmation/Post-Sale Jurisdiction," Moderator, American Bankruptcy Institute 2024 Central States Bankruptcy Workshop, Chicago, June 18, 2024

"Assume the Worst! Analysis of Current Court Treatment of Executory Contracts," Panelist, Chicago Bar Association's Honorable Robert E. Ginsberg Annual Program on Commercial Bankruptcy, April 11, 2023

"Valuation in Chapter 11," Federal Bar Association for the Western District of Michigan, 34th Annual Bankruptcy Section Seminar, July 29-31, 2022

"Assume the Worst: Executory Contracts in 2022," Panelist, American Bankruptcy Institute's Central States Bankruptcy Workshop, Lake Geneva, Wisconsin, June 23-25, 2022

"Alternative Financing – Including Merchant Cash Advances, Factoring, Purchase Order Advances, Discharge Issues, Cramdown Issues, Usury/Choice of Law," Federal Bar Association for the Western District of Michigan, 32nd Annual Bankruptcy Section Seminar, Oct. 9, 2020

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"The Small Business Reorganization Act and Other Recent Changes to Bankruptcy Law," Miller Canfield Webinar, Oct. 6, 2020

"The Automotive Industry: Disruption and the Quiet Restructuring," Turnaround Management Association Great Lakes Conference, May 24, 2019

"Alternatives for Distressed Companies," Detroit Bar Association, Debtor-Credit Rights Committee, May 16, 2018

"ABCs of SBA Loan Workouts," Turnaround Management Association Detroit, May 9, 2018

"Fraudulent Transfer Law Seminar," State Bar of Michigan, Business Law Section, Debtor-Credit Rights Committee, March 14, 2018

"Assignment of Rents and Bankruptcy," State Bar of Michigan, Business Law Section, Debtor-Creditor Rights Committee, Aug. 9, 2017

"Hulk Hogan Body Slams Company into Bankruptcy: A Two-Part Case Study Loosely Based upon the Gawker/Hulk Hogan Dispute and Gawker Bankruptcy Filing," Panelist Moderator, Turnaround Management Association (TMA), Oakland Hills Country Club, Oct. 6 and Nov. 18, 2016

Presentation regarding various issues related to representing clients in Single Asset Real Estate cases, Co-Presenter, Chapter 11 Roundtable III, hosted by Chief Judge Shefferly and the Office of the United States Trustee, Nov. 4, 2016

"The Plan (2 months later) and Post-Bankruptcy," Panelist, Turnaround Management Association (TMA), University Club of Grand Rapids, April 2016

"Creditors' Law Update," Miller Canfield, October 20th and 28th, 2015

"Bankruptcy Jurisdiction and Stern v. Marshall," Bankruptcy Conference, Federal Bar Association for the Western District of Michigan, Thompsonville, Michigan, July 2012

Publications

"Saved But Not Forgotten," Michigan Super Lawyers Magazine, August 13, 2025

"Representing Small Business Debtors in Bankruptcy" (co-authored with Thomas R. Morris) and "Representing Creditors in Chapter 11 Business Cases" (co-authored with Matthew L. Boyd), Handling Consumer and Small Business Bankruptcies in Michigan, Institute of Continuing Legal Education (ICLE)

"Uniform Commercial Code Article 9 Sales: Michigan," Co-Authored with Megan Baxter-Labut and Steve Roach, Thomson Reuters Practical Law Journal, Spring 2022

"Receiverships: Michigan," Co-Authored with Scott Lesser and Steve Roach, Thomson Reuters Practical Law Journal, Spring 2022

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"Assignment for the Benefit of Creditors: Michigan," Co-Authored with Megan Baxter-Labut and Steve Roach, Thomson Reuters Practical Law Journal, Spring 2022

"'Venue' Make a Change, Be Sure to Get It Right," Co-Authored with Ronald A. Spinner, ABI Journal, January 2021

"A Hard Choice Ahead for Sears Ch. 11 Creditors," Co-Authored with Ronald A. Spinner, Law360, Oct. 24, 2019

"Buying and Selling a Business in Michigan," Second Edition, Chapter 12: Buying the Assets of Financially Distressed Businesses, Co-Authored with Jonathan S. Green and Donald J. Hutchinson, Nov. 1, 2018

"How a Bank Can Avoid Paying the Bankruptcy Trustee When Its Customer Commits Fraud," *Michigan Business Law Journal*, Spring 2018

"Detroit Residents with Terminated Water Service Out of Luck," *Bloomberg BNA*, Nov. 16, 2016

"Challenge to Detroit Pension Cuts Thwarted by Sixth Circuit," *Bloomberg BNA*, Oct. 7, 2016

"Were Those Rents Assigned? Absolutely!" Co-authored with Ronald A. Spinner, *ABI Journal*, July 2016

"Stern v. Marshall Raises New Sword on Court's Authority," Focus on Bankruptcy, *Michigan Lawyers Weekly*, Aug. 20, 2012

"WARN Act and Bankruptcy," *Michigan Lawyers Weekly*, Sept. 13, 2011

"Landmark Standards May Not Be for Everyone," *Michigan Lawyers Weekly*, Aug. 16, 2010

"Chrysler Bankruptcy Showed Section 363 a Worthy Solution," *Michigan Lawyers Weekly*, Aug. 24, 2009

Articles

Michigan Bankruptcy Exemptions Set to Rise Nearly 11% Effective April 1, 2026

'Void' Judgments Are Not Void After All

Michigan Supreme Court Confirms: No Independent Cause of Action for Breach of Implied Covenant of Good Faith

Bankruptcy Dollar Amounts Set to Rise Significantly on April 1, 2025

In Purdue Pharma, Supreme Court Rules That Nonconsensual Releases Are A Nonstarter

Debt Limits to Qualify for Subchapter V and Chapter 13 Revert to Prior Lower Levels

Debt Limit to Qualify for Subchapter V and Chapter 13 Set to Revert This Summer

Fifth Circuit Continues Bankruptcy Sale Protections After Supreme Court MOAC Opinion

Supreme Court Rules That Section 363(m) Protections for a Bankruptcy Sale Are Not Jurisdictional

Innocence Is No Defense: Debt Obtained by Fraud Is Nondischargeable

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Michigan Bankruptcy Exemptions Set to Rise Significantly on March 1

Celsius Cryptocurrency Woes

Sunset of Certain Bankruptcy Code Changes

Eleventh Circuit Bolsters Preference Defense by Holding That 503(b)(9) Claims Do Not Reduce the Subsequent New Value Defense

Passage of Bankruptcy Threshold Adjustment and Technical Corrections Act

Bankruptcy Dollar Amounts Set to Rise April 1, 2022, by a Significant Amount

Not All Student Loans Are Created Equal – Some May Be Dischargeable in Bankruptcy

The Impact of the Bankruptcy Relief Act and Other Recent Bankruptcy Code Changes

Eleventh Circuit Joins Fifth in Holding that the SBA May Deny Paycheck Protection Program Loans to Debtors in Bankruptcy

To Reclaim or Not to Reclaim, That Is the Question

Bankruptcy Rulings: Debtors Do Not Have to Be Currently Engaged in Business and Commercial Activities to Qualify for SBRA Relief

Fifth Circuit Holds that SBA May Deny Paycheck Protection Program Loans to Debtors in Bankruptcy

CARES Act: Bankruptcy Provisions

Bankruptcy Options Available for Small Businesses to Continue Operating

Recent and Upcoming Changes to Bankruptcy Law That Affect Your Rights as a Creditor

Sears Bankruptcy Case Confirmed: Choices Ahead for Administrative Creditors and Looming Preference Lawsuits for Trade Creditors

Supreme Court Holds Trademark Licenses Survive Bankruptcy

Secured Lenders Beware: Delaware Bankruptcy Court Holds Fee Cap Unenforceable

Duty To WARN: Laid-off Employees and the Impact of the Bankruptcy Code

Creditors' Committees