



Attorney Scott B. Cohen

Shareholder

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2800 North Central Avenue, Suite 1200, Phoenix, Arizona 85004

Practice Areas

Commercial Litigation
Bankruptcy and Reorganization
Business Formation & Transactions
Buying/Selling Businesses
Creditors' Rights
Loan Workouts
Commercial Landlord Tenant Law
Business and Financial Restructuring
Loan Documentation

Education

University of Iowa, J.D. with distinction, 1992 (Iowa Law Review, Articles' Editor)
University of Iowa, B.A. Political Science, 1989

Admissions

Scott is admitted to practice before all state and federal courts in Arizona and California and before the U.S. Court of Appeals for the Ninth Circuit.

Assisted By

Cecily Benson



Scott B. Cohen is a Phoenix based commercial bankruptcy attorney who represents banks, lenders, landlords, guarantors, committees, and other creditors in bankruptcy, creditors' rights matters, loan workouts, business turnarounds, Chapter 11 reorganizations, receiverships, bankruptcy litigation, and commercial litigation. He regularly appears in U.S. Bankruptcy Court and state court proceedings involving liquidations, Chapter 11 reorganizations, receiverships, and commercial lawsuits. Scott is a leading member of Arizona's bankruptcy law community, as exemplified by his chairmanship (2011-2012) of the Bankruptcy Section of the State Bar of Arizona. He is a Certified Specialist in Business Bankruptcy (American Board of Certification) and also serves as an expert witness in bankruptcy and anti-deficiency matters.

Focus

To provide spirited and focused representation of commercial lenders, creditor clients, and financially distressed businesses in achieving negotiated and litigated solutions in bankruptcy and other commercial insolvency matters.

Clients

Banks, Brokers/Developers, Business Owners, Doctors, Commercial and Asset Based Lenders, Financial Institutions, Investors, Landlords, Medical Practices

Industries

Adult Care Facilities, Banking and Finance, Education, Equipment Leasing, Healthcare, Multi-Family Housing, Municipalities, Non-profits, Real Estate, Restaurants and Hospitality, Restructuring, Retail

Professional

American Board of Certification, Board Member

State Bar of Arizona

Bankruptcy Section of the State Bar of Arizona, Past Chair, 2011 – 2012

Arizona State Bar Convention for the Bankruptcy Section, Chair

State Bar of California

American Bar Association

American Bankruptcy Institute

Federal Bar Association



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Maricopa County Bar Association

Bankruptcy Section of the Maricopa County Bar Association, Past Chair

Professional Liability Defense Federation – Lender Liability

Turnaround Management Association

Arizona Turnaround Management Awards Program, Co-Chair, 2012

Recognition

Recognized in *The Best Lawyers in America*® in Phoenix, AZ in the fields of Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, since 2020; and Litigation - Bankruptcy, since 2021

Selected to Southwest Super Lawyers, Bankruptcy, General Litigation, Banking, Creditor Debtor Rights, 2008, and since 2013

Phoenix Magazine, Top Attorneys in Arizona, 2015

AV-Rated by Martindale-Hubbell®

Board Certified - Business Bankruptcy Law - American Board of Certification

Career Highlights

Typical of Scott's legal engagements are his representation of:

Certain private equity in the Chapter 11 bankruptcy of the National Hockey League's Phoenix Coyotes.

A regional hospital and other out-of-network providers in an involuntary bankruptcy of a third party administrator plan that was wholly owned by another regional hospital, through which Scott worked with his client in the client's role as chair of the Unsecured Creditors' Committee to collaborate with debtor's counsel to confirm a full-payment, Chapter 11 reorganization plan.

A REIT in the Chapter 11 reorganization of a publicly traded private school involving multiple locations and a buyback by the parents.

In addition, Scott has Served as:

Counsel to the Arizona Bankers Association.

Subject Matter Expert on Arizona's anti-deficiency statutes.

Expert witness on Arizona's foreclosure laws.

An Unsecured Creditors' Committee in a currency exchange bankruptcy case involving fraud allegations against the debtor and against a large European bank.

Lead bankruptcy trial counsel on the successful reorganization of an operating company with obligations of approximately \$40 million.

Lead bankruptcy trial counsel on the successful reorganization of 150 unit affordable housing project, resulting in a confirmed Chapter 11 plan of reorganization with a 40 year straight amortization and a 4.4% interest rate on the secured debt.

Lead bankruptcy trial counsel in six involuntary bankruptcy cases, representing petitioners in some cases and putative debtors in others.

Creditors' rights counsel for multiple Arizona municipalities in bankruptcy cases in AZ & CA.

An expert witness in bankruptcy malpractice issues and on Arizona's anti-deficiency statutes.



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Published Opinions

First Southern National Bank v. Sunnyslope Housing Limited Partnership (In re Sunnyslope Housing Limited Partnership), _ F.3d _, (9th Cir. May, 2017)

Compass Bank v. Bennett, 2016 WL 3063779, __ Ariz. __ (App. May 31, 2016)

Arizona Bank & Trust v. James R. Barrons Trust, 237 Ariz. 401 (App. 2015)

In re Tuli, 143 Fed.Appx. 849 (9th Cir. 2005)

In re Rollinson, 322 B.R. 879 (Bankr. D. Ariz. 2005)

In re Tuli, 21 Fed. Appx. 567 (9th Cir. 2001)

In re Sanner, 218 B.R. 941 (Bankr. D. Ariz. 1998)

In re Hashim, 188 B.R. 633 (Bankr. D. Ariz. 1995)

In re Clark, 179 B.R. 898 (Bankr. D. Ariz. 1995)

In re Rhead, 179 B.R. 169 (Bankr. D. Ariz. 1995)

Publications

"Why Become an American Board of Certification (ABC) Member" *ABI Journal*, April 2020

"Not So Clear or Convinced: The Burden to Appoint a Trustee under 11 U.S.C.A. § 1104(a)," *2019 No. 5 Norton Bankr. L. Adviser NL2*, August 2019

"Involuntary Bankruptcy Petitions and Bad Faith as Grounds for Dismissal," *Norton Bankr. L. Adviser*, March 2016

"An Armistice in the Fight for Anti-Deficiency Reform," Co-Author, *Arizona Attorney Magazine*, January 2015

"Madeleine Wanslee, ABC - Certified Specialist, Takes the Bench," *ABI Journal*, July 2014

"A Primer on the Valuation of Affordable Housing in Chapter 11," Co-Author, *XXXII ABI Journal* 4, 52-53, 102-03, May 2013

Norton's Bankruptcy Law and Practice, 2nd and 3rd Editions, Contributing Author

"Ragsdale and Its Progeny: A History of Uncertainty and A Way to Predict Decisions Under 11 U.S.C. Section 523(a)(4)," Co-Author, *Texas Bankruptcy Court Reporter* (also published in the *California Bankruptcy Court Reporter*, the *Colorado Bankruptcy Court Reporter*, and a bankruptcy court reporter which covers the 4th Circuit)

"Zohlman v. Zoldan: A Marked Improvement in the Jurisprudence of 11 U.S.C. Section 523(a)(4)," Co-Authored, published in *Bankruptcy Court Decisions*

"Arizona Anti-Deficiency Laws: A Guide to Navigating Uncertainty," Co-Author, May 2008

Seminars

Frequent speaker at seminars on bankruptcy law, fraudulent transfers, preferences, stay relief, and related topics, including a presentation on lender liability law at the Arizona Bankers Association annual convention.

Community Service

Temple Solel in Paradise Valley, Arizona, Board Member; Pardes Jewish Day School, Past Chair; American Jewish Committee, Past Board Member; Council for Jews with Special Needs, Past Board Member; and The Honorable Robert G. Mooreman Golf Tournament, Co-Chair