



## Eric L. Johnson

Partner

### Contact

Kansas City

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## Overview

**Eric Johnson, a partner at Spencer Fane, is the co-practice group leader for the Banking and Financial Services Group and practice group leader for the Bankruptcy, Restructuring and Creditors' Rights Group.**

Over the course of his 20-plus year career, Eric has represented almost every constituency in insolvency proceedings including trustees, receivers, secured lenders, debtors in possession, buyers of distressed assets, creditors' committees, trade creditors, landlords, and defendants in insolvency related litigation.

Eric has focused his practice on the representation of bankruptcy trustees, judicial receivers, and assignees for the benefit of creditors in complex litigation and liquidations. Eric has also served as a federal equity receiver, state court appointed receiver, Chapter 11 trustee, and is currently a member of the panel of Chapter 7 trustees for the Western District of Missouri.

In addition to his fiduciary related work, Eric has also focused his practice on the representation of secured lenders along the distressed loan continuum including out of court workouts, state law remedies, such as receiverships, and ultimately bankruptcy proceedings. In this respect, Eric has been involved in numerous cash collateral and debtor in possession financing disputes and transactions.

Eric has a great affinity for agricultural related matters. In addition to agriculture being an essential element of the midwestern and international economies, Eric originally hails from a small rural community in central Iowa where his family has been involved in soybean and corn production for multiple generations along with farm implement sales and repair.

Eric has a strong commitment to the bar and legal education, Eric is a frequent speaker and writer on insolvency related topics and has served in multiple leadership positions at the local, state, and national level. Currently, Eric is serving on the Board of Directors for the American Bankruptcy Institute, the nation's largest association of insolvency professionals. In recognition of his contributions to the insolvency profession, Eric was selected as a fellow of The American College of Bankruptcy and is a recipient of the Missouri Bar's Michael R. Roser Excellence in Bankruptcy Award. Eric is currently serving

on the American College of Bankruptcy Foundation's Board of Directors and is serving as the College's Eighth Circuit Education Chair.

## Education

- University of Iowa College of Law, 2001 (J.D.)
- University of Northern Iowa, 1998 (B.A.)

## Bar Admissions

- Kansas
- Missouri

## Court Admissions

- U.S. District Court for the District of Kansas
- U.S. District Court for the Eastern District of Missouri
- U.S. District Court for the Western District of Missouri
- U.S. District Court for the Central District of Illinois
- U.S. District Court for the District of Nebraska
- U.S. District Court for the District of Colorado
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Tenth Circuit

## Community Involvement

- University of Northern Iowa, Alumni Association, Board Member
- University of Northern Iowa, Kansas City Alumni Club, Club Leader
- University of Iowa Alumni Association

## Distinctions

- American College of Bankruptcy, Fellow, 2021
- Michael R. Roser Excellence in Bankruptcy Award, 2020
- *Best Lawyers in America*, Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law; Litigation – Bankruptcy, 2010–2025
- *Best Lawyers in America*, Lawyer of the Year, Litigation – Bankruptcy, 2017, 2023
- *Best Lawyers in America*, Lawyer of the Year, Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, 2023
- *Lawdragon 500 Leading U.S. Bankruptcy and Restructuring Lawyers*, 2020, 2022–2024
- *Missouri & Kansas Super Lawyers*, 2014–2024
- *Missouri & Kansas Super Lawyers*, Rising Star, 2009, 2011–2013
- *Missouri Lawyers Media*, POWER List, 2021, 2022
- IFLR1000, Restructuring and Insolvency (Highly Regarded), 2022–2024
- *Kansas City Business Journal*, Best of the Bar, 2010–2016
- Board-certified in business bankruptcy by the American Board of Certification. The American Board of Certification's Business Bankruptcy certification program is accredited by the American Bar Association. (Please note that neither

the Supreme Court of Missouri nor the Missouri Bar reviews or approves certifying organizations or special designations. Colorado does not certify attorneys or specialists in any field.)

## Memberships

- American Bankruptcy Institute (ABI), Board Member
- American College of Bankruptcy, Eighth Circuit Education Chair
- American College of Bankruptcy Foundation, Eighth Circuit Director
- Commercial Receivers Association
- Kansas City Bankruptcy Bar Association, President-Elect and Board Member
- Kansas City Metropolitan Bar Association
- Kansas Bar Association
- Missouri Bar Association
- National Association of Bankruptcy Trustees
- The Agricultural Business Council of Kansas City
- ABI / UMKC Midwestern Bankruptcy Institute, Former Co-Chair and Advisory Board Member
- ABI, Secured Creditor Committee
  - Former Co-Chair
  - Former Education Director
  - Former Communications Director
  - ABI, Bankruptcy Litigation Committee, Former Membership Director
- ABI, Secured Creditor Committee
- ABI, 40 Under 40 2019 Steering Committee Member
- Kansas Bar Association and Insolvency Section, Former President and Board Member
- Missouri Bar Corporate Division, Former Chair
- Missouri Bar Bankruptcy Creditor-Debtor Rights Committee, Former Chair
- Missouri Bar Subcommittee on Commercial Receivership Act, Former Member
- U.S. Bankruptcy Court for District of Kansas, Former Member of Bench Bar Committee
- U.S. Bankruptcy Court for Western District of Missouri, Past Member of Attorney Advisory Committee

## Presentations and Publications

- "Pre-Bankruptcy Receiverships for Distressed Borrowers: Advantages and Risks, State or Federal, Receivership Orders", Strafford CLE, January 2025
- "Receiverships and Fiduciaries", ABI Midwestern Bankruptcy Institute, October, 2024
- "Evaluating Bankruptcy, Receivership, and Assignment Alternatives," Strafford CLE, July 2024
- "What is Good Faith?" 2023 National Conference of Bankruptcy Judges, 97th Annual Conference, October 2023
- "Anatomy of a Law Firm Breach," 2023 MoBar Annual Meeting, September 2023
- "The Overlap Between Receiverships and ABCs," 2023 Commercial Receivers Association Annual Conference, August 2023
- "Common Non-Bankruptcy Alternatives in Troubled Loans," Missouri Independent Bankers Association (MIBA), *Show-Me Banker Magazine*, August 2023
- "Missouri Q&A on Assignments for Benefit of Creditors," Thomson Reuters Practical Law, 2023
- "Missouri Q&A on UCC Article 9 Sales," Thomson Reuters Practical Law, 2023
- "Missouri Q&A on Receiverships," Thomson Reuters Practical Law, 2023
- "Turbulent Times: What to Do When your Customer Files for Bankruptcy?" Spencer Fane Advantage CLE, June 2023

- "Subchapter V Bankruptcy: Lenders Time to Change Your Playbook," Missouri Independent Bankers Association (MIBA), *Show-Me Banker Magazine*, April 2023
  - "Everything Equipment: How to Value, Finance and Liquidate Types of Equipment, and Restructuring Methods," ABI Winter Leadership Meeting, December 2022
  - "Fees, Compensation, and Disclosures," MoBar 2022 Annual Bankruptcy Institute, March 2022
  - "Off to the Races: Procedural and Substantive Implications of § 557 and Grain Storage Facilities," *XLI ABI Journal* 40-41, 71, December 2022
  - "Beware Collateral Pitfalls In Agricultural Loans," Missouri Independent Bankers Association (MIBA), *Show-Me Banker Magazine*, October 2022
  - "Life Span of a Business," MoBar Annual Meeting, September 2021
  - "Construction Lending and Bankruptcy: What Lenders Need to Know to Protect Their Interests Before and After a Borrower Files Bankruptcy," Spencer Fane Webinar Series, May 2021
  - "Evaluating Bankruptcy, Receivership, and Assignment For the Benefit of Creditor Alternatives to Protect Lender, Buyer and Borrower Interests," Strafford CLE, May 2021
  - "Island of Misfit Toys: Infrequently Used and Misunderstood Provisions of the Bankruptcy Code and Rules," KBA Spring 2021 Virtual Bankruptcy Conference, April 2021
  - "Liquidity Crisis! Dealing with the Cash-Starved Chapter 11 Debtor Prior to and Through Chapter 11," ABI Annual Spring Meeting, April 2021
  - "Chapter 7 Panel Trustee Perspective," Kansas City Bankruptcy Bar Association, Kansas Judges' Roundtable Webinar, January 2021
  - "Small Business Bankruptcies: What Bankers Need to Know About Small Business Bankruptcy," November 2020
  - "What's My Alternative? Counseling Your Client and the Court with Respect to Bankruptcy Alternatives," 40th Annual Midwestern Bankruptcy Institute, ABI/UMKC CLE, October 2020
  - "Executory Contracts and Unexpired Leases," KBA 2020 Bankruptcy & Insolvency Law CLE, October 2020
  - "Bankruptcy's New Subchapter V: The Small Business Reorganization Act," Community Bankers Webinar Network, August 2020
  - "Conflicted about Conflicts," Kansas City Bankruptcy Bar Association, Commercial Practice Seminar, November 2019
  - "LAW Talk: Bankruptcy and Structured Financing," MoBar Annual Meeting, September 2019
  - "Opinion Letters for Bankruptcy Lawyers: What You Need to Know Before Issuing a Third-Party Opinion Letter," ABI Annual Spring Meeting, April 2019
  - "Unfriended: The Ethical Obligations Implicated by Social Media and Technology," KBA 2019 Bankruptcy & Insolvency Law CLE, April 2019
  - "Preparing for the Next Downturn," *The Missouri Banker*, June 2019
  - "Creditors' Remedies," MoBar Webinar, February 2019
  - "Beware Priming Liens: Four Common Types of Priming Liens and Interests," American Bankruptcy Institute, Secured Creditors Committee Newsletter, 2019
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- "The Intersection of Receivership & Bankruptcy," Kansas City Bankruptcy Bar Association Commercial Practice Seminar, November 2016
  - "Show Me the Money: Procedural and Practical Considerations Regarding the Use of Cash Collateral and DIP Financing," 38th Annual Midwestern Bankruptcy Institute, ABI / UMKC CLE, October 2018
  - "Remote Control: Is a Bankruptcy Remote Company Truly Possible?" ABI Talks, 25th Annual Central States Bankruptcy Workshop, June 2018
  - "Unfriended: The Ethical Obligations Implicated by Social Media and Technology," Quarterly Corporate Counsel CLE, May 2018
  - "Catching the Tiger by the Tail: Secured Lending Strategies When Dealing with an Insolvent Borrower," KBA 2018 Bankruptcy & Insolvency Law CLE, April 2018

- "Tech and Social Media Ethics," MoBar 2018 Annual Bankruptcy Institute, March 2018
- "Creditors' Remedies," 2018 MoBar Webinar, February 2018
- "Chapter 11 Conversion Conundrum: Should Post-Petition, Pre-Conversion Property Remain Property of the Chapter 7 Estate in a Converted Individual Chapter 11 Case?" XXXVI *ABI Journal* 8, 20, 76-78, August 2017
- "My Borrower Filed Chapter 11 Bankruptcy – Now What?" June 2017
- "Missouri's New Receivership Statute and Other Non-Bankruptcy Alternatives," MoBar 2017 Annual Bankruptcy Institute, March 2017
- "Understanding and Utilizing Forbearance Agreements in Workouts," March 2017
- Creditors' Remedies, 2017 MoBar Next Step Series Webinar, February 2017
- "Intervention Energy Holdings: Good Public Policy, or Unnecessary Intrusion into State Law?" XXXV *ABI Journal* 11, 20, 76-78, November 2016
- "In Search of the Golden Share," Missouri Bar Bankruptcy – Creditors and Debtors Rights Committee, Fall Committee Meetings, November 2016
- "Representing the Corporate Client," 36th Annual Midwestern Bankruptcy Institute, ABI/UMKC CLE, September 2016
- "The Missouri Commercial Receivership Act," Banking Law Study Group, July 2016
- "Change is Coming to Business Bankruptcy," KBA 2016 Bankruptcy & Insolvency CLE, April 2016
- "Corporate Counsel and Tax CLE," KBA 2016 Corporation Banking & Business, May 2016
- "The Seven Deadly Sins for the Bankruptcy Lawyer," 2016 MoBar 2016 Annual Bankruptcy Institute, March 2016
- "Creditors' Remedies," 2015 MoBar Next Step Series Webinar, May 2015
- "Ante Up! You Have to Pay to Play: Fee Issues in Consumer and Business Bankruptcies," KBA 2015 Bankruptcy & Insolvency CLE, April 2015
- "Ethical Issues for Bankruptcy Practitioners," 2015 MoBar 2015 Annual Bankruptcy Institute, February and March 2015
- "Death Traps, Pitfalls and Safe Harbors: The Key Provisions of 11 U.S.C. § 546," American Bankruptcy Institute, Young and New Members Committee Newsletter, 2014
- "Bankruptcy Jurisdiction 101," Wichita Bar Association, 2014 Bankruptcy Law and Practice Update, October 2014; Missouri Bar, Commercial Law Committee Fall Committee Meetings, November 2014
- "I Don't Have to Tell You That: Evidentiary Privileges in Bankruptcy," 34th Annual Midwestern Bankruptcy Institute and Professional Development Workshop, ABI/KCMB UMKC CLE, October 2014
- "Possession is Nine Tenths of the Law...Right?" Property of the Estate and Exemption Issues in Consumer Cases, Wichita Bar Association, August 2014
- "Bankruptcy Litigation Procedure and Nuances and Appellate Procedure and Strategies," National Business Institute, August 2014
- "Nuts & Bolts for the Casual Bankruptcy Lawyer," Kansas Bar Association, June 2014
- "The Bankruptcy Exchange Rate and Other Key Bankruptcy Concepts: A Bankruptcy Primer for In-house Counsel," 28th Corporate House Counsel Institute, KCMB Corporate House Counsel Committee and The Association of Corporate Counsel, June 2014
- "Collections 101: The Good, the Bad and the Ugly," National Association of Credit Managers 118th Credit Congress and Expo, June 2014
- "Creditors' Remedies," 2014 MoBar Next Step Series Webinar, April 2014
- "Mechanics Liens and Bankruptcy: A Tale of Two Bankruptcies, Select Issues in Business Insolvency Law," Kansas City Bankruptcy Bar Association, November 2013
- "Protecting the Creditor's Position and Bankruptcy Litigation and Procedure, Bankruptcy Law and Litigation," National Business Institute, October 2013
- "Pigs Get Fat, Hogs Get Slaughtered: Property of the Estate and Exemption Issues in Consumer Cases," 33rd Annual Midwestern Bankruptcy Institute and Consumer Forum, ABI/KCMB UMKC CLE, October 2013
- "Ethical Considerations in Bankruptcy and Unique Situations, Oddities, and Challenges, Bankruptcy Exemptions, Discharge and Objections to Dischargeability," National Business Institute, October 2013

- "Appeals 101," 2nd Annual Practical Litigation Skills for Bankruptcy Lawyers, Kansas City Bankruptcy Bar Association, July 2013
- "The Fair Debt Collection Practices Act and Collecting the Judgment, Collection Law from Start to Finish, National Business Institute, June 2013
- "Tales from the Edge: Legal Issues, Disputes, and lessons learned from the West Edge Project, including Arbitration, Real Estate, Construction and Bankruptcy, 2013 Bench Bar Annual Conference, Kansas City Metropolitan Bar Association, May 2013
- "The Impact of Bankruptcy on Collections, Collection Law from Start to Finish, National Business Institute, March 2013
- "2nd Annual Selected Ethical Issues in Bankruptcy and Judges Roundtable, Kansas City Bankruptcy Bar Association – Moderator of Kansas Bankruptcy Judges Roundtable, February 2013
- "Adversary Proceedings, Claims and Distributions and Automatic Stay, Protecting the Creditor's Rights During Bankruptcy," National Business Institute, December 2012
- "Mock Stay Relief Hearing in a Single Asset Chapter 11 Case, Surviving the First Day in Chapter 11 (and hopefully the days thereafter): Chapter 11 Practical Skills for both Debtors' and Creditors' Lawyers," Kansas City Bankruptcy Bar Association / Turnaround Management Association, November 2012
- "General Bankruptcy Fundamentals, Nuts & Bolts: Bankruptcy Fundamentals for Young and New Practitioners," American Bankruptcy Institute and University of Missouri – Kansas City, October 2012
- "Direct and Cross Examination, Winning Your Trial: Practical Litigation Skills for Bankruptcy Lawyers," Kansas City Bankruptcy Bar Association, July 2012
- "Creditors Remedies Available in Bankruptcy and Identifying Fraudulent Conveyances, Collections: Seeking and Collecting a Judgment," National Business Institute, June 2012
- "Introduction to the Bankruptcy Code and Rules and Automatic Stay Litigation in a Nutshell, Nuts and Bolts of Bankruptcy," National Business Institute, May 2012
- "Bankruptcy Jurisdiction," 2012 MoBar Annual Bankruptcy Institute, February / March 2012
- "Selected Ethical Issues in Bankruptcy and Judges Roundtable," Kansas City Bankruptcy Bar Association – Moderator of Kansas Bankruptcy Judges Roundtable, February 2012
- "Preferences and Fraudulent Transfers, Ethical Considerations, and Leaves of Automatic Stay, Top 9 Complications in Bankruptcy," National Business Institute, December 2011
- "Silence is Not Necessarily Golden: Disclosure Issues in Bankruptcy and Ethical Issues that Every Debtor's Counsel Should Know, Selected Ethical Issues in Bankruptcy," Kansas City Bankruptcy Bar Association, June 2011
- "The Fair Debt Collection Practices Act and Collecting the Judgment, Collection Law from Start to Finish," National Business Institute, June 2011
- "Creditor Remedies Available in Bankruptcy, Asset Searches and the Judgment Debtor Exam, and Identifying Fraudulent Conveyances, Collections: Seeking and Collecting a Judgment," National Business Institute, March 2011
- "Specialized Chapter 11s: Small Businesses & Single Asset Cases," 2011 MoBar Annual Bankruptcy Institute, February and March 2011
- "The Great Debates – Resolved: The Till Rate of Interest is Applicable in Chapter 11 Cases," 30th Annual Midwestern Bankruptcy Institute and Consumer Forum, October 2010
- "Overview of Creditors' Rights Under Each Chapter, Automatic Stay, and Ethical Representation During Bankruptcy, Protecting the Creditor's Rights During Bankruptcy," National Business Institute, September 2010
- "Bankruptcy and the Commercial Lease," National Business Institute, August 2010
- "Introduction to the Bankruptcy Code and Rules and Automatic Stay Litigation in a Nutshell, Nuts and Bolts of Bankruptcy," National Business Institute, June 2010
- "The Financially Troubled Commercial Borrower: Selected Issues in Lender Liability," Spring 2010
- "Collecting the Judgment and Impact of Bankruptcy on Collections, Collection Law from Start to Finish," National Business Institute, March 2010

- "Preferences and Fraudulent Transfers, Ethical Considerations, and Leaves of Automatic Stay, Top 9 Complications in Bankruptcy," National Business Institute, January 2010
- "Introduction to Bankruptcy Code and Rules," Kansas City Bankruptcy Clerk's Office, January 2010
- "Issues, Trends and Perspectives in Commercial Law: The Chrysler and General Motors Bankruptcies: A Reaffirmance of the Section 363(b) Sale Process and the Sale of Assets Outside a Plan of Reorganization," Missouri Bar Association, August 2009
- "Introduction to the Bankruptcy Code and Rules and Introduction to Chapter 7, Nuts and Bolts of Bankruptcy," National Business Institute, May 2009
- "Panel on Bankruptcy and Foreclosure," KBA Lending Conference, Kansas Bankers Association, February 2008
- "Setoff in Bankruptcy: An Overlooked Concept," Kansas City Bankruptcy Bar Association, April 2007
- "Punch List for Debtor's Counsel Under the Bankruptcy Abuse, Prevention and Consumer Protection Act of 2005," Kansas Bar Association Bankruptcy Update, June 2005
- "Reclamation Rights, Accord and Satisfaction, and Setoff," Missouri Bar Association CLE Program, May 2004
- "The New Challenge of Titling and Possession of Titled Property," 9th Annual Legal Issues Conference, Missouri Bankers Association, 2002
- *Waste Not, Want Not: An Analysis of Stock Option Plans, Executive Compensation, and the Proper Standard of Waste*, Note, 26 Corp. L. 145, Fall 2000

## Related Experience

- Serving as a court appointed state court receiver over 283-unit multi-family property and commercial space.
- Serving as a court appointed state court receiver over business engaged in an alleged Ponzi scheme.
- Served as a court appointed Chapter 11 trustee of turnkey real estate company included the liquidation of multiple single family, multifamily, and commercial properties.
- Represented a law firm in successful appeal and dismissal of six-figure bankruptcy claw-back action.
- Represented senior secured creditor in connection with receivership of a grain elevator operation.
- Represented secured creditor owed millions in connection with agricultural loan workout.
- Represented state court receiver in an ancillary proceeding in connection with the liquidation of real property.
- Represented senior secured creditor owed millions in connection bankruptcy and receivership proceedings related to an agricultural borrower.
- Represented state court receiver in connection with the liquidation of a going concern manufacturing facility.
- Serving as a court appointed federal equity receiver tasked with the liquidation of sweepstakes enterprise and related assets.
- Represented a bankruptcy trustee in connection with bankrupt farming operation case.
- Represented a bankruptcy trustee in connection with the liquidation of water treatment facilities.
- Represented a bankruptcy trustee of a defunct cattle transportation operation including the prosecution of various claw-back actions against debtor's former insiders.
- Represented a Chapter 11 supplier of pipes, valves, and fittings to the ethanol, pipeline, and power industries in connection with debtor in possession financing, cash collateral, and sale.
- Represented a bankruptcy trustee in connection with the liquidation of micro-finance operation.
- Represented an assignee for the benefit creditors in connection with equipment sharing solutions business.
- Served as a court appointed temporary receiver over bitcoin mining machine manufacturer.
- Handled the investigation and prosecution of hundreds of claw-back related actions including preferences, state and federal fraudulent transfers, and other causes of action on behalf of bankruptcy trustees and other estate fiduciaries.