SpencerFane®

Mark A. Bogdanowicz

Partner

Contact

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Overview

With nearly 20 years of experience in representing creditors from coast to coast, Mark Bogdanowicz helps his clients navigate the costs and uncertainty of doing business with companies and individuals faced with financial distress.

Mark provides counsel to clients across the full spectrum of industries on complex bankruptcy and restructuring matters, maximizing their recoveries and formulating strategies in the proceedings to align with business goals and objectives. He has represented both secured and unsecured creditors in all aspects of Chapter 11 cases. He regularly represents shopping center developers and landlords of commercial properties in major bankruptcy proceedings throughout the U.S. Locally, he represents secured creditors in business and agricultural workouts, negotiating plans of reorganization and cash collateral orders, and litigating valuation of collateral related to secured claims.

Additionally, Mark has advised purchasers of businesses and assets out of distressed situations and defends business owners against fraudulent transfer claims and challenges of estate plans. He is often involved in rendering legal opinions in the bankruptcy context, including true sale and nonconsolidation opinion letters, and assists clients in structuring and negotiating transactions to minimize the adverse effect of potential fraudulent or preference claims.

This perspective gives Mark the ability to understand the challenges and pressures faced by banking and financial services clients so he can help them succeed while navigating the ever-changing and complex regulatory landscape of the industry.

Education

- Vanderbilt University Law School, 2000 (J.D.)
- Harvard University, 1995 (A.B.)

Bar Admissions

- Illinois, 2010

- Indiana, 2005
- Missouri, 2023
- Tennessee, 2000

Court Admissions

- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. District Court for the Southern District of Illinois
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Central District of Illinois
- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Northern District of Indiana
- U.S. District Court for the Southern District of Indiana
- U.S. District Court for the Middle District of Tennessee

Distinctions

- *Best Lawyers in America*, Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, 2024-2027
- *Illinois Super Lawyers*, 2021-2022
- *Illinois Leading Lawyers*, 2017-2021
- *Illinois Super Lawyers*, Rising Stars, 2013

Memberships

- American Bankruptcy Institute
  - ABI Journal Editorial Board, Coordinating Editor, 2014-present
  - Central States Bankruptcy Workshop, Advisory Board, 2016-present
  - Labor and Employment Committee, Co-Chair, 2014-2015
  - Education Director, 2013-2014
  - Employee Benefits in Bankruptcy Committee, Newsletter Editor, 2008-2013
- Indiana State Bar Association

Presentations and Publications

Presentations

- "Agricultural and Chapter 12 Issues," American Bankruptcy Institute Central States Bankruptcy Workshop, June 2026
- "Focus on Retail," Financial Poise Chapter 11-Industry Focus Webinar, September 2023
- "Retail Cases from Coast to Coast: What Can Unsecured Creditors Expect to See?" American Bankruptcy Institute Central States Meeting, June 2023

Publications

- "True Lease, Or Something Else? Navigating § 365 and Lessee Rights," *American Bankruptcy Institute Journal*, February 2026
- "Claim Objections and Affirmative Defenses: Whose Burden Is It?" *American Bankruptcy Institute Journal*, March 2023
- "COVID's Impact on the Ordinary-Course-of-Business Defense," *American Bankruptcy Institute Journal*, April 2021

- "Post-Bankruptcy Compensation Standards for Receivers," *American Bankruptcy Institute Journal*, February 2019
- "Fixing Our Infrastructure May Require Fixing the Bankruptcy Code," *American Bankruptcy Institute Journal*, September 2016
- "Legal Rights and Economic Realities," *American Bankruptcy Institute Journal*, February 2015
- "How to Represent the Client that Wants Its Contract Rejected," *American Bankruptcy Institute Journal*, August 2014

Related Experience

- Provided counsel for first-position secured lender in related Chapter 11 cases, which culminated in the $4.3 million disposition of over 30 locations of franchised fast-casual restaurants under Section 363 of the Bankruptcy Code.
- Provided counsel for first- and second-position secured lender in Chapter 11 case of company that produces and distributes bottled water and other complementary products in New York, Tennessee, and Texas. Negotiated terms of confirmed plan of reorganization with credit enhancements of non-debtor entities that resulted in payment in full of first-position lender's claim and second-position lender's allowed $2.5 million secured claim.
- Provided counsel for first-position secured lender in Chapter 11 case, which culminated in the $7.8 million disposition of substantially all assets of leading manufacturer of UL-listed enclosures and fuel tanks for generator sets under Section 363 of the Bankruptcy Code.
- Served as national bankruptcy counsel for publicly traded commercial landlord in "mega" Chapter 11 cases throughout the U.S.
- Provided counsel for agricultural input supplier in out-of-court workout involving $350,000 unsecured claim. Negotiated liquidation of minority interest in Illinois limited liability company that resulted in recovery of 95% of claim.
- Served as lead counsel defending nonfiling spouse of business owner who was sued for the recovery of approximately $1.8 million of assets under theories of state and federal fraudulent transfer law and equitable theories regarding property she owned pursuant to long-standing estate plan. Negotiated settlement for 10% of the face amount of the claims.