



Nicholas M. Miller

Member

Chicago

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Practice Focus

- Business restructuring
- Business litigation
- Creditors' rights

Nick has a well-established reputation for helping both debtor and creditor clients whose assets or recoveries have been threatened by financial distress. Those clients include troubled businesses, their secured and unsecured creditors (e.g. commercial and alternative lenders, bondholders, indenture trustees, and official committees of unsecured creditors), and distressed investors and asset purchasers. The vast majority of his engagements involve actual or contemplated chapter 11 bankruptcy proceedings.

He represents both large and small companies, but his focus is on the middle market. His work has spanned a broad range of industries, including gaming, hospitality, transportation, health care, consumer products, financial services, real estate, retail, manufacturing, media and various technologies.

Nick has been recognized for his work by clients and peers alike. He is a recognized leader in the insolvency field, having been elected to a broad range of leadership positions in various industry and professional organizations. Among other honors, Nick has been certified since 2008 as a Business Bankruptcy Specialist by the American Board of Certification — a distinction achieved by select professionals who have met rigorous, objective certification standards relating to experience, continuing legal education, integrity and peer review, and who have demonstrated a sophisticated understanding of business bankruptcy law. He has served on that organization’s board of directors and its Standards Committee.

Nick has the rare distinction of being a two-time winner of the Turnaround Management Association’s national Transaction or Turnaround of the Year Award, which recognizes insolvency practitioners who have “rescued companies from the shadow of complete ruin.” He is a Past President of the TMA’s Chicago/Midwest Chapter and currently serves on its board of directors.

He most recently received a Global M&A Network Turnaround Atlas Award for Consumer Products Turnaround of the Year (2019) for his work leading a group of attorneys in the firm's representation of Hobbico, Inc. and seven of its affiliated debtors.

In addition, Nick also has been recognized as a leader in Chambers USA: America’s Leading Lawyers for Business (recommended in Bankruptcy/Restructuring) since 2014. According to the survey, clients call him “very knowledgeable,” “very comprehensive,” “energetic and bright,” “thorough, organized,” “a terrific attorney” with a “wealth of practical commercial awareness” and a “great ability to help identify creative and

practical solutions” whose “follow up is unparalleled.”

Nick currently serves as an emeritus board member for the Partnership to Educate and Advance Kids (PEAK). PEAK’s mission is to provide opportunities for Chicago’s at-risk youth to achieve academic and personal success through a quality, values-based education and the guidance of caring adult mentors. Nick also has provided a substantial amount of pro bono legal services to a number of clients over the years. He was a Cleveland Bar Fellow from 2002-09 and a trustee of the Cleveland Bar Association from 2002-03.

Nick earned his J.D. in 1998 from Cleveland State University’s Cleveland-Marshall College of Law in 1998, where he served as the associate editor of the Cleveland State Law Review, as a member on the Moot Court Board of Governors and as the business editor of the Journal of Law and Health. Miller completed his B.A. in political science in 1995 at Cleveland State, graduating summa cum laude while also serving as captain of the Vikings’ Division I baseball team and being recognized with the Director’s Award as CSU’s Most Distinguished Student Athlete.

Representative Cases/Matters

- Husky Int’l Electronics, Inc. v. Ritz, 136 S. Ct. 1581 (2016)
- In re BX Acquisitions, Inc., 2016 Bankr. LEXIS 1858 (Bankr. N.D. Ohio April 27, 2016)
- In re Crane, 742 F.3d 702 (7th Cir. 2013)
- Gifford State Bank v. Richardson (In re Crane), 487 B.R. 906 (C.D. Ill. 2013)
- River East Plaza, LLC v. LNV Corp. (In re River East Plaza, LLC), 669 F.3d 826 (7th Cir. 2012)
- Seraphin v. Morris Publ’g Group, LLC (In re Morris Publ’g Group, LLC), 2011 U.S. Dist. LEXIS 32025 (S.D. Ga. March 28, 2011)
- McMillan v. LTV Steel, Inc., 555 F.3d 218 (6th Cir. 2009)
- In re Ampex Corp., 2008 Bankr. LEXIS 1536 (Bankr. S.D.N.Y. May 14, 2008)
- Oil States Int’l, Inc. v. LTV Corp. (In re LTV Steel Co., Inc.), 253 Fed. Appx. 535 (6th Cir. 2007)
- McMillan v. LTV Steel Co., Inc., 2007 U.S. Dist. LEXIS 71621 (N.D. Ohio Sept. 26, 2007)
- In re LTV Steel Co., Inc., 357 B.R. 118 (Bankr. N.D. Ohio 2006)
- Oil States Int’l, Inc. v. LTV Corp., 2006 U.S. Dist. LEXIS 77307 (N.D. Ohio Oct. 24, 2006)
- C&K Indus. Servs. v. LTV Steel Co., Inc., 2006 U.S. Dist. LEXIS 68514 (N.D. Ohio Sept. 25, 2006)
- In re LTV Steel Co., 333 B.R. 397 (Bankr. N.D. Ohio 2005)
- Cleveland Bar Ass’n v. Johnson, 761 N.E. 2d 1043 (Ohio 2002)

Admissions - Court

- U.S. Court of Appeals for the 6th Circuit
- U.S. Court of Appeals for the 7th Circuit
- U.S. District Court for the Central District of Illinois
- U.S. District Court for the Eastern District of Wisconsin
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Northern District of Ohio
- U.S. District Court for the Southern District of Ohio
- U.S. Supreme Court

Admissions - State

- Illinois
- Ohio

Education

- Cleveland-Marshall College of Law
- Cleveland State University

Honors and Awards

- Turnaround Management Association Mid-Size Transaction of the Year (2010)
- Turnaround Management Association Mid-Size Turnaround of the Year (2013)
- Selected for inclusion in Illinois *Super Lawyers* (2013-2021)
- Chambers USA, Recognized Leader in Bankruptcy/Restructuring (2014-present)
- Martindale-Hubbell, AV Preeminent Rating (5.0 out of 5) (2014-present)
- Global M&A Network Turnaround Atlas Award, Consumer Products Turnaround of the Year (2019)

Professional Membership

- Bankruptcy Court Liaison Committee for the Northern District of Illinois (2019-2021 term)
- Turnaround Management Association, (Director and Past President of Chicago/Midwest Chapter)
- American Board of Certification, Board Member and member of Standards Committee (2013-2018)
- ABI Central States Bankruptcy Workshop, Advisory Board Member (2016-present)
- American Bankruptcy Institute (Financial Advisors and Investment Banking, Secured Credit, and Unsecured Trade Creditors Committees) (2005-present)
- Trial Bar, United States District Court for the Northern District of Illinois (2009-present)
- MidAmerica Regional Conference (MARC) Event Co-Chair, 2017

Public Service and Volunteerism

- Partnership to Educate and Advance Kids (PEAK), Board Member/Emeritus Board, (2013-present)
- Cleveland Bar Fellow (2002-2009)
- Cleveland Bar Association, Trustee (2002-2003)

Accreditation

- Board Certified Business Bankruptcy Specialist (2008-present), American Board of Certification

News

- McDonald Hopkins recognized in Chambers USA 2021 Rankings
- McDonald Hopkins attorneys recognized as 2021 Illinois Super Lawyers and Rising Stars
- McDonald Hopkins recognized in Chambers USA 2020 Rankings

- Corporate restructuring attorney Nicholas Miller joins Chicago office

External Publications

- "Fate of Licenses in Bankruptcy," *Intellectual Property Magazine*, April, 2019
- "Peterson v. Katten Muchin Rosenman LLP," *ABI Volo Project*, July 9, 2015
- "In re Brooks," *ABI Volo Project*, April 28, 2015
- "Your Executive Employment Agreement in Bankruptcy," *InsideCounsel*, December 13, 2013
- "'May' Does Not Mean 'Must': District Court Overturns *Crane* and Restores Normalcy in Illinois Mortgage Lending Industry," *ABI Financial Advisors Committee Newsletter*, Vol. 10 No. 2, May 2013
- "El Camino Resources Ltd. v. Huntington Nat'l Bank," *ABI Volo Project*, April 8, 2013
- "United States v. Carver," *ABI Volo Project*, August 16, 2012
- "Secured Lender Invokes Seldom-Used Tool to Protect Collateral in Bankruptcy," *Commercial Leasing Law & Strategy*, April 2012
- "The Power of Oft-Ignored Legal Tools," *Midwest Real Estate News*, February 2012
- "Astro Building Supplies, Inc. v. Slavik," *ABI Volo Project*, December 14, 2011
- "In re Richard Louis Alexander," *ABI Volo Project*, August 19, 2011
- "FCC Cross Ownership Fog Impedes Media Restructurings," *Dow Jones DBR Small Cap*, June 16, 2010
- "Trade Vendor Strategies for Dealing With Distressed Retailers," *CFO.com*, December 18, 2008
- "Draw on Letter of Credit Not Limited by Cap on Landlord Claims," *Business Restructuring Review*, March/April 2006
- "Cash Collateral Usage Not Conditioned on Benefit to Secured Creditor," *Business Restructuring Review*, December 2004
- "Success Fee Must Be Paid from Client's Recovery," *Business Restructuring Review*, November 2003
- "Eighth Circuit B.A.P. Rejects Per Se Rule Prohibiting Marshaling Against Governmental Taxing Authorities," *Business Restructuring Review*, September 2002
- "A Primer on Indemnification and Contribution," *Cleveland Litigation Journal*, Volume 2, 2000
- "'Tis Better to Give Than To Receive: Charitable Donations of Medical Malpractice Punitive Damages," 12 *J.L. & Health*, 141 (1998)

Events

- Bankruptcy 201: Maximizing the Estate | Tuesday, December 1, 2020

Speaking Engagements

- "Don't become a News Desert," National Newspaper Association's 133rd Annual Convention and Trade Show, October 4, 2019
- "Contracting Around the Bankruptcy Code and Communicating With Your Corporate Partners," American Bankruptcy Institute Central States Bankruptcy Workshop, June 13, 2019
- "Aiding and Abetting Liability for Fraudulent Transfer," Turnaround Management Association, June 13, 2018
- Trends in the Bankruptcy Industry," Midwest Dealmakers Conference, August 4, 2017

- “The Art of Growth: Best Practices for Distressed and Healthy Business Acquisitions,” Association of Corporate Counsel Chicago, June 22, 2017
- “Ethics in Turnaround Situations,” Turnaround Management Association, June 6, 2017
- “Making Restructuring Great Again?” MidAmerica Regional Conference, April 5, 2017
- “Bankruptcy Case Study: AeroCare Medical Transport Systems, Inc.,” Turnaround Management Association, August 13, 2014
- “The Main Event: Prepackaged Bankruptcies,” Turnaround Management Association, July 24, 2014
- “Liquidity Forecasting and Management: Does Your 13-week Cash Flow?” Turnaround Management Association, October 9, 2013
- “Basics of Bankruptcy Law,” Loyola University School of Law, October 30, 2012
- “Mortgages in the Aftermath of Two Recent Illinois Bankruptcy Decisions: In re Jones and In re Crane,” Chicago Mortgage Attorneys Association, October 18, 2012
- “Mortgage Avoidance Under the Bankruptcy Code,” NGE Business Seminar Series, July 12, 2012
- “Secured Lender Invokes Seldom-Used Tool to Protect Collateral in Bankruptcy,” Commercial Leasing Law & Strategy, April 1, 2012
- “The ‘Human Factor’ and Its Effects on Corporate Success in Uncertain Times,” NGE Business Seminar Series, November 16, 2010
- “Darwin on Media: Not Everyone Can Survive,” Turnaround Management Association, March 9, 2010
- “In the Zone: Fiduciary Duties & D&O Insurance Claims,” NGE Business Seminar Series, September 10, 2009
- “Nuts and Bolts of Bankruptcy,” Chicago Department of Business Affairs, March 17, 2009