



PRACTICE FOCUS

Michael Conway's practice is primarily focused on litigation on behalf of financial institutions, companies, officers, and directors. While he practices all aspects of special asset recovery litigation for these entities, Michael also defends these clients in traditional civil litigation, as well as in the bankruptcy arena. He also represents clients in all aspects of business reorganization under Chapter 11 of the Bankruptcy Code and regularly works through litigation to protect the intellectual property rights of his clients.

A large portion of Michael's practice involves advising distribution clients, franchisors and franchisees. Because of his bankruptcy focus, Michael is uniquely qualified to assist these clients in dealing with the effects of a bankruptcy filing, including providing advice as to changes in the relationship between franchisor and franchisee and their rights vis-à-vis trademarks and other intellectual property, as well as the effect of bankruptcy on the franchisee-vendor relationship. He also regularly advises his clients on how to deal with vendors or other parties that are in financial distress and he is a chapter author of the American Bar Association's *The Bankruptcy Handbook for Franchisors and Franchisees*, the only full-length book substantively analyzing the intersections of bankruptcy and franchise law. Michael often represents franchisors in disputes arising from the termination of franchise agreements and in drafting separation agreements with franchisees and in actions relating to non-payment of franchise fees. He has litigated numerous franchise-related disputes ranging from wrongful termination cases to representing franchisees in wage and hour class action matters. Michael recently obtained a \$75 Million judgment for one of his distribution clients after this overseas manufacturer was the victim of fraud by its North American distributor.

Michael has also successfully represented securities clients in swaps terminations and clawback actions in bankruptcy, class action matters, single plaintiff securities fraud court actions and in regulatory matters before FINRA and the SEC and regularly defends broker-dealers, fund managers and registered representatives in adversary proceedings filed in the bankruptcy courts or in state court actions for provisional relief including both prosecution and defense of actions to enforce non-compete and/or non-disclosure agreements. Michael has successfully represented major institutions in "bet the company" litigation, obtaining dismissals of numerous matters including a securities class action seeking to recover \$186 billion under an "improper cash sweep" theory and a mortgage-backed securities action seeking approximately \$1.8 billion for alleged underwriting deficiencies.

In addition to countless complex commercial litigation matters filed as arbitrations or in the state and federal civil court systems, Michael has represented clients in bankruptcy cases as both debtor's counsel and creditors counsel, or as special litigation counsel for debtors in cases venued in New York, Delaware, Ohio and France, as well as official and ad hoc committees of unsecured creditors, bondholders and employees in cases venued in New York, Delaware, Montana and California.

Michael is a trial attorney. He is a veteran of more than 100 trials and has litigated matters venued in California, Connecticut, Delaware, Florida, Georgia, Illinois, Maryland, Massachusetts, Missouri, Montana, Nevada, New Jersey, New York, North Carolina, South Carolina, Texas and Washington.

ACTIVITIES

- ABA Forum on Franchising
- American Bar Association
- American Bankruptcy Institute
- New York City Bar
- SIFMA Compliance and Legal Society
- Turnaround Management Association, New York Chapter and Connecticut Chapter

PUBLICATIONS/MEDIA

Michael T. Conway Quoted in Law360 on Favorable Ruling for Subway Russia

EDUCATION

- Wake Forest University School of Law, J.D., 1992
- Babcock Graduate School of Business Management, M.B.A., 1992
- University of California, Los Angeles, B.A., 1987

ADMISSIONS

- New York
- Connecticut
- California
- U.S. District Court, Southern District of NY
- U.S. District Court, Eastern District of NY

MICHAEL CONWAY

Principal, New York

PRACTICE AREAS

- Business Litigation
- Creditors' Rights, Reorganization and Bankruptcy
- Distressed Real Estate
- Franchise Law

- U.S. District Court, Southern District of CA
- U.S. District Court, Central District of CA
- U.S. District Court, Northern District of CA
- U.S. District Court, District of CT
- U.S. District Court, Northern District of IL
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Supreme Court

AWARDS

