

Joseph M. Welch

Orange County
Associate

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Joseph M. Welch is an attorney who focuses primarily in the areas of bankruptcy, litigation and real estate. Mr. Welch has been repeatedly recognized by *Super Lawyers*® as a Rising Star and the *American Society of Legal Advocates* as one of the Top 40 Bankruptcy Lawyers Under 40 in the State of California. Mr. Welch is a Certified Bankruptcy Specialist from The State Bar of California Board of Legal Specialization.

Before practicing law, Mr. Welch was the principal of a real estate and mortgage brokerage. Mr. Welch conducts training seminars and presentations for bank and credit union clients throughout the country.

Deals & Cases

- Successful first-chair trial experience based on circumstantial evidence.
- Lead counsel on appeals before the federal district court, Ninth Circuit Court of Appeals and California Court of Appeal.
- Represent equity, unsecured and post-confirmation creditor committees in maximizing recoveries.
- Represent numerous banks, credit unions, and other financial institutions in complying with federal bankruptcy law and Consumer Financial Protection Bureau (CFPB) regulations.
- Represent international marketers and distributors of perishable commodities in workouts and maximizing recoveries in grower operations and crops.
- Represent pharmaceutical wholesaler in asserting and maximizing reclamation claims, administrative expenses (including Section 503(b)(9) claims), and chapter 11 plan treatment in bankruptcy cases filed throughout the country from small physician practices to national retailers and supermarket chains.
- Represent senior-secured creditors in asserting and defending more than \$120 million in claims against multinational film production and distribution companies.
- Successfully defend secured creditors against repeated attempts by chapter 11 trustee and others seeking equitable subordination, recharacterization of debt to equity, avoidance and recovery of fraudulent and preferential transfers, turnover, alter ego liability, and substantive consolidation of involuntary bankruptcy estates.
- Prevailed in numerous summary judgment motions and motions to dismiss adversary proceedings.
- Defend clients from receiving alleged preferential payments in bankruptcy cases filed throughout the country.
- Prepare all emergency (first-day) motions and other filings for chapter 11 debtors to properly reorganize.

Recent Publications & Presentations

- "The CFPB Updates and BK," the National Credit Union Collections Alliance, April 18, 2015, Dallas, TX
- "Consumer Financial Protection Bureau (CFPB) and Bankruptcy Developments," California Credit Union Collectors Council, February 17, 2015, Los Angeles, CA; February 12, 2015, San Diego, CA; South Bay Remarketing Services, Inc.'s Educational Seminar, November 15, 2014, Las Vegas, NV
- "Bankruptcy Updates," California Credit Union Collectors Council, North Los Angeles Chapter, June 17, 2014, Los Angeles, CA

- "Maximizing Collections: Hot Topics in Bankruptcy and CFPB," South Bay Auto Auction Annual Cruise, June 11, 2014, Marina del Rey, CA
- "The Consumer Financial Protection Bureau (CFPB): The New Federal Landscape For Lenders and Servicers," Buchalter Nemer *Lender Alert*, June 2014
- "9th Circuit Allows Certain Consensual Liens to Be Avoided In Chapter 7 Bankruptcy; Still, the Devil Is In the Details," Buchalter Nemer *Lender Alert*, June 2013
- "The CFPB: What Lenders and Servicers Must Know," Buchalter Nemer *Brown Bag Teleseminar*, April 23, 2014
- "Think Again Before Walking Away from Second Trust Deeds in Bankruptcy," *BNA's Bankruptcy Law Reporter*, February 14, 2013; Buchalter Nemer *Lender Alert*, June 2012; Buchalter Nemer *Points and Authorities*, Fall 2012
- Co-Author, "Litigation in the Courts: Getting the Square Peg into the Round Hole," *ABI Journal*, June 2012
- Co-Author, "A Creditor's Thumbnail Guide to Bankruptcy," *Points & Authorities*, Spring 2011
- "Understanding a Utility's Rights and Responsibilities in Bankruptcy," *Public Law Journal* (an official publication of the State Bar of California Public Law Section), Winter 2010

Mr. Welch graduated Order of the Coif from Loyola Law School where he was President of the St. Thomas More Law Honor Society, Co-chair of the J. Reuben Clark Law Society and member of Alpha Sigma Nu (National Jesuit Honor Society). He received the highest annual G.P.A. in his class during his last year of law school and was honored by the Alumni Association Board of Governors at graduation for significant contributions to the law school and society.

Mr. Welch received his undergraduate degree from Brigham Young University, where he was a member of the Golden Key International Honor Society and Philharmonic Orchestra (cello). He was the youngest member of his graduating class at age 19.

Areas of Practice

Insolvency & Financial Solutions
Litigation
Real Estate

Industry Specialties

Financial Institutions
Health Care and Life Sciences
Mortgage Banking

Bar Admissions

California

Court Admissions

Supreme Court of the United States
U.S. Court of Appeals for the Ninth Circuit
U.S. District Court for the Northern District of California
U.S. District Court for the Eastern District of California
U.S. District Court for the Central District of California
U.S. District Court for the Southern District of California