



Robert Faucher

Partner

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Bob Faucher aggressively represents his clients to protect their claims and rights in bankruptcy cases and other commercial litigation.

PRACTICES

Bankruptcy, Restructuring, and Creditors' Rights
 Commercial Litigation
 Corporate
 Banking and Financial Services
 Securities Enforcement and Shareholder Litigation
 Banking Litigation
 Appellate
 IP Litigation
 Distressed Assets

EDUCATION

Harvard Law School, J.D., 1988
cum laude

Yale University, B.A., 1984
 History
summa cum laude

BAR ADMISSIONS

Idaho

Bankruptcy and Creditors' Rights. In his 31 years as a bankruptcy lawyer, Bob has played a significant role in hundreds of major bankruptcy cases in 18 different states, most often representing lenders. Bob also represents creditors seeking to recover indebtedness or collateral outside of bankruptcy, whether in lawsuits in the federal and state courts, or in out-of-court workouts and restructurings. Chambers and Partners recently named Holland & Hart's Boise office the top bankruptcy/restructuring practice in Idaho.

Commercial Litigation. Bob has successfully litigated cases in federal and state courts, in both bench trials and jury trials, and on appeal. The Chief Judge of the United States District Court for the District of Idaho described Bob's written and oral work as "well organized and well researched . . . persuasive . . . high quality"

Commercial Transactions. Bob regularly documents commercial transactions involving loans, collateral, sales of goods, licenses, and other similar matters.

EXPERIENCE

Bankruptcy and Creditors' Rights

Something has to give whenever there is not enough money to go around. Across a wide variety of industries, Bob excels in the difficult issues that arise in those situations, including:

- Representation of secured creditors in chapter 11 and chapter 7 bankruptcies
- Defense of parties sued in adversary proceedings in bankruptcy cases
- Representation of unsecured creditors and judgment creditors in chapter 11 and chapter 7 bankruptcies
- Representation of other parties in bankruptcies, including creditors' committees, trustees, debtors, and purchasers of assets
- Recovery of debt and collateral, and enforcement of guaranties

Commercial Litigation

Bob represents parties in major business lawsuits involving:

- Breach of contract
- Breach of fiduciary duty and other business wrongs
- Lender liability
- Corporate governance

CLIENT RESULTS

Bankruptcy

Many dozens of successful secured creditor chapter 11 and chapter 7 representations involving \$2+ million loans (and often \$10+ million loans) to debtors engaged in real estate, dairy, agriculture, finance, food and beverage, convenience store, and other business sectors

Successful prosecution of \$10+ million claim of post-confirmation liquidating trustee against parties related to debtor for return of funds to estate

Representation of multiple chapter 11 debtors in confirming contested plans of liquidation

Representation of equity sponsor supporting successfully confirmed and consummated plan of reorganization for livestock company involving \$12+ million in debt

Representation of creditors' committee in Idaho's largest-ever individual bankruptcy

Commercial Litigation

Won a defense directed verdict in a jury trial involving securities

Won dismissal of \$10+ million lender liability claim, and recovered attorney's fees and two years' worth of rents from plaintiff

Won dismissal of claim alleging violation of Truth in Lending Act by bank client, and an award of attorney's fees

Obtained judgment on \$1.5 MM guaranty held by lender client, together with an award of attorney's fees

Won dismissal of breach of fiduciary duty claims against client-trustee involving use of derivatives

Won trial for damages arising from breach of forward contracts on sale of agricultural products

Won numerous contested applications for appointment of receivers

Advantageous settlements of dozens of cases involving loans, insurance,

asset purchases, partnership dissolutions, etc.

PUBLICATIONS

"Collier Bankruptcy Practice Guide," *LexisNexis*

SPEAKING ENGAGEMENTS

"Issues in Automatic Stay Litigation," *Presentation at Annual Meeting of Commercial Law and Bankruptcy Section of the Idaho State Bar*, February 2017

RECOGNITION

- *Chambers USA: America's Leading Lawyers for Business*, Bankruptcy/Restructuring, 2007-2020
- *The Best Lawyers in America*®, Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, 2013-2021; Banking and Finance Law, 2018-2021
- *The Best Lawyers in America*® Lawyer of the Year, Banking and Finance Law – Boise, 2021
- Mountain States Super Lawyers®, Bankruptcy: Business, 2011-2020
- Mountain States Super Lawyers®, Top 100 Lawyers, 2018
- Judge B. Lynn Winmill of the U.S. District Court for the District of Idaho described Bob's work in a major case before him as follows: "The briefs were well organized and well researched, and counsel's argument was persuasive. The high quality of the work, coupled with the Court's decision to grant summary judgment in favor of [client], reveals that the significant effort spent on the briefs and preparation for oral argument in this case was warranted. The high quality work done at the front end of this case saved the parties the additional expense of trying this matter."

PROFESSIONAL AND CIVIC AFFILIATIONS

- Lawyer Representative to the Ninth Circuit Conference of the United States Courts
- Chair, Board of Directors, Commercial Law & Bankruptcy Section, Idaho Bar Association
- St. Alphonsus Hospital Foundation, Board Member
- Member, TerraLex Bankruptcy/Insolvency Practice Group
- Member, Federal Bar Association
- Member, American Bar Association
- Member, Idaho Bar Association
- Member, American Bankruptcy Institute