



Zachary N. James

Partner

Commercial Litigation, Bankruptcy and Restructuring, Financial Fraud, E-Discovery Solutions

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About Zachary N. James

Zachary N. James, a partner with Meland Russin & Budwick, is a highly experienced business litigator. Mr. James has tried more than 30 jury trials and scores of bench trials to verdict. He is a skilled strategist, advising clients on complex business matters before, during, and after litigation. Mr. James knows how to make complex matters understandable, and he is known for his use of cutting-edge technology in preparation for and during trials.

Mr. James is a Certified E-Discovery Specialist. He has extensive experience in e-discovery, frequently advising clients and writing on electronic discovery topics. Mr. James also counsels businesses on document management practices, assisting them to develop document retention and destruction policies.

Prior to joining the firm, Mr. James was a federal prosecutor in the Southern District of California. And prior to his service as a federal prosecutor, Mr. James was a state prosecutor and a trial attorney for the Department of Homeland Security, focusing on prosecuting human rights violations with the Human Rights Law Section. During his governmental career, Mr. James investigated and tried high-profile human rights

violations cases, major felony crimes, and homicide extradition proceedings. Additionally, he presented more than 100 cases for indictment to federal grand juries, authored numerous appellate briefs, and argued before the United States Court of Appeals for the Ninth Circuit.

Mr. James is also involved in various professional and charitable organizations. He is committed to pro bono work, focusing his volunteer efforts primarily on helping needy children in child advocacy cases. He has been widely recognized for his efforts, including being awarded Attorney of the Year for Outstanding Child Advocacy in 2016 by Dade County Bar Association / Dade Legal Aid. Mr. James is also actively involved with Bet Shira Congregation, serving as its President-Elect, and currently serves on the Board of Directors and Executive Committee of the Dade County Bar Association. Finally, Mr. James is a marathon runner and triathlon competitor.

Education

- University of Miami School of Law, J.D., *magna cum laude*, 2004
 - University of Miami Business Law Review
 - Winner of First Year Moot Court Competition
 - Honors Award in Litigation Skills Trial Course
- University of Texas at Austin, B.A., *cum laude*, 2001

Awards/Rankings

- 2017 “*Top Up and Comer*,” South Florida Legal Guide
- 2016 Dade County Bar Association Distinguished Advocate of Pro Bono Commitment Recipient

- 2016 Dade County Bar Association / Dade Legal Aid Outstanding Child Advocacy Attorney of the Year
- 2016 "*Top Up and Comer,*" South Florida Legal Guide
- 2015 "*Up and Comer,*" Florida Legal Elite

Memberships

- Member and Certified E-Discovery Specialist, Association of Certified E-Discovery Specialists
- Board of Directors and Executive Committee, Dade County Bar Association
- Member, American Bar Association, Section of State and Local Government Law
- Founding Member, American Bar Association State Attorneys General and Department of Justice Issues Committee
- Member, Bankruptcy Bar Association
- Chair, Young Lawyers Section, Bankruptcy Bar Association, 2014-2015
- Chair, Brown Bag Committee, Bankruptcy Bar Association, 2013-2014
- Member, Business Law Section, Florida Bar
- Member, Federal Bar Association, Federal Litigation Section
- Member, Federal Bar Association, Bankruptcy Law Section

Bar Admissions

- Florida
- California
- United States District Court, Southern District of Florida
- United States District Court, Middle District of Florida
- United States Bankruptcy Court, Southern District of Florida
- United States District Court, Southern District of California
- United States Court of Appeals, Ninth Circuit
- United States Court of Appeals, Eleventh Circuit

Representative Matters

Practice Area

Representative Matters

Bankruptcy

Represent numerous Chapter 7 bankruptcy trustees in corporate and individual Ch. 7 cases. Routinely advise trustees in the connection with the sale of estate assets pursuant to Section 363, prosecution of avoidance claims and prosecution of Section 727 actions.

Bankruptcy and
Restructuring

Represented Lexi Development Company, Inc., the owner of the Lexi condominium mixed use development, in its Chapter 11 bankruptcy, in which the Debtor successfully eliminated default interest, avoiding foreclosure and preserving equity for the benefit of the Debtor's principals.

Bankruptcy and
Restructuring

Represented Sagamore Partners, Ltd., the owner of Sagamore, The Art Hotel located on South Beach, Florida, in its chapter 11 reorganization from which the Debtor emerged with a confirmed plan and successfully reinstated its CMBS secured loan obligations, while avoiding the payment of more than \$8 million in default interest and attorneys' fees over the objection of the special servicer, LNR Partners, LLC. Successfully avoided foreclosure and preserved equity for the benefit of the Debtor's principals.

Bankruptcy, Financial
Fraud

Representation of insurance company in defense of fraudulent conveyance action brought by bankruptcy trustee. Following protracted litigation, obtained very favorable settlement.

Bankruptcy, Financial

Representation of group of defendants sued by bankruptcy

Fraud trustee under various theories of fraudulent transfer in connection with transfers totaling approximately \$14 million.

Bankruptcy and Restructuring; Commercial Litigation Successfully reorganized a 147-unit condominium hotel in South Florida in a chapter 11 reorganization proceeding. Successfully negotiated with multiple levels of secured and unsecured creditors to obtain a highly favorable result.

Bankruptcy and Restructuring, Financial Frauds, Commercial Litigation, Creditors' Rights Representation of bankruptcy trustee for two south florida based hedge funds that suffered \$1.1 billion in losses in connection with the \$3.5 billion Ponzi scheme perpetrated by Thomas J. Petters in Minneapolis, the third largest financial fraud in U.S. history. Prosecuted over 140 adversary proceedings including claims for accountant and attorney malpractice and clawback of fraudulent transfers as well as a \$1.1 billion conspiracy claim against one of the nation's largest financial institutions. Representation of client as one of three members of the Petters Company, Inc. Official Committee of Unsecured Creditors in Minnesota.

Commercial Litigation Representation of the assignee, pursuant to Chapter 727 of the Florida Statutes, of a company in the business of distributing recording devices throughout Central and South America.

Commercial Litigation Representation of Florida corporation for claims of fraud and breach of contract against several parties in connection with the sale of the assets of several businesses.

Commercial Litigation Representation of management company in connection with its unlawful termination.

Commercial Litigation Represented bank against claims of usury brought by borrower in connection with various financing agreements.

Commercial Litigation Represented guarantors and owners of commercial property in Broward County, Florida and negotiated a highly favorable settlement, including a discounted payoff, release of all liens, and release of the guarantors.

Commercial Litigation Represented the owner of commercial property in Palm Beach County, Florida in a commercial foreclosure action that resulted in a highly favorable settlement

Commercial Litigation Representation of owner of commercial property in litigation against secured lender and special services in connection with a \$27 million loan.

Corporate, Commercial Litigation Representation of Florida corporation to assist in winding down its affairs, dissolving the corporation, and settling all obligations with lending institutions, vendors and creditors.

Commercial Litigation, Trade Secrets Representation of Crown Linen, LLC in a trade secrets, FDUTPA, and tortious interference claim against its former sales director, who started a competing company. Obtained a jury verdict in Crown Linen's favor.

Commercial Litigation, Bankruptcy Represented judgment creditor against insurance company, and successfully defeated the insurance company's claims that actions could not be brought against it as a result of the insured debtor's discharge in bankruptcy.

Financial Fraud, Commercial Litigation, Bankruptcy and Restructuring Represented a group of major clawback defendants in the Nevin Shapiro ponzi bankruptcy case who were sued for more than \$50 million. Obtained a very favorable ruling on a motion to dismiss which led to settlement of the case at less than 1.5% of the originally sought amount.

Litigation

Representation as local counsel to handle proceedings in the U.S. District Court in relation to letters rogatory issued by a Mexican federal court.

Trial Practice

Represented a school management company in a breach of contract case. The case was adjudicated before a three-member arbitration panel composed of two former judges, and it proceeded to a contested, week-long final evidentiary hearing. Following the hearing, the panel entered an order affirming our client's claims and rejecting the respondent's affirmative defenses.

Trial Practice

In December 2014, the firm accepted a pro bono case through Dade Legal Aid/Put Something Back, to serve as an Attorney ad Litem for Jake (the minor client's real name is not being provided in order to preserve his privacy). Jake grew up in a home where he was witness to drug use and violence, and subject to significant neglect. Following the termination of Jake's parents' parental rights, Jake was placed with his maternal aunt. The firm negotiated and received Court-approval of a case plan for Jake's aunt, setting forth various tasks for Jake's aunt to complete in order to establish that it was in Jake's best interest to be returned to his aunt's custody. Following Jake's aunt's successful completion of her case plan, the firm moved to place Jake back in his aunt's custody. After a three-day contested evidentiary hearing, the Court granted Jake's request to be reunified with his aunt.

Trial Practice

Represented the debtor, which was the owner and operator of the Sagamore Hotel in Miami Beach, Florida. Following a contested confirmation hearing, the Bankruptcy Court confirmed Sagamore's amended reorganization plan.

Receiverships and
Assignments

Represented a secured creditor in a receivership in Broward
County and obtained a very favorable result for the client.