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## Neil E. McCullagh

### ATTORNEY, PARTNER

Neil McCullagh is a Partner at Spotts Fain. Prior to joining the firm he was with the Richmond firm of Cantor Arkema, P.C. for almost ten years, where he was an associate and then a director. Before that he was an associate with the Richmond firm of Williams, Mullen, Clark & Dobbins, P.C.

Neil's practice has always been focused in representing creditors. He has successfully represented a variety of secured and unsecured creditors in bankruptcy proceedings - including banks, landlords, vendors, injured persons, and others - and he has served as local counsel to the official creditors committee in a substantial Chapter 11 case. He also routinely represents creditors in matters outside of bankruptcy. In addition to his practice representing creditors, Neil also has significant experience in representing corporations in Chapter 11 bankruptcy.

Neil has been named in the Legal Elite list published by *Virginia Business* magazine and in the Super Lawyers list in the area of Bankruptcy and Creditor/Debtor Rights.

From 1995 to 1996 Neil served as law clerk to Chief Judge Ross W. Krumm in the United States Bankruptcy Court for the Western District of Virginia. He earned his law degree from the University of Virginia School of Law in 1995, where he was an Articles Editor of the *Journal of Law & Politics*. He earned his B.S. from Radford University in 1991.

### AREAS OF PRACTICE

- Creditors' Rights, Bankruptcy and Insolvency
- Financial Services

### RECENT BLOG POSTS

- Fourth Circuit: No Bank Liability For Accepting ACH Transfer Unless Actual Knowledge of Account Misdescription
- Can a Borrower Effectively Waive the Automatic Stay Before Filing Bankruptcy?
- Can a Lender Have a Nondischargeable Claim Against a Business-Entity Borrower That Files Subchapter V Bankruptcy?
- Home Mortgage Lender Defeats Proposed Loan Modification In Chapter 11
- Three New Virginia Laws Relevant to Banks

### EDUCATION

- University of Virginia School of Law, Charlottesville, Virginia (J.D., 1995) *Journal of Law and Politics*, Articles Editor, 1994 - 1995
- Radford University (B.S., Political Science, *summa cum laude*, 1991)

### BAR ADMISSIONS

- Virginia
- U.S. District Court Eastern District of Virginia
- U.S. District Court Western District of Virginia
- U.S. Bankruptcy Court Western District of Virginia
- U.S. Bankruptcy Court Eastern District of Virginia
- U.S. Court of Appeals 4th Circuit

### CLERKSHIPS

- Chief Judge Ross W. Krumm, United States Bankruptcy Court for the Western District of Virginia, 1995-1996

### PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

- Virginia Bar Association
- Bar Association of the City of Richmond
  - Member, Bankruptcy Section
- Virginia Creditors Bar Association
- American Bankruptcy Institute

### HONORS AND AWARDS

- *Virginia Business* magazine's 2019 "Legal Elite" for Bankruptcy/Creditors' Rights
- *Virginia Super Lawyers* 2010-2019 for Bankruptcy: Business
- *Virginia Super Lawyers* Rising Stars 2008-2009 for Bankruptcy: Business

### PUBLICATIONS

- COVID-19 and the "Material Adverse Change" Clause
- New Bankruptcy Laws Aim to Help Small Businesses, Family Farmers, and Veterans
- Chapter 13 Strip Down of Underwater Short-Term Mortgages Now Permitted
- Banks Will Have Greater Power to Prevent Financial Exploitation of Adults
- Legal Updates for Lenders
- Legal Updates for Home Mortgage Lenders
- Two New Court Decisions Impacting Lenders
- Recent Development in Fraudulent Transfer Law
- New Chapter 13 Plan Forms and Bankruptcy Rules Take Effect December 1, 2017
- Dealing with the Post-Discharge Debtor

- Recent Bankruptcy Developments
- 4th Circuit Rejects Bid for Chapter 13 Mortgage Cramdown
- Health Diagnostic Laboratory Trustee Pursues Charities and Others For Alleged Fraudulent Transfers
- Federal Bankruptcy Rule Update: Home Mortgage Lenders' Duty to Give Notice in Chapter 13 Cases, and Potential HELOC Amendment
- U.S. Supreme Court and 4th Circuit Each Rules for Creditors in Recent Notable Opinions
- Bank With U.C.C. Security Interest In Deposit Account v. Garnishment Creditor: Who Has Priority?
- Creditors Take Note: New Bankruptcy Forms Become Effective December 1, 2015
- Banks Face Claw-Back Exposure For Account Overdrafts
- U.S. Supreme Court Weighs in on Mortgage "Strip-Offs"
- James River Coal Files Lawsuits To Recover Alleged "Preference" Payments
- Supreme Court Gets Active in Bankruptcy Law
- Bankruptcy Developments: (1) Supreme Court Gets Active in Bankruptcy Law, and (2) Chapter 11 Reform is Under Way
- New Court Decision Aids Creditors of Chapter 13 Bankruptcy Debtors