

David S. Chartier Shareholder

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David has been at the forefront of commercial finance and transactions law for over 30 years, both as an attorney and as practice group chair in the specialized area of collections law and the enforcement of creditors' rights throughout Wisconsin. During this time, he has gained deep experience in all aspects of commercial finance counseling and in the representation and protection of business interests in state, federal, and bankruptcy courts on issues involving contract law, checks, construction lien/bond law, the Uniform Commercial Code and general business and consumer credit law, and any litigation relating thereto. If a legal issue relating to commerce arises, the chances are that David has been there and done that before.



David regularly represents secured and unsecured business creditors, financial institutions, and liquidating Bankruptcy trustees and state court receivers. He has aggressively resolved business disputes, in and out of court, and has a long record of debt recovery and asset liquidation in Wisconsin and beyond.

David is one of only four Wisconsin attorneys that have been continuously certified as a specialist attorney in creditor's rights and collection law by the American Board of Certification since certification began. Certification requires an attorney to satisfy the Board that he or she possess distinctive expertise in the specialty. A certified attorney must meet the Board's rigorous standards relating to experience, continuing legal education, integrity, peer review, and demonstrate a sophisticated understanding and application of the law in this specialty area.

With seasoned judgment accumulated over 35 years of both general and specialized experience in law and business, David's practice also includes transactions advice, document drafting, negotiation assistance in such areas as real estate and business asset purchase and sale transactions, bank lending, contract review and drafting, corporate and business entity formation and dissolution.

Representative examples of David's recent litigation include:

- An involuntary receivership action against a failing HVAC contractor on behalf of several of its unsecured creditors. The case involved advanced trust fund and theft by contractor claims, bankruptcy involvement and resulted in a 49% distribution to client creditors.



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- An involuntary receivership for two unsecured creditors against a Dane County self-liquidating organization leading to 100% recovery by each client.
- A successor liability claim of multiple creditors/suppliers against an air purification services organization.
- Representing the Unsecured Creditors' Committee in the bankruptcy of a major auto dealership, including the auction liquidation of its assets to the benefit of creditors.
- Litigation of a statutory action to intervene in probate proceedings and obtain payment for a creditor of an heir in Milwaukee County Circuit Court.

Over the years, David has helped coordinate KMKSC's efforts to improve and protect the rights of creditors through the introduction of and support of legislative action. Some examples of such initiatives include:

- Successful advocacy of preservation of Wisconsin's Bulk Sales Law against repeated campaigns to revise the UCC.
- Active participant in the successful initiative to roll back defendant/debtor time to respond to creditor lawsuit, from 45 days to 20 days.
- Supported the successful proposal to restore the UCC provision for creditors damages based on and NSF check.
- Key advocate for the successful campaign to strengthen the Wisconsin "theft by contractor" laws.

Practice Areas:

- Business Law
- Commercial Bankruptcy
- Construction Law
- Corporate Law
- Creditors Rights
- Mergers and Acquisitions
- Secured Transactions

Education:

- Marquette University Law School, 1970
- Graduate School:
Marquette University, 1969
- Undergraduate School:
University of Wisconsin – Milwaukee, 1968



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Bar Admissions:

- Wisconsin
- U.S. District Court Eastern District of Wisconsin
- U.S. District Court Western District of Wisconsin

Certifications:

- Board Certified - Creditors' Rights Law - American Board of Certification (1997)

Professional Distinctions/Honors:

- AV rated by Martindale-Hubbell Law Directory
- Designated a Wisconsin Super Lawyer

Professional Associations and Memberships:

- Member: State Bar of Wisconsin
- Member, Bankruptcy, Insolvency and Creditors' Rights Section
- Commercial Law League of America

Speeches/Seminars Presentations:

As a certified expert and lecturer, David is the permanent instructor in business law and credit law for the Wisconsin Credit Association, formerly NACM – Wisconsin; and is a frequent speaker and lecturer to professional groups and business and credit leaders on the following topics:

- *“Wisconsin Protection And Collection: Construction (Mechanics) Lien And Bond Laws: How To Obtain And Collect On Lien And Bond Claims.”*
- *“Commercial Collection Law In Wisconsin: Proactive Credit Management Before Delinquency; Post-Judgment Collection Remedies For Creditors; Receivership: How It Works For Or Against Creditors; Theft by Contractor.”*
- *“Fair Debt Collection Practices Act: Impact on Consumer and Occasionally Commercial Collections.”*
- *“Credit Applications, NSF check laws, personal guarantees, concepts of successor liability, as credit and collection enhancements for the seller of goods or services on credit.”*



David also regularly speaks and conducts professional Seminars on topics that include:

- “*Construction Lien and Bond Protection – Wisconsin Protection and Collection*” – Lorman Education Services
- “*Commercial Collection Law In Wisconsin*” – Lorman Education Services
- “*Judgment Enforcement In Wisconsin*” – Lorman Education Services

Published Works:

- Comment, “*Arbitration: Uninsured Motorist Endorsement,*” 55 Marq. L. Rev. 411

Leadership Positions:

- City Attorney, City of Lancaster, Wisconsin, 1973-1975



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