

Michael G. Cortina

Crystal Lake, IL

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PARTNER

Overview

Mike is the attorney to call for banks across the Midwest. He has extensive experience representing banks in various types of litigation, including but not limited to: uniform commercial code, automobile dealership cases, personal guaranties, foreclosures, check alterations, fraud, replevins, collections, bankruptcy adversary proceedings, and priority disputes. He also advises bank clients on operations matters, such as how to respond to a subpoena for a customer's accounts, a non-wage garnishment of an account, or a federal grand jury subpoena for customer information.

Mike represents creditors in all types of matters pertaining to the United States Bankruptcy Code. In representing the interests of his clients in bankruptcy court, Mike has run the gamut by doing everything from filing a proof of claim to suing and defending in adversary proceedings to seeking revocation of a debtor's discharge due to fraud. He even represented a creditor in a rare Chapter 9 (municipal) bankruptcy that was filed in Illinois, and successfully obtained dismissal of that case.

A well-rounded banking attorney, Mike drafts, edits and reviews loan documents for all types of matters. Mike drafts complete document packages for multi-million dollar loans, reviews existing documents for legal sufficiency, provides attorney approval for loans, and consults on pending loans. He negotiates and drafts transactional documents for real estate purchases and sales, real estate financing, and easements. He also handles litigation for real estate disputes, including foreclosures, mechanics liens, priority disputes, easements, trespass, zoning disputes, and eminent domain.

Mike is also a private pilot who negotiates and drafts loan documentation for aircraft, including business jets, private jets, turbo props and single-engine planes. He is well versed in Part 91, Part 135, and the other Federal Aviation Regulations.

SERVICES

Banking & Finance

Bankruptcy & Creditors' Rights

Real Estate, Zoning & Public Finance

EDUCATION

Northern Illinois University
College of Law, J.D., 1998

Monmouth College, B.A.,
1995, Philosophy and
Religious Studies & Speech
Communication and Theater
Arts double-major;
*Departmental Honors, Speech
Communication*

United States Army Reserve,
1988-1994

ADMISSIONS

Illinois

As co-chair of the firm's Banking & Finance Services Group, Mike oversees a team providing financial institutions with advice and representation on transactional and litigation matters throughout each of the firm's eight offices.

A strong community is built on the notion that the members of that community invest and give back to one another. To that end, Mike is an active member of the Lions Club, a global leader in community and humanitarian services.

Experience

Represented a Community Bank that had a Large Judgment Against One of its Former Customers

Represented an Illinois County After an Individual Sued Claiming They Owned Property that Belonged to the County

Defeated a Petition to Dissolve a Local Unit of Government

Represented a Subcontractor Hired as an Excavator on a Commercial Development but was Not Paid

Represented a Regional Bank that Lends Money to Commercial Entities for the Purchase of Commercial Aircraft

Defended a Credit Union Named in a Consumer Law Action

Successfully Defended Suit and Obtained an Order Dismissing it with Prejudice in the Representation of a Chicago Bank

Represented a Community Bank that was the Victim of Several Counterfeit Checks that were Deposited with Other Banks

Michael Cortina Obtains Dismissal for DuPage County

Membership & Involvement

- Member: American Bar Association; Illinois Creditors Bar Association; McHenry County Bar Association; Hispanic Lawyers Association of Illinois; Veterans and Military Families Advisory Council for member of Congress
- Board of Directors: Crystal Lake Chamber of Commerce
- Crystal Lake Lions Club: Melvin Jones Fellow (2013); President (2008 - 2009); 1st Vice President (2007 - 2008)
- Illinois State Bar Association: Assembly for the 22nd Circuit; Member, Real Estate Law Section Council (2014 - 2016); Past Chair, Commercial Banking, Collections and Bankruptcy Section Council (2012 - 2013); Standing Committee on Judicial Advisory Polls (2017 - 2021); Bench and Bar Section Council (2018 - 2021); NIU College of Law Alumni Council (2020-2022)
- Illinois Supreme Court Committee on Character and Fitness: Member

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Honors

- Selected by the Leading Lawyers Network as "Leading Lawyer" in Commercial Litigation, ADR Law: Commercial Litigation, and Creditor's Rights/Commercial Collections Law
- Crystal Lake Chamber of Commerce Presidential Award of Excellence: 2016-2017
- Martindale-Hubbell AV® Preeminent™ rated
- Selected to the Illinois Super Lawyers List of Rising Stars: 2008, 2009

Firm News

Mike Cortina Appointed to Illinois Supreme Court Committee on Character and Fitness

Firm News, January 27, 2023

Attorney Michael Cortina Announces His Candidacy for ISBA 3rd Vice President November 2020

Lawyers' Assistance Program Honors Michael Cortina With 2016 Executive Director's Award For Service

Firm News, *Lawyers' Assistance Program*, November 4, 2016

SmithAmundsen In the United States Supreme Court Again!

June 16, 2015

SmithAmundsen Attorney Appointed to Illinois State Bar Association Section Council

April 2014

In the Media

Michael Cortina Featured in Chicago Lawyer's "Banking and finance lawyers guess at the future amid Trump's changeable deregulation policies"

Citations Versus Non-Wage Garnishments: Which Is Right for Your Collection Case? -- Appellate Court Opinion Cites Michael Cortina

Michael Cortina Interviewed by the Daily Herald in "Coffee Break"

Alerts

Key Lender Considerations for Implementing Workout Agreements

Residential Moratorium Redux: Has Anything Changed?

Improper Service Puts Real Estate Title In Jeopardy

The Impact of Residential Evictions on Future Finances

CDC Issues National Moratorium on Residential Evictions: What it Means for Landlords and Tenants

CARES Act Stimulus Package Summary

Paycheck Protection Program – Financial Assistance Through “Forgivable” SBA Loans

Top Recommendations for Lenders During the COVID-19 Pandemic

Be Careful What You Wish For: A Harsh Lesson in Contractual Notices

So You’re Saying There’s a Chance: Surpluses in Foreclosure

Aircraft Lease Financing: Who’s the Owner?

Equitable Subrogation in Real Estate

A Tale of Caution: What Happens When a Bank Fails to Respond to Collection Efforts?

Real Estate Broker Liens: Are They a Problem for Lenders?

Deficiency Judgments from Foreclosures Are Not Setoff by the Value of the Sale of the Real Estate

Speaking Engagements

Dealing with Lenders: From Negotiation to Documentation
Illinois Chamber of Commerce, Webcast, March 30, 2021

Bankruptcy and Alternatives for Business Owners: Timely Action to Take Now in Dealing with Your Bank and Landlord
SmithAmundsen, Webcast, June 17, 2020

COVID-19: Preparing for Defaults, Forbearances and Small Business Bankruptcies
SmithAmundsen, Webcast, April 10, 2020

2018 USLAW Network Banking & Financial Services In-House Counsel Forum
USLAW; Minneapolis, MN, October 3, 2018

Business Succession Tips, Thoughts & Strategies
The Home State Bank; Crystal Lake, IL, October 11, 2017

Fair Debt Collections Practices Act
Client Seminar; Pennsylvania, PA, May 31, 2017

Aviation Lending: Is It Right for Your Bank?
SmithAmundsen, Webinar, October 20, 2016

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Fundamentals of Buying and Operating Business Aircraft
SmithAmundsen, Seminar, Chicago, IL, September 20, 2016

The Construction Industry: Shortcuts to Disaster
Illinois State Bar Association, May 13, 2016

Fair Debt Collections Practices Act
McHenry County Bar Association; Home State Bank, Woodstock, IL, March 22,
2016

Published Works

"Inconceivable!" The Unintended Consequences Of *Daimler* On Banking And
Creditors' Rights
Publication, *University of Illinois Law Review Online*, 2023

Thanking Us for Our Service
Publication, *Illinois State Bar Association's Bench & Bar Newsletter*, December 2022

Impact of *Daimler* on Creditor's Rights
Illinois State Bar Association's Bench & Bar Newsletter, Fall 2021

"Inconceivable!" The Unintended Consequences Of *Daimler* On Banking And
Creditors' Rights
Publication, *University of Illinois Law Review Online*, July 20, 2021

Split Decision
Illinois State Bar Association's Bench & Bar Newsletter, September 2020

The Illinois Two-Step: The Forbidden Dance?
Illinois State Bar Association's Bench & Bar Newsletter, May 2020

Stepping Up May Need to Step Out
Illinois State Bar Association's Bench & Bar Newsletter, September 2019

Blown Out of Proportion
Illinois State Bar Association's Bench & Bar Newsletter, May 2019

Regulating Rude: Tensions Between Free Speech and Civility in Academic
Employment
Cambridge University Press, March 2019

International Shoe Got the Boot
Illinois State Bar Association Bench & Bar Section Council Newsletter, vol. 49, no. 2,
August 2018

Judging Judges
Illinois State Bar Association's Bench & Bar Newsletter, July 2018

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"Forcible Entry and Detainer" Goes the Way of the Dodo
McHenry County Bar Association's In Brief Newsletter, February 2018

Returning to the Fray After Discharge
Illinois State Bar Association's Bench & Bar Newsletter, Winter 2018

Citation Aggravation: Clarifying Orders Regarding Citations to Discover Assets
McHenry Bar Association's In Brief Newsletter, August 11, 2017

DWP Must Be Vacated for Free
McHenry Bar Association's In Brief Newsletter, May 1, 2017

When Defense is Offense: Burdens of Proof in Mortgage Foreclosure Trials
Illinois State Bar Association's Commercial Banking, Collections & Bankruptcy Law Newsletter, August 2016

Lawyers Can Benefit from Judicial Heuristics
Illinois State Bar Association's Bench & Bar Newsletter, June 2016

Caught By Recapture
Illinois State Bar Association's Real Estate Newsletter, April 1, 2016

Blog Posts

Small Business Administration Providing Emergency Funding Due to COVID-19
Labor & Employment Law Update, March 23, 2020

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