



Michael R. Herz

Partner

mherz@foxrothschild.com



Morristown, NJ

Tel: 973.548.3330

Fax: 973.992.9125



New York, NY

Tel: 212.878.7900

Fax: 212.692.0940

Michael centers his practice on complex bankruptcy and insolvency matters.

His diverse and dynamic practice spans representation of Chapter 7 and Chapter 11 trustees, creditor committees, post-confirmation trusts, individual creditors – including financial institutions, loan servicers and landlords – and debtors in all phases of the bankruptcy process. Michael also has deep experience in adversary proceedings and other bankruptcy-related litigation and has facilitated the recovery and administration of millions of dollars in assets and claims. In 2022, Michael was appointed to the Lawyers Advisory Committee for the U.S. Bankruptcy Court for the District of New Jersey, which serves as a conduit between the bankruptcy bar and the Board of Bankruptcy Judges in the state. In 2024, he was appointed to the Chapter 11 Local Rules Committee for the U.S. Bankruptcy Court for the District of New Jersey, which serves to review and recommend changes to existing procedures and rules for Chapter 11 cases in the District.

Michael is adept at finding creative legal solutions to difficult problems. In trustee cases, he has earned a reputation for uncovering fraudulent conduct and tracking down hidden assets. Always focused on maximizing return for the estate or recovery for creditors, Michael uses innovative arguments and his deep knowledge of the Bankruptcy Code to optimize the client's position going into any negotiation.

For businesses in the cannabis sector that encounter financial difficulties, Michael advises and has written and presented on alternatives to traditional bankruptcy, including assignments for the benefits of creditors, receiverships and workouts.

In a niche practice, Michael has developed a particular fluency in issues related to student loans in the bankruptcy context and in other litigation. He represents student loan servicers as creditor in bankruptcy court and in defending claims under the Fair Credit Reporting Act and the Telephone Consumer Protection Act. Michael has also written and spoken on this and other bankruptcy-related topics.

An active member of the American Bankruptcy Institute, Michael is a Contributing Editor of the *ABI Journal*, overseeing the "Trustee Talk" column, and previously served for several years as an Associate Editor. He serves on the advisory board for the ABI's Mid-Atlantic Bankruptcy Conference and is a prolific industry thought leader who has published articles in the *ABI Journal*, *Law360*, *Bloomberg Law*, *The Legal Intelligencer* and the *New Jersey Law Journal*, among others. He is also an editor of and a frequent contributor to the firm's "[In Solvency](#)" blog, which covers bankruptcy and financial restructuring issues.

Services

- Financial Restructuring & Bankruptcy

- Bankruptcy Litigation
- Cannabis Law
- Receiverships

Beyond Fox Rothschild

Michael is a member of the Board of Trustees for the Kessler Foundation, a leading organization in researching treatments for spinal and neurological injuries and conditions. He also participates in the annual Duberstein Bankruptcy Moot Court Competition as a brief grader.

Before Fox Rothschild

Prior to joining Fox, Michael was an attorney at a leading insolvency boutique. He also previously worked at firms in New Jersey and New York, where he represented clients in both bankruptcy and litigation matters.

In law school, Michael was a notes and comments editor for the Brooklyn Journal of International Law.

Bar Admissions

- New Jersey
- New York

Court Admissions

- U.S. Court of Appeals, Third Circuit
- U.S. District Court, District of New Jersey
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York

Education

- Brooklyn Law School (J.D., 2008)
- Brandeis University (B.A., *with high honors*, 2003)

Memberships

- Chapter 11 Rules Committee and Lawyers Advisory Committee for the U.S. Bankruptcy Court for the District of New Jersey
- American Bankruptcy Institute
 - Contributing Editor, *ABI Journal*, overseeing “Trustee Talk” column
 - Advisory Board, Mid-Atlantic Regional Conference
 - Former Associate Editor of *ABI Journal*
 - Member, Circuit Court Opinion Editorial Board
- American Bar Association
- Bankruptcy Inn of Court (former student)
- New Jersey State Bar Association
- Turnaround Management Association
 - Vice President of Membership, NJ Turnaround Management Association Board

Board of Trustees

- Kessler Foundation (ad hoc member)

Honors & Awards

- **Selected to the "40 Under 40 Emerging Leaders in Insolvency" list by the American Bankruptcy Institute (2021)**
This award is conferred by the American Bankruptcy Institute. A description of the selection methodology is [available here](#). No aspect of this advertisement has been approved by the Supreme Court of New Jersey.
- **Selected to the "Super Lawyers - Rising Stars" list for Bankruptcy Law in New Jersey (2014-2018, 2021-2012)**
This award is conferred by Thomson Reuters. A description of the selection methodology is [available here](#). No aspect of this advertisement has been approved by the Supreme Court of New Jersey.
- Article included in American Bankruptcy Institute's *Best of ABI 2019: The Year in Consumer Bankruptcy*, "A Parent's Quid Pro Quo"
- Recipient of Prince Merit Scholarship at Brooklyn Law School