



# Madison S. Spach, Jr.

Partner

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## Practice Areas

Business & Commercial  
Litigation

Antitrust & Trade  
Regulation

Corporate Law

Outside General Counsel  
Services

## Bar Memberships

California

Madison is a 42-year litigation veteran, concentrating on complex and multi-forum business, construction, professional-liability, and real-estate litigation. He has represented owners, developers, lenders, borrowers, guarantors, general contractors, partners, officers, and directors in a wide variety of litigation, bankruptcy, and loan-workout matters, including internal owner disputes and accountings. He often deals with issues arising from accounting procedures and the potential liabilities of accounting firms. Because of his deep experience documenting transactions, Madison anticipates problems from the beginning of the dispute through its ultimate disposition.

Madison's practice involves litigation of complex business disputes of any variety, often in "bet the company" circumstances. These disputes not only involve contract issues, but also proprietary business infringement and unfair competition claims and media asset issues. He has represented accountants and accounting firms in business, personnel, partnership and professional liability disputes.

In construction related matters, Madison has represented owners and developers in an extensive range of multi-family, commercial and non-residential construction disputes, including contract issues, consultant issues, delay claims, defect claims, and contract administration claims.

He has deep experience representing institutional and non-institutional lenders in workouts, both within and outside of bankruptcy proceedings and litigation. Many of his cases involve lender-liability issues, receiverships, and competing creditors'

claims. Madison has also represented borrowers and guarantors in workouts and in litigation with their creditors. His experience in documenting commercial loans and post-petition financings, as well as asset disposition settlements, has allowed him to view lender/borrower issues more broadly – and to propose more creative solutions – than the typical business litigator.

Madison has handled many matters in trial, in both state and federal trial courts, and the state and federal appellate process. He has extensive experience in arbitration and in the judicial enforcement procedures that follow.

## Other Info About Madison

### Education

Duke University, J. D., 1980

University of North Carolina at Chapel Hill, Slavic Languages and Literatures, M.A., 1977

Duke University, B.S., 1974

Certificate course in Blockchain Technologies, MIT Sloan School of Business, 2019

### Recognition

Selected for inclusion in *Southern California Super Lawyers*®, 2007–2025

### Professional Affiliations

Special advisor to the Secretary of Commerce after being named to TFAC (Trade Finance Advisory Commission), 2019–2020.

### Presentations

From the '90s forward, Madison has often spoken on technology developments and electronic discovery issues that impact litigation.

### **Major Publications**

"The National Wealth Tax: Unconstitutional and Unworkable," with Professor Hank Adler of Chapman University, *Tax Notes Federal*, Vol. 165, No. 5, Nov. 4, 2019.

"How to Pay the Wealth Tax? Sell Everything," with Professor Hank Adler of Chapman University, *Wall Street Journal*, December 12, 2019.

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