

## Chad L. Schexnayder

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### *Areas of Practice*

Surety & Fidelity Law

Construction Law

Litigation

Business Law

Bankruptcy

Commercial Real Estate

Mediation & Arbitration

Appeals



Mr. Schexnayder has three decades of experience in commercial litigation, in both state and federal court civil cases. His trial and litigation experience includes complex business disputes, Surety & Fidelity, construction law, bankruptcy, real estate disputes, residential construction defects, and personal injury defense. In addition, Mr. Schexnayder serves as a mediator and arbitrator retained by the parties in commercial litigation.

Mr. Schexnayder joined the firm in 1984.

Mr. Schexnayder has earned the AV Rating with Martindale Hubbell®.

## *Bar Admissions*

Arizona

U.S. District Court District of Arizona

U.S. Court of Appeals 9th Circuit

U.S. Court of Appeals Federal Circuit

U.S. Court of Federal Claims

## *Education*

Arizona State University, College of Law

J.D., 1984 (cum Laude)

Washington University, St. Louis

B.A., 1981 (French & Political Science, cum Laude)

## *Published Works (partial listing)*

*Managing and Litigating the Complex Surety Case, Third Edition* for the **American Bar Association** (2018); co-authors of Chapter 12, Navigating In and Around Bankruptcy are Jennings Haug Cunningham partners [Joseph Brophy](#), [Matthew Sloan](#) and Chad Schexnayder. Offering a comprehensive resource for the surety practitioner, this book expertly analyzes the myriad issues that arise in complex surety cases. Chapters explore the challenges that arise in preparation for and trial of a "mega" construction surety case, examining the decisions facing the surety when confronted with litigation involving multiple parties, project locations, claimants, potential sources of salvage, and more. The book also discusses techniques and strategies to effectively handle these complex cases. For additional information or to purchase the publication information visit: [here](#)

*The Quick Reference Guide to Western States Surety & Fidelity Law*, Editor, **WSSC, LLC** (2006 - 2015)

*Bond Default Manual*, 4th ed. Author, Chapter 13, **American Bar Association** (2015)

*The Surety Underwriter's Desk Book*, Schexnayder, Chad and McNamara, Mary Alice, **American Bar Association** (2014)

*The Contract Bond Surety's Subrogation Rights*, Author, Chapter 11, **American Bar Association** (2013)

*The law of Commercial Surety and Miscellaneous Bonds*, 2nd Edition, Author, Chapter 5, **American Bar Association** (2012)

*Salvage: Tax Refunds, Surety & Fidelity Committee Newsletter*, **American Bar Association** (Fall 2011)

*The Law of Payment Bonds*, 2nd Ed., Chapter 12, **American Bar Association** (2011)

*Intersections of Bankruptcy and Construction: Treatment of Executory Construction Contracts and Mechanic's Liens in Bankruptcy*, Griffin, Deborah S., Martin, Hon. Robert, Schexnayder, Chad, **Journal of the American College of Construction Lawyers**, Vol. 4, No. 2 (Summer 2010)

*The Surety and Bankruptcy*, Chapter 2, **American Bar Association** (2010)

*The Law of Performance Bonds*, 2nd Ed., Chapter 14, **American Bar Association** (2009)

*The Indemnity Agreement in Bankruptcy, of The Surety's Indemnity Agreement: Law and Practice*, 2nd Ed., Chapter XI, , **American Bar Association** (May 2008)

*Housing Market Crunch - Homebuilder Failures and the Surety*, Author and Speaker, **Western States Surety Conference**, Seattle, Washington (2008)

*Homebuilder Bankruptcies and the Surety; A Bankruptcy Primer*, **Pearlman Conference**, Woodinville, Washington (2008)

*The Most Important Questions a Surety Can Ask About Bankruptcy*, Second Edition, **American Bar Association** (2003)

*The Law of Miscellaneous and Commercial Surety Bonds*, Chapter 5, **American Bar Association** (2001)

*Bankruptcy and The Surety, in The Law of Suretyship*, Second Edition, Chapter 20, Gallagher, Edward G., Editors, **American Bar Association** (2000)

*An Overview of Surety and Bankruptcy Law*, a monograph published by the **Defense Research Institute** (1990)

## *Honors and Awards*

Listed in **The Best Lawyers in America®**, Construction Litigation (2010-2019)

**Named to Southwest Super Lawyers®** lists for Construction/Surety, Business Litigation, Bankruptcy & Creditor/Debtor Rights, (2007-2009, 2011-2018)

**Arizona's Finest Lawyers®**

Martindale-Hubbell, **Top Rated Lawyers®**, Construction Law.

## *Professional Associations and Memberships*

State Bar of Arizona, Construction Law Section, Member

State Bar of Arizona, Bankruptcy Law Section, Member

American Bar Association, Tort & Insurance Practice Section

Chair-Elect of the Fidelity and Surety Law General Committee, 2019-20

American Bar Association, Member, Forum on the Construction Industry

## *Classes/Seminars/Speaking Engagements*

Speaker on the challenges presented to surety companies from bankruptcy cases to the **American Bar Association** in Santa Fe, New Mexico (May 10-11, 2018)

Co-Presenter with [Matthew Sloan](#), partner at Jennings Haug Cunningham; Sam Poteet, Manier Herod's Nashville Tennessee office; Carolyn Banks, Liberty Mutual Insurance; and Derek Popeil, CHUBB at the **2018 Fidelity and Surety Law Spring Workshop Managing and Litigating The Complex Surety Case** in Santa Fe, New Mexico (May 10-11, 2018)

*Chad L. Schexnayder, Identifying Construction Contract Risk and Trending Surety Topics, Surety Association of Arizona (January 2018)*

*Speaker, Binding Corporate Indemnitors and Issues Related to Recovery Against Them And Any Subsidiaries, Affiliates Or Third Parties, Annual Meeting of the Surety Claims Institute, Santa Fe, New Mexico (June 25, 2015)*

*Speaker, The Principal's Defense of the Surety, Western States Surety Conference (May 15, 2015)*

*Speaker, Bond Default Manual, 4th ed. American Bar Association, TIPS, Surety & Fidelity Committee, La Jolla, California (May 7, 2015)*

*Speaker, " After the Race, Practical Issues in the Indemnitor's Bankruptcy, American Bar Association, TIPS, Surety & Fidelity Committee, Louisville, Kentucky (May 8, 2014)*

*Speaker, Mid-South Commercial Law Institute, Nashville, Tennessee, (December 5, 2013)*

*Virtual Seminar; The Surety Underwriters Desk Book, National Association of Surety Bond Producers (June 7, 2013)*

*Municipal Bankruptcy, Chapter 9, Pearlman Association (September 6, 2012)*

*Speaker, It's Only Money-The Economic Loss Rule's Impact on Surety Claims and Subrogation, Western States Surety Conference (2011)*

*Speaker, The Surety as Creditor: Strategies and Practice Considerations, Pearlman Conference, Woodinville, Washington, (Sep. 10, 2009)*

*Speaker, " Builders, Construction Contractors and Developers in Bankruptcy", American Bar Association (Feb. 2008)*

*Speaker, Claims for Loss of Labor Productivity/ Efficiency, Western States Surety Conference, Seattle, Washington (May 19, 2006)*

*Speaker, Bankruptcy Hors D'Oeuvres For The Construction Lawyer, The Interplay Between Bankruptcy and Construction Law, The Construction Law Section, State Bar of Arizona (Jan. 3, 2006)*

Speaker, *Navigating Your Way Through a Bond Principal's Bankruptcy*, Commercial Surety Seminar, **Surety Association of America**, Phoenix, Arizona (June 2-3, 2005)

Speaker , *Common Bankruptcy Issues Facing Contractor Clients Regarding Preference Claims and Defenses*, **Maricopa County Bar Association** (2004)

Paper Presented, *Arizona Construction Defect Law: To Flee or not to Flee the California Approach*, **West Coast Casualty Construction Defect Seminar**, Anaheim, California (2001)

*Underwriting Implications of Bankruptcy of the Bond Principal*, **Surety Association of America**, St. Louis, Missouri (Oct. 15, 2001)

Paper Presented, *Creation of Trusts Prior To And After The Execution of The Indemnity Agreement*, Annual Meeting of the **Surety Claims Institute**, Miami, Florida (June 26, 1998)

Paper Presented, *The Surety's Right to Assert Recoupment and Set-Off Defenses of Its Principal, When the Principal Has Filed for Bankruptcy Protection*, Annual Meeting of the **Surety Claims Institute**, Lansdowne, Virginia (June 27, 1997)

Paper Presented, "*Can't Touch That...*" *How Asset Protection Planning Affects Underwriting and Recovery*, **American Bar Association**, TIPS, Surety & Fidelity Committee, Orlando, Florida (Aug. 4, 1996)

Paper Presented, *Your Principal is in Trouble - Bankruptcy Issues Lurking in the Shadows*, **Western States Surety Conference**, Santa Monica, California (Oct. 21, 1994)

Paper Presented, *Common Bankruptcy Issues Facing Contractor Clients - Preference Claims and Defenses*, **State Bar of Arizona**, Construction Law Section (Feb. 22, 1994)

Paper Presented, *The Surety's Attack in the Principal's Bankruptcy - Proven Strategies and Brave New Tactics*, **American Bar Association**, TIPS, Surety & Fidelity Committee, San Francisco, California (Aug. 11, 1992)

## *Community Activities*

Youth Leader, Boy Scouts of America, Troop 329, Grand Canyon Council, Scoutmaster, 1999-2005; 2007- 2010

Youth Sports Coach



## Contact Information

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