



Benjamin E. Marcus

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Bio

Ben Marcus is a highly experienced transactional attorney. Ben has 33 years of experience representing clients throughout North America in complex commercial arrangements including equity and asset transactions on the buy and sell side, joint venture and development agreements, workouts and restructurings, and contract preparation and review (including the negotiation and execution of SaaS and other hosted agreements, and hotel management agreements). Ben has represented companies in many different industries, and regularly advises clients such as community banks, firms offering SaaS, communication tower and wireless network developers, hotel developers and management companies, and sales representatives.

Ben also has extensive experience in business insolvency and restructuring situations, with particular expertise representing clients in the purchase of businesses that are insolvent or in Chapter 11 reorganization proceedings, advising commercial lenders on workouts and restructuring of their most significant troubled lending relationships, and counseling executives on their options in a stressed business environment. Ben's transactional skill and experience combined with his sophisticated understanding of insolvency and restructuring law allow him to quickly identify legal issues that can arise and provide clients with comprehensive and creative solutions that meet their business needs.

Ben has been recognized by his peers and numerous publications and organizations as being among the leading corporate, insolvency and restructuring lawyers in New England including Chambers USA, Best Lawyers in America, Martindale Hubbell, and New England Super Lawyers. In 2007, Ben was elected to the American College of

Practice Areas

Banking & Financial Services
Bankruptcy, Restructuring, & Creditors' Rights
Business & Corporate
Mergers & Acquisitions
Restaurant, Hospitality,
Specialty Food & Beverage
Securities Law
Venture Capital & Emerging Companies
Intellectual Property,
Technology & Licensing

Admissions

Maine
Massachusetts
New Hampshire
U.S. District Court for the District of Maine
U.S. District Court for the District of New Hampshire

Bankruptcy, an honor offered only to the most accomplished practitioners in the field.

In his free time, Ben channels Teddy Roosevelt's "vigorous life" and loves to exert himself outdoors in almost any weather condition – including road running, trail running, road biking, vegetable gardening, moving dirt, felling trees, cutting wood – or making maple syrup.

Education

Cornell Law School, LL.B., *magna cum laude*, 1986

Bates College, B.A., *cum laude*, 1982

Recognition

Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law Lawyer of the Year, Portland, ME (Awarded by Best Lawyers) 2010, 2016, 2020

Mergers and Acquisitions Law Lawyer of the Year, Portland, ME (Awarded by Best Lawyers) 2014

Top 100 (Awarded by New England Super Lawyers)

New England Super Lawyers, Bankruptcy, Mergers & Acquisitions 2007-2021, 2025

Best Lawyers USA

- Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law 2003-2025
- Mergers and Acquisitions Law 2010-2025

Chambers and Partners, USA Guide, *Maine, Bankruptcy/Restructuring and Corporate/M&A, Band 2*

Martindale Hubbell, AV Preeminent

Publications

- Author, "The Changing Contours of the Absolute Priority Rule in Reorganization Proceedings Under Chapter 11 of The Bankruptcy Code," Volume 7, No. 6, Maine Bar Journal
- Co-Author, "Directors in the Twilight Zone II," *International Association of Restructuring, Insolvency and Bankruptcy Professionals*, chapter discussing insolvency (2005)

Memberships

Maine State Bar Association

New Hampshire Bar Association

Turnaround Managment Association

Community/Public Service

Temple Beth El

Past President and Current Board Member

Jewish Community Alliance

Past President and Current Board Member