

Duane M. Geck

SENIOR COUNSEL

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For more than 30 years, Duane has advised clients across the full spectrum of the creditor-debtor relationship, bringing deep experience in all aspects of commercial lending law.

He represents financial institutions in documenting commercial loan transactions, structuring and negotiating debt workouts, enforcing creditors' rights through litigation and navigating complex bankruptcy matters. Known for his practical, creative approach, Duane helps clients resolve transactional and restructuring challenges effectively and efficiently.

Duane has significant experience in the automotive finance industry, where he counsels lenders in their relationships with dealers. His work includes documenting wholesale lending arrangements, addressing defaults through restructure and forbearance agreements, enforcing remedies after default, and defending against borrower claims.

His secured lending practice is particularly strong in matters involving the Uniform Commercial Code and real estate-secured transactions, where his deep experience and knowledge helps clients manage risk and protect their interests.

PRACTICES & INDUSTRIES

- Banking & Financial Services
- Bankruptcy & Creditors' Rights
- Automotive Finance
- Real Estate & Public Finance
- Commercial Lending

ADMISSIONS

- California

EDUCATION

- Duke University School of Law, J.D., 1984
- Colgate University, B.A., 1981

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EXPERIENCE

Represented automobile finance lender in multi-dealership Chapter 11 case, negotiating cash collateral use and obtaining relief from stay after contested bankruptcy court hearings.

Designated an expert witness concerning strict foreclosure under UCC in litigation between competing private equity ownership interests of insolvent company.

Represented bank lender to defaulted real estate developer/borrower mired in internal corporate ownership control dispute and obtained court appointed receiver to preserve real estate project through resolution of dispute.

Represented automobile manufacturer in Chapter 11 case of publicly traded rental car company and negotiated and resolved disputes concerning agreements for sale and purchase of new automobile inventory.

Represented solar project developer in fraudulent transfer litigation claims arising from Ponzi scheme transactions.

Defended an automobile finance company against \$250 million "lender liability" damage claims by failed auto dealer group and prevailed with \$40 million judgment against dealer and guarantors.

Represented a GSE lender in providing and documenting multi-billion-dollar lines of credit to money center banks secured by mortgage loans and bonds secured by mortgage loan.

Represented an automobile manufacturer in drafting contracts for relations with parts distributors and compliance with related UCC rights of sellers of goods.

Represented a lender in litigation and settlement of failed real estate construction development project financed by Mello-Roos bonds, including claims of bondholders, municipality, contractors and developer.

Represented a mortgage warehouse lender in all aspects of enforcing rights after default by mortgage bankers and liquidation of mortgage loan portfolios.

RECOGNITIONS

Super Lawyers, Creditor Debtor Rights, 2009 – 2023

Martindale-Hubbell AV Preeminent Rated

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PROFESSIONAL & CIVIC ACTIVITIES

California State Bar, Business Law Section, Uniform Commercial Code Committee, Vice Chair
(1999-2000)

American Bar Association, Business Law Section

- Creditors' Rights Subcommittee, Chair, 2002-2005

St. Vincent de Paul Society of Marin County

- District Council Board of Directors, 2024-2025
- Treasurer, 2022-2025

Marin Catholic High School Board of Regents, Chair, 2009-2011

SPEAKING ENGAGEMENTS

Duane has lectured and presented about UCC Article 9, secured lending, and commercial lender rights and strategies after loan defaults before the California State Bar, the California Bank Counsel Seminar, the San Francisco Bar Association and in connection with his work on ABA and UCC committees. Duane has been a speaker for the National Business Institute ("Bankruptcy in California" and "Commercial Lending in California"), and Lorman Education Services. Duane has frequently presented to clients for their ongoing education on related and specific matters of commercial lending and creditor rights and remedies after loan defaults.