

Zachary H. Hemenway

He/Him

PARTNER

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Zach distills the complex and challenging into simple stories for judges, juries, and clients.

Zach represents clients in bankruptcy proceedings and litigation, engaging fully on the most complicated issues to find solutions and strategies that are creative, practical, and elegant. He ensures that his clients can explore every available option to determine the best way to protect and pursue their rights.

In briefing and before judges, Zach presents make-or-break issues efficiently and effectively, both within these core litigation and bankruptcy cases and across a variety of matters where clients and colleagues benefit from his e-discovery expertise.

In addition to his bankruptcy and litigation work, Zach has assisted clients across a wide range of internal and external investigations, including negotiating with government agencies on scope and making internal presentations to boards, officers, and general counsels.

EXPERIENCE

Represents clients in litigated matters within bankruptcy, including representation of the debtor in adversary proceedings within the largest Chapter 11 case ever filed in the District of Kansas.

PRACTICES & INDUSTRIES

Bankruptcy & Creditors' Rights
Business Litigation
e-Discovery & Forensics
Distressed Commercial Real Estate

ADMISSIONS

Missouri, 2007
Kansas, 2008
United States District Court, District of Kansas
United States District Court, Western District of Missouri
United States District Court, Southern District of Texas
United States Court of Appeals, Tenth Circuit
United States Supreme Court

EDUCATION

University of Nebraska, J.D., *with high distinction*, 2007

- *Nebraska Law Review*, Executive Editor

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Zach and Nick Zluticky successfully convinced the Tenth Circuit Court of Appeals to hold that a portion of the U.S. Bankruptcy Code is unconstitutional and order a multi-million dollar refund of statutory U.S. Trustee's fees to their client. Despite only one other Circuit adopting their constitutional argument, Stinson and the Tenth Circuit were proven right when that and related cases were granted certiorari by the United States Supreme Court. The Supreme Court agreed in a unanimous decision the portion of the code was unconstitutional. *In re John Q. Hammons Fall 2006, LLC*, 15 F. 4th 1011 (10th Cir. 2021); *Siegel v. Fitzgerald*, 596 U.S. ___ (2022).

Zach argues complex discovery issues in federal and state court, including proceedings relating to forensic examination, corporate representative testimony, discovery scope, proportionality, spoliation, and technology-assisted review.

Represents clients in wide range of internal and government investigations, including grand jury subpoenas, agency investigations, internal allegations, and matters involving theft and potential theft of trade secrets.

Represents clients in appeals of bankruptcy decisions to district and appellate courts.

Represented client in appeal to Missouri Supreme Court regarding constitutionality of the Missouri Commercial Receivership Act, RSMo 515.500.

Served as lead e-Discovery counsel and designated ESI liaison in complex antitrust and class-action matters, including negotiation of ESI Protocols and Protective Orders with extensive, bleeding-edge terms related to production, collection scope, privilege assertions, and Technology-Assisted Review (TAR) processes.

Regularly presents CLEs for in-house attorneys and litigators on issues relating to electronic discovery, defensibility, and attorney-client privilege, and authored articles in Bankruptcy publications on these issues.

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University of Kansas, B.S., Journalism, *with honors*, 2004

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PROFESSIONAL & CIVIC ACTIVITIES

American Bar Association

The Missouri Bar

NEWS

Stinson Attorneys Win Tenth Circuit Appeal on Constitutionality of Non-Uniform Bankruptcy Law
10.07.2021

SPEAKING ENGAGEMENTS

"This is Protected, Right?" Attorney-Client Privilege and the Work Product Doctrine in Corporate Communications
08.11.2020

PUBLICATIONS

Co-author, "Information about Information: The Increasing Role of Metadata in Bankruptcy," *American Bankruptcy Institute Litigation Committee Newsletter*, Vol. 13, No. 4, January 2017

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