



David Kanel

Of Counsel

Walnut Creek, CA
925.941.3234

david.kanel@msrlegal.com

David is a transactional and business attorney who serves as of counsel. He has vast experience in the quick service and casual dining restaurant industry. He speaks and publishes on a variety of real estate transaction topics and is rated “AV Preeminent” by Martindale-Hubbell.

David is a transactional and business attorney in Miller Starr Regalia’s Walnut Creek office. His practice focuses on real property transactions, including acquisitions and dispositions of land and operating business, commercial/retail leasing and finance.

David has a wealth of experience representing both tenants and landlords in commercial and retail lease transactions, with a particular emphasis on clients in the quick service and casual dining restaurant industry. He previously served as Vice President and General Counsel for one of the largest restaurant franchise companies in the United States, where his practice touched virtually every facet of the company’s business.

David also has proven experience in real estate finance. He frequently represents borrowers in the negotiation, documentation, and closing of large commercial loans, including unsecured facilities and those backed by real estate, personal property, and cash collateral. He also has represented both lenders and borrowers in the workout of troubled loans and businesses. For more than a decade, he practiced as a commercial bankruptcy and workout attorney, representing Chapter 11 debtors, trustees, and creditors.

Practice Areas

- Acquisitions & Dispositions
- Commercial & Residential Development
- General Corporate Transactions, Entity Formations & Joint Ventures
- Leasing
- Real Estate Finance

Education

J.D., *magna cum laude*, University of San Francisco School of Law (1986)

- Law Review
- McAuliffe Honor Society

B.A., Anthropology, University of California, San Diego (1983)

Associations

Bar Association of San Francisco, Commercial Law and Bankruptcy Section, Former Vice Chair

Bay Area Bankruptcy Forum – Former Board Member

Contra Costa County Bar Association

State Bar of California

Awards & Recognition

Martindale-Hubbell – AV Preeminent Rated (2002–2019)

Speeches & Presentations

“ADA Compliance for Businesses: Identifying and Managing the Risks of Litigation,” co-presented to the Contra Costa County Bar Association Real Property Section, 2017

"Landlord must disclose disability access compliance," *Daily Journal*, February 16, 2017

"Landlord and Tenant Views of Civil Code 1938 Change," *GlobeSt.com*, By Lisa Brown, December 30, 2016 (quoted)

"Civil Code Section 1938 Gets Expansion on Jan. 1," *GlobeSt.com*, By Lisa Brown, December 29, 2016 (quoted)

"New California Law Regarding Disclosure Of Disability Access Compliance In Commercial Real Property Leases," MSR Legal Update, November 14, 2016 (co-authored with Kevin Corbett)

"Managing Risk and Creating Opportunity Through an Assignment for the Benefit of Creditors," Bar Associations of San Francisco, Alameda and Contra Costa Counties, 2014–2015

"Title Insurance Issues for Troubled Real Estate Loans," presented to workout group of major banking client, 2015

Court Admissions

California (State and Federal Courts)

U.S. Tax Court