



# Bernie Kornberg

Partner

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📍 San Francisco & Long Beach Offices

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**“Litigation and insolvency are grueling, messy, and expensive. When real money is on the line, clients do not need textbook theories or wasted motion. I work to clarify the situation quickly, find the practical angle that gets results, and protect my clients’ financial interests.”**

Bernie Kornberg represents secured lenders, financial institutions, commercial landlords, vendors, and asset purchasers facing borrower distress, loan defaults, and contested bankruptcies. He pursues the prompt recovery of collateral, defends against fraudulent transfer and lender liability claims, and engineers out-of-court workouts that cure defaults without litigation. Bernie focuses on maximizing leverage and getting clients paid. He is frequently called on when matters lack a clear playbook or involve unusual financial risk, earning a reputation for creative strategy in high-stakes disputes that have drawn coverage in *The Wall Street Journal* and *Wine Spectator*.

Beyond trial courts and bankruptcy proceedings, Bernie has extensive appellate experience and has prevailed in matters before the Ninth Circuit, the Ninth Circuit Bankruptcy Appellate Panel, and the California Court of Appeal. He also provides end-to-end counsel on complex financing products in heavily regulated sectors, including SBA lending, Property Assessed Clean Energy (PACE) financing, and specialty home-equity credit. He defends lenders in enforcement actions, regulatory examinations, and recharacterization disputes, while advising on upfront product design, risk, and statutory compliance. An authority on creditors’ rights policy, he has drafted proposed legislation in several states and is a past chair of, and continuing advisor to, the Legislative Subcommittee of the California Lawyers Association’s Insolvency Law Committee.

## Professional Activities

- California State Bar Association, Member
  - Business Law Section, Insolvency Law Committee, Legislative Subcommittee
    - Advisor, 2022-present
    - Past Chair, 2021-2022

## Education

J.D., University of Arizona  
James E. Rogers College  
of Law, *magna cum laude*,  
2007

- Order of the Coif

B.A., University of  
California, Berkeley,  
political science and  
English, 2002

## Bar Admissions

California, 2007

## Court Admissions

U.S. Court of Appeals for  
the Ninth Circuit

## Representative Experience

### Bankruptcy and Creditor's Rights

- Advised the holder of senior secured debt exceeding \$100 million in the Chapter 11 restructuring of Hronis, Inc., and affiliated debtors, a California, grower, packer, and shipper of table grapes and citrus. Handled debtor-in-possession financing, resolved contested disputes with the official committee of unsecured creditors, and structured a sale under section 363 of the Bankruptcy Code in which the lender acquired core operating assets.
- Enforced a defaulted commercial loan secured by almond orchards for a secured lender. Obtained the appointment of a receiver over borrower objections to market and sell the real property and orchard assets, while concurrently litigating personal guaranty liability against the borrower's principals.
- Served as pro bono counsel to a local nonprofit in the Chapter 11 case of *Oceanwide Plaza LLC*, owner of the unfinished downtown Los Angeles development known as the Graffiti Towers. Successfully preserved the property's vital Community Benefits Agreement through plan confirmation and the \$470 million asset sale, preventing its rejection by the liquidating estate. Advising San Francisco-based real estate developer in near nine figure purchase of New York residential hotel in bankruptcy case venued in the Southern District of New York.
- Defended a prominent Los Angeles company against a merchant cash advance funder attempting to enforce statutory payment redirects under UCC § 9-607. Secured a favorable, cost-effective resolution following extensive litigation.
- Achieved a complete defense victory at minimal cost for a national lender in litigation over veterinary hospital construction loan disbursements. Executed an aggressive early defense strategy, using the incorporation-by-reference doctrine to place the full loan record before the court and win a dispositive motion to dismiss. Represented equipment leasing company in claims for negligence arising out of construction accident. Settled at mediation with a complete dismissal of claims against client and reimbursement of 90% of expended attorneys' fees and costs.
- Organized and represented an ad hoc committee of roughly 40 wine buyers in *In re Underground Cellar*, the Chapter 7 liquidation of an online wine marketplace that held 500,000 bottles in warehouse storage. Overcame competing collateral claims by the debtor's institutional lender and trustee abandonment efforts, negotiating a compromise resolution that allowed buyers to reclaim their wine.\*
- Served as California special counsel for a Chinese corporate client in a Hong Kong international arbitration, defeating counterparty claims that an intellectual property license assignment extinguished ongoing royalty obligations and securing complete adoption of the client's California law arguments.\*

\*Prior to joining Miller Nash

## Presentations

- "What You Need to Know About California's SB 1286," National Association of Credit Management Commercial Services Meeting (Feb. 2025)

## Personal Activities

Bernie lives in San Francisco with his wife, two boys, and a mutt. When he is not practicing law or keeping up with an ever-increasing schedule of youth sports, he is usually riding his electric bike across the city hills (kids in tow) or loudly rooting for his Cal Bears, 49ers, Warriors, and Giants.