



Partner

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Practices

Bankruptcy & Insolvency
Litigation
Finance
Alternative Dispute Resolution

Peter C. Califano

Mr. Califano has many years' experience in representing creditors and debtors in all aspects of insolvency-related matters, including bankruptcy and state law insolvency proceedings, litigation and related business transactions. He has special expertise in representing parties in workouts and other non-bankruptcy alternatives, equipment leasing and complex enforcement matters. Working in collaboration with Cooper's other practice groups, Mr. Califano has successfully represented a wide range of individuals and institutional clients' interests. He currently is the chair of Cooper's [Bankruptcy & Insolvency Group](#).

Representative Engagements

- Represented a group of unpaid mainline extension ("MLX") utility contractors in the PG&E bankruptcy case. Coordinated with and helped organize an unofficial committee of other MLX creditors. Through litigation and negotiation with the Debtor, this group of creditors received early payment on their claims in the bankruptcy.
- Represented a purchaser of a golf course in a Chapter 11 bankruptcy case. The engagement included organizing with other Cooper lawyers with specializations in bankruptcy, corporate, land use, real property title, financing and tax resulting in a successful bid and closing of the transaction.
- Filed a voluntary state law dissolution of a national cable television company. Organized and advised regarding disclosures to creditors, allowance of claims and the sales of assets. Creditors were paid with proceeds from available assets and the wind down process quickly completed outside of bankruptcy.

- Enforcement of a money judgment against a recalcitrant and evasive debtor. The debtor had conducted extensive "asset protection" planning in order to avoid payment on the judgment. This included creating a series of interlocking limited liability companies, locating the debtor's stock broker and his margin accounts resulting in a favorable resolution for the creditor.
- Facilitated a forbearance and workout involving a developer, contractor and officer-investor while judgment creditor had begun execution on a \$4,000,000 judgment secured in a construction defect case involving of a high end real estate transaction. Avoided the need for a bankruptcy filing, secured insurance contribution, paid creditor and created a foundation for a fair allocation among the judgment debtors.
- Represented secured creditor in a Chapter 11 bankruptcy whose security interest was not properly filed by the Secretary of State because prior counsel failed to use a preprinted UCC-1 form and then failed to cure the defect before debtor filed bankruptcy. Was able to secure partial adequate protection payments, avoided avoidance litigation and able to successfully settle before a plan was confirmed in the case.

Professional and Community Activities

Mr. Califano is active in the bankruptcy bar leading several national and regional bankruptcy organizations and is a frequent speaker and writer on bankruptcy-related topics. In September 2011, Mr. Califano testified in Washington, D.C. before the Subcommittee on Courts, Commercial and Administrative Law of the House Judiciary Committee. He spoke in his role as an experienced bankruptcy practitioner in support of H.R. 2533, the "Chapter 11 Bankruptcy Venue Reform Act of 2011" introduced by Representatives Lamar Smith and John Conyers, Jr. Mr. Califano also co-chairs an ad hoc group of bankruptcy lawyers from across the country seeking fair bankruptcy venue reform and has led lobbying efforts for legislative change. In June 2013, as President of the California Bankruptcy Forum he helped to develop and create the Pro Bono Project, a statewide program to assist indigent debtors with access to the courts. Since 2011, Mr. Califano continues to organize efforts for national bankruptcy venue reform.

Personal

Born - Buffalo, New York.

B.A. – SUNY at Buffalo , magna cum laude

J.D. – Santa Clara University School of Law, with honors

Memberships and Appointments

Mr. Califano is currently a member of the Commercial Law League of America ("CLLA"), the American Bankruptcy Institute ("ABI"), the California Bankruptcy Forum ("CBF"), the Insolvency Law Committee ("ILC") of the Business Law Section ("BLS") of the State Bar of California, the Bay Area Bankruptcy Forum ("BABF"), the National Equipment Finance Association ("NEFA") and the Lease Enforcement Attorney Network ("LEAN"). Since 1987, Mr. Califano has been a member of the State Bar of California and is licensed to practice in all state and federal courts located in California. He was admitted to practice before the United States Supreme Court in 2004. Mr. Califano has held or holds the following positions and appointments:

- 2016, President, CLLA
- 2015, President-Elect, CLLA
- 2012 to Present, Board of Governors, CLLA
- 2013 to 2015, Co-Chair of CLLA Hill Day
- 2013 to 2014, Recording Secretary, CLLA
- 2007 to 2014, Co-Chair, National Government Affairs Committee, CLLA
- 2005 to 2014, Chair, Legislative Committee, Bankruptcy Section of the CLLA
- 2010 to 2012, Chair, Bankruptcy Section of the CLLA
- 2014 to 2016, Ex-Comm, BLS of the State Bar of California, Advisor
- 2013 to 2014, Ex-Comm, BLS of the State Bar of California, Vice Chair of Legislation
- 2011 to 2014, Ex-Comm Board Member, BLS of the State Bar of California
- 2010 to 2011, Co-Chair, ILC
- 2013 to 2014, President, CBF
- 2012 to 2013, Vice President, CBF
- 2010 Co-Chair, CBF's Annual Conference held in Monterey, California
- 2008, President, BABF
- 2008 to 2009, the Equipment Leasing and Finance Association ("ELFA") Credit & Collections Section Planning Committee

Alternative Dispute Resolution Panels

- 1997 to Present, Mediator for the U.S. Bankruptcy Court for the Northern District of California's Bankruptcy Dispute Resolution Program
- 2008 to Present, Early Neutral Evaluator for the U.S. District Court for the Northern District of California Alternative Dispute Resolution Multi-Option Program

Reported Cases and Laws

- *Siemens Credit Corporation v. Allan E. Newlands*, 905 F.Supp. 757 (N.D. Cal. 1994), a leading case upholding the rights of equipment lessors under Article 2A of the Uniform Commercial Code.
- Co-author of the Religious Liberty and Charitable Donation Protection Act of 1998 [Public Law 105-183] amended Section 548 of the Bankruptcy Code regarding the protection of charitable donations as fraudulent conveyances.

Publications and Articles

- "Bankruptcy Reform Primer – Everything You Need to Know is in this Article," Commercial Law World, October/November 2015, pp 8-15
- California Assignments for the Benefit of Creditors Desk Guide, Insolvency Law Committee of the Business Law Section of the State Bar of California, Editor, June 2014
- "Bankruptcy Venue - Current Law is Going, Going, Going ... Gone?" NABT TALK (Summer 2012, Volume 28, Issue 2)
- "Subprime Problems Spill Over to Commercial Real Estate", Contra Costa Lawyer (May 2008)
- "Bankruptcy: The Essentials" Commercial Loan Documentation Guide, Chapter 21 (Matthew Bender, 2007, rev. 2011 and 2014)
- "Chapter 11 Bankruptcy Issues," Commercial Finance Guide, Chapter 35 (Matthew Bender, 2005, rev. 2010 and 2015)
- "Consensual Reorganization of Debtors," Commercial Finance Guide, Chapter 34 (Matthew Bender, 2004 rev. 2011 and 2015)
- "Lessors' Enforcement Rights Under Section 365(d)(10) of the Bankruptcy Code", Journal of Equipment Lease Financing, Spring 2002

- "Creditor Told That It Doesn't Have A Leg to Stand On No Standing To Surcharge A Secured Creditor's Collateral", CLLA Bankruptcy Section Newsletter, July 2000
- "Ninth Circuit Rules that State Courts May Not Construe the Applicability of the Automatic Stay", CLLA Bankruptcy and Insolvency Section Newsletter, July 1999
- "Secured Creditors' Relief Attorneys' Fees Get Paid in Bankruptcy," CLLA Bankruptcy and Insolvency Section Newsletter, October 1998
- "A Surprising Defendant in Bankruptcy Avoidance Litigation," CLLA Law Bulletin-Practice Aids, (March/April 1997)
- "Article 2A Protections Confirmed for Equipment Lessors," CLLA Law Bulletin-Practice Aids, (May/June 1996)
- "Why Aren't They Returning My Calls? Managing a Tenant's Bankruptcy;" BOMA Matters-San Francisco (March 1995)
- "How to Handle A Tenant's Bankruptcy," Shopping Centers Today (December 1993); and "A Bankruptcy Primer for Equipment Lessors," Western Association of Equipment Lessors-Newsline (August 1992)

Panels

- "Multi-Party Litigation Nightmares" CLLA – 2015 National Convention, Las Vegas, Nevada, April 2015 (Part I), and 2016 National Convention, Chicago, Illinois, April 2016, (Part II)
- "Bankruptcy: The Changing Bankruptcy Caseload in the Northern District – Is it Something we have Said or Done?" Northern District 2015 Judicial Conference, Napa, California, March 2015
- "What is Congress Doing?! Bankruptcy Legislation and Rules Update" Bar Association of San Francisco, July 2014
- "Bankruptcy Venue Forum" and "Charitable Donation Exceptions for Section 547", CLLA DC Summit, February 2014
- "Hot Topics in Today's Economy and Modern Collection and Bankruptcy Issues" for the ELFA's Credit and Collections Management Conference, Philadelphia, Pennsylvania, June 2008
- "Preferences – How to Defend and Resolve Them" for the National Association of Credit Management and Transportation Revenue Management Group, Newport Beach, October 2007
- "Preferences – Guilty Until Proven Innocent" at a joint presentation to the NACM and

CLLA at the CLLA's 2006 Eastern Annual Meeting

- "Bankruptcy Potpourri: Preferences, Critical Vendors and Dismissals" for the NACM National Air Express & Cargo Industry Credit Group Meeting, Stateline, Nevada, June 2005
- "Understanding the Radical Bankruptcy Code Changes: Business Bankruptcy Under the New Code" for the CLLA and its Bankruptcy Section and Fund for the Public Education, May and June, 2005
- "Catholic Diocese in Bankruptcy-Collision of Church and State?" for the Commercial Law and Bankruptcy Section of the Bar Association of San Francisco, January, 2005
- "Collection of Accounts Receivable in California," Lorman Education Services, Oakland, California, January 2003
- "Planning For The Economic Downturn (If It Ever Happens) - Assignment For The Benefit of Creditors" for the Commercial Law and Bankruptcy Section of the BASF, March 2000
- "Hot and Emerging Topics in Chapter 7, 11 & 13" at the CLLA's 1999 Midwest Annual Meeting
- "Fundamentals of Equipment Leasing" at the CLLA's 1998 Midwest Annual Meeting
- "Gaming Debts-Dischargeability in Bankruptcy" at the CLLA's 1997 Western Annual Meeting
- "Creditors' Strategies in the Shadow of Bankruptcy" at the CLLA's 1995 Midwest Annual Meeting
- "Bankruptcy Preferences" at the CLLA's 1994 Western Midwinter Meeting

Miscellaneous

- "AV" rated by Martindale Hubbell
- 2012 to Present, Best Lawyers; Super Lawyers, for excellence in Bankruptcy and Creditor/Debtor Rights/Insolvency and Reorganization Law