

Special Counsel

# Bernard J. Kornberg

[bjk@severson.com](mailto:bjk@severson.com)

p: (415) 677-5548

f: (415) 956-0439



Bernie represents clients in litigated, regulatory, and compliance matters of all stripes. Whether Bernie is defending his clients in court or drafting a contract to avoid future litigation, he will handle the matter in a professional, efficient, and timely manner.

Mr. Kornberg has extensive experience in representing lenders, other entities, and individuals in litigation in the areas of insolvency, regulatory compliance, real estate litigation, commercial contract disputes, large-scale debt collection, and shareholder lawsuits. Mr. Kornberg is also an experienced appellate litigator and has argued cases in front of the Ninth Circuit Court of Appeals, Ninth Circuit Bankruptcy Appellate Panel, and the California Court of Appeal. Mr. Kornberg is the prevailing attorney of record in the published appellate opinions of *In re Turner*, 859 F.3d 1145 (9th Cir. 2017) (denying the standing of a third-party to challenge a loan sale), *Opperwall v. Bank of Am., N.A.*, 561 B.R. 775 (N.D. Cal. 2016) (deciding the res judicata effect of a confirmed plan), and *In re Goldstein*, 526 B.R. 13 (B.A.P. 9th Cir. 2015) (determining when claims vest as property of the bankruptcy estate).

In addition, Mr. Kornberg's practice includes acting as outside compliance counsel for early and mid-stage financial lending startups. In this role, Mr. Kornberg is responsible for drafting and reviewing contracts, disclosures, marketing materials, and practices and procedures relating to the sale of new and untested financial products for financial service startups to ensure compliance with RESPA, TILA, Gramm-Leach-Bliley, data privacy and security, and other federal and state regulatory requirements.

Mr. Kornberg received his law degree from the University of Arizona James E. Rogers College of Law, *magna cum laude*, and is admitted to the Order of the Coif. While in law school, Bernard was an Extern for Federal Bankruptcy Judge Eileen Hollowell. Mr. Kornberg received his B.A. degree in both Political Science and English from the University of California, Berkeley where he also served as the art and film critic for the student paper, *The Daily Californian*, and was President of the Berkeley Chapter of Phi Delta Theta Fraternity.

Mr. Kornberg is admitted to practice in all State and federal courts in California and is a member of the Commercial Law and Bankruptcy Section of the San Francisco Bar Association.

## Education

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- University of Arizona James E. Rogers College of Law, J.D., *magna cum laude*, Order of the Coif, 2007
- University of California at Berkeley, B.A., 2002

## Admissions

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- California
- United States Court of Appeals for the Ninth Circuit

## Areas of Practice

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### Appeals

### Transactions

### Banking

- [Cybersecurity/Data Privacy](#)
- [FinTech](#)
- [Third-Party Subpoenas](#)

### Business Litigation

- [Cybersecurity/Data Privacy](#)
- [Lender Liability Defense](#)

### Creditors' Rights & Bankruptcy

- [Commercial Bankruptcy](#)
- [Commercial Workouts](#)
- [Consumer Bankruptcy](#)
- [Creditors' Rights & Enforcement of Remedies Against Collateral](#)
- [Lender Liability Defense](#)

### Financial Services

- [Automobile Finance](#)
- [Cybersecurity/Data Privacy](#)
- [Green Energy Financing](#)
- [Lender Liability Defense](#)
- [Mortgage Banking](#)

- [Regulatory Compliance and Enforcement Actions](#)

## Real Estate

- [Commercial Finance & Secured Transactions](#)
- [Risk Management Counseling](#)

## Publications

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- [SW Summer 2018 Newsletter](#)
- [SW Winter 2018 Newsletter](#)
- [Banks Face Unique Liability For Data Breaches Under The Gramm-Leach-Bliley Act](#)
- [Hyman, S.J., Cram, D. H., & Kornberg, B. J. \(Fall 2017\). The Intersection of the Fair Credit Reporting Act and the Federal Consumer Bankruptcy Laws. 70 CONF. CONS. FIN. L. Q., pp. 113-126.](#)

## Consumer Finance Posts

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- [District Court \(Nev.\) Says Debt Was Accurately Reported Through and After Chapter 13 Bankruptcy](#)
- [District Court \(Nev.\) Says Auto Finance Company Properly Re-investigated Dispute after Consumer's Ch. 13 Bankruptcy; Says FCRA Provides No Damages Without Inaccurate Consumer Report Being Published to Potential Grantor of Credit](#)
- [District Court \(Cal.\) Allows FCRA Bankruptcy Reporting Case to Proceed as a Class Action](#)
- [District Court \(Nev.\) Says Furnisher Accurately Reported Automobile Account Post-Chapter 7 Bankruptcy](#)
- [Severson & Werson Publishes Article on the Intersection of the Fair Credit Reporting Act and Federal Bankruptcy Laws](#)