



## Risa Wolf-Smith

Partner

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**Recognized as one of the leading bankruptcy practitioners in the nation, Risa Wolf-Smith represents secured lenders, creditors' committees, unsecured creditors, asset purchasers, landlords, franchisors, licensors, licensees, and receiver clients in bankruptcy proceedings of all sizes in many jurisdictions.**

Risa has in-depth expertise in complex financial restructurings both in and out of court as well as in complicated bankruptcy sale and acquisition transactions. Recently, she has represented major Power Purchase Agreement creditors in large energy cases across the country, including the First Energy and Energy Future Holdings bankruptcies, and garnered exceptional results for her clients. She has also litigated complex intellectual property and franchise agreement disputes and frequently defended lender liability actions brought against secured lenders.

Risa chaired Holland & Hart's Bankruptcy and Creditors' Rights Practice Group for over 17 years. Risa is admitted to practice in Colorado and California.

### EXPERIENCE

- Bankruptcy
- Business reorganization
- Business workouts
- Receiverships
- Creditors' rights

### CLIENT RESULTS

Represented Wells Fargo as secured lender, DIP lender, and exit lender in successful reorganization of one of the largest concrete pumping businesses in the nation.

Represented Jiffy Lube in Chapter 11 reorganization of more than 30 franchise locations.

Lead counsel to official committee of unsecured creditors in Chapter 11 case involving debtor with loan portfolio of over \$150 million.

Lead counsel to official committee of unsecured creditors in Ponzi scheme case and prosecuted claims against insiders, professionals, and insurance company.

Represented asset purchasers in some of the largest Chapter 11 cases

### PRACTICES

Bankruptcy, Restructuring, and Creditors' Rights  
Corporate  
Banking and Financial Services

### EDUCATION

Stanford Law School, J.D., 1985  
  
Colorado College, B.A., 1982  
*summa cum laude*  
Boettcher Scholar  
Phi Beta Kappa

### BAR ADMISSIONS

Colorado  
California

ever filed in Colorado, including the successful purchaser of the Schwinn cycling assets and the assets of one of the largest telephone and cable providers in the industry.

Represented private equity fund as senior secured lender, DIP lender, and acquirer of the assets of subprime loan servicer in one of the largest credit bid acquisitions in Colorado.

Represented secured lenders and loan servicers in state and federal receivership actions involving hotels, apartment complexes, and other real estate projects and businesses.

Defended numerous fraudulent and/or preferential transfer actions in jurisdictions throughout the country.

## PUBLICATIONS

"Rejecting Power-Purchase Agreements in Energy Cases: Do Bankruptcy Courts Have Exclusive Jurisdiction?," *American Bankruptcy Institute Journal*, August 2019

"Protections for Oil and Gas Operators and Working Interest Owners in a Bust Cycle," *American Bankruptcy Institute Journal*, Co-Author, May 2016

"Inaction as Implied Consent: Bankruptcy Courts' Authority to Enter Default Judgments On Stern Claims After Wellness.," *American Bankruptcy Institute Journal*, March 2016

"No Joa, That's OK: Practical Solutions For Operators In A Cotenancy Relationship," *The Oil and Gas Report*, Co-Author, July 2016

"Shedding Burdensome Restrictive Covenants in Real Estate Sales," *American Bankruptcy Institute Journal*, November 2014

"Squeezing Juice from a Turnip: Tax Assets and Tax-Allocation Agreements," *American Bankruptcy Institute Journal*, vol. XXXII, No. 4, May 2013

"Forbearance Agreement Releases Should Be Enforced in Bankruptcy," *American Bankruptcy Institute Journal*, vol. XXXI, No. 1, February 2012

"Must Suppliers Continue to Supply on Credit During the Slide into Bankruptcy? Heck No!," *American Bankruptcy Institute Journal*, Co-Author, April 2009

"Innocent Trustee/Creditors Barred by Debtors' Past Wrongs: It Just Ain't Right," *American Bankruptcy Institute Journal*, Co-Author, April 2007

"Bankruptcy Reform and Nonmonetary Defaults - What Have They Done Now?," *American Bankruptcy Institute Journal*, August 2005

"Executory Contracts and the Franchise Relationship," *American Bankruptcy Institute Journal*, June 2004

"Bankruptcy Considerations in Technology Transactions," *American*

*Bankruptcy Institute*, April 2004

"[Executory Contracts - How Prompt is 'Prompt'?](#)," *American Bankruptcy Institute Journal*, February 2014

"[Intellectual Property Law Committee Newsletter](#)," Co-Author, July 2002

"[How to Keep Insiders Inside in a Chapter 11 Reorganization](#)," *Intellectual Property Law Committee Newsletter*, Co-Author, July 2002

## **SPEAKING ENGAGEMENTS**

"Ms. Wolf-Smith has lectured extensively on various bankruptcy-related topics, including: ,"

- *Mitigation strategies for oil and gas companies in a distressed energy climate*
- *Structuring loans to avoid subordination or recharacterization*
- *Preferential and/or fraudulent conveyances*
- *Executory contracts and leases*
- *Technology and licensing issues*
- *Creditors' rights*
- *Limited liability companies*

## **RECOGNITION**

- American College of Bankruptcy, Fellow
- *The Best Lawyers in America*® Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, 2011-2020
- Colorado Super Lawyers®, Bankruptcy: Business, 2006-2019
- *The Legal 500*, 2009-2016

## **PROFESSIONAL AND CIVIC AFFILIATIONS**

- American Bankruptcy Institute, Director
- American Bankruptcy Institute Journal, Executive Editor
- American Bankruptcy Institute Rocky Mountain Bankruptcy Conference and Advisory Board Member, Co-Chair
- Mountain/Desert Network, International Women's Insolvency and Restructuring Confederation, Director
- Colorado Limited Liability Company Act, Co-Author; Colorado Limited Liability Company Act Revision Committee, Member
- American Banking Institute, Asset Sales Committee, Former Education Director
- Colorado Chapter Turnaround Management Association, Former Director
- Colorado Bar Association, Bankruptcy Subsection, Former Co-Chair

- State Bar of Colorado, 1986
- State Bar of California, 1986