



JAMES A. TIMKO

PARTNER

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James A. Timko is a partner in the Orlando office of Shutts & Bowen, where he is a member of the Creditors' Rights/Bankruptcy Practice Group and a business litigator.

James has received Martindale-Hubbell's highest rating as an attorney whose practice involves distressed assets, bankruptcy and commercial litigation. He's also a certified circuit civil mediator. James represents creditors, debtors, secured, lenders, mortgage companies, landlords, franchisors, bankruptcy trustees and other business enterprises in chapter 7 and chapter 11 bankruptcy cases and in assignment for the benefit of creditors cases. He's represented creditors in bankruptcy cases across the country, including Florida, California, Texas, Delaware, New York, and Pennsylvania.

James also has significant experience resolving general commercial disputes, including copyright disputes. He's also represented institutional lenders in connection with asset based lending transactions and real estate transactions.

A national speaker and author on creditors' rights and bankruptcy law, James is the former president of the Florida chapter of the Turnaround Management Association, the premier international professional organization dedicated to corporate renewal and turnaround management. Prior to entering private practice, he was a judicial law clerk to the Honorable Judge Leslie Tchaikovsky of the U.S. Bankruptcy Court in the Northern District of California.

Experience Highlights:

- Restructured the debts of a medical practice and successfully reduced its debt by over a million dollars.
- Represented a CMBS servicer in foreclosure litigation and a deed-in-lieu transaction involving a student housing project worth approximately \$5 million.
- Represented joint venturer as the purchaser of large developable property for approximately \$16 million as part of a Chapter 11 plan.

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- Defended a corporation against potential fraudulent transfer claims while resolving the matter with chapter 7 trustee, resulting in the quieting of title of the client's apartment complex and ability to sell same.
- Represented a Fortune 500 company owed over \$15 million and member of creditor's committee in one of the largest bankruptcy cases in the country in 2013.
- Represented multiple lenders in chapter 11 cases involving real property disputes, including obtaining numerous confirmation of consensual plans of reorganization involving operating hotels, churches, and operating businesses.
- Represented a lender holding a priority secured interest in a well-known time share resort.
- Represented a Fortune 500 company and several of its subsidiaries in several major banking and investment company bankruptcy cases.
- Represented, as California bankruptcy counsel, an international fast-food franchisor in multiple bankruptcy cases involving several franchisees in complex trademark related matters.
- In the bankruptcy court in Las Vegas, Nevada, represented a lender owed \$133 million, seeking relief from a stay to enforce its state law rights with respect to a large, residential real estate development in California.
- Represented a chapter 7 trustee in the bankruptcy case of a consumer electronics distributor subject to multiple patent and trademark infringement lawsuits.

Practice Areas

Complex Loan Workouts

Creditors' Rights and Bankruptcy

Litigation

Accolades

- [Martindale-Hubbell AV® Preeminent™ Rated, 4.8 out of 5.0](#)
- *Best Lawyers in America®*
 - Litigation—Bankruptcy, 2019, 2020, 2021, 2022, 2023
 - Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, 2023
- *Orlando Magazine*, "The Best Lawyers in Orlando," 2020

Education

- Emory University School of Law, J.D. with honors, 2001

James A. Timko

- Rutgers College, B.A. Communication, 1998

Bar Admissions

Florida

California

Court Admissions

- U.S. District Court for the Northern District of California
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Central District of California
- U.S. District Court for the Southern District of California
- U.S. District Court for the Middle District of Florida
- U.S. District Court for the Southern District of Florida
- U.S. District Court for the Northern District of Florida

Professional and Civic

- Turnaround Management Association:
 - Past President of Florida Chapter
 - Florida Board Member
 - Chair, 2021 Southeastern Regional Conference Sponsorship Committee
 - Chair, 2015 Southeastern Regional Conference Education Committee
- American Bankruptcy Institute
- The Florida Bar, Business Law Section/UCC Committee
 - Bench Bar Conference Participant, 2015
- Central Florida Bankruptcy Law Association
 - Board of Directors
- Supporter of Boys and Girls Club of Central Florida
- Graduate, Class of '89 for Leadership Orlando
- Downtown Orlando Partnership

Presentations

- Moderator, Craft Brewery Panel, Turnaround Management Association, 2019 Southeast Regional Conference, June 2019
- Speaker, "Utilizing Experts in Fraudulent Transfer Litigation," Central Florida Bankruptcy Law Association, 27th Annual Seminar & State of the District Event, June 2019
- Speaker, "Steering Companies through Troubled Waters" Seminar, presented by Rollins College Crummer Graduate School of Business and the Florida Chapter of Turnaround Management Association, November 2016
- Moderator, "Turnaround Tricks for Start Up Companies," Turnaround Management Association, Florida Chapter Winter Conference, February 2016
- Moderator, Bankruptcy Developments Panel, Turnaround Management Association, Florida Chapter 2015 Conference, February 2015
- Speaker, "Landlord/Tenant Issues in Bankruptcy," for the Orange County Bankruptcy Association, April 2014
- Moderator, "Bankruptcy Developments Update," Turnaround Management Association in Orlando, Florida (2013)
- Co-Chair of Educational Committee for the Turnaround Management Association's July 2010 Western Regional Conference
- Speaker, "Loss Mitigation Issues - Lessons Learned from the Lehman Brothers Bankruptcy," Client's Legal Conference, August 2009
- Moderator, "Digging Out of a Troubles Real Estate Investment: How to Find, Create and Preserve Value in Troubled Real Estate." Turnaround Management Association's Western Regional Conference, July 2009

In The News

- James Timko quoted on mediation progress for the Florida Coalition Against Domestic Violence Receivership: "State Judge Seeks Answers in Domestic Violence Agency Cases," *Daily Business Review* (July 27, 2021)
- Lead counsel, James Timko, quoted on financial stability for Florida Coalition Against Domestic Violence Foundation in representation of receiver: "[Florida coalition that paid CEO \\$7.5 million has its money taken over by receiver](#)," *Tampa Bay Times* (May 21, 2020)
- Lead counsel, James Timko, quoted on his motion in representation of receiver in action: "[Receiver Seeks \\$1.5 Million From Domestic Violence Foundation](#)," *Daily Business Review* (April 22, 2020)
- [Shutts & Bowen's James Timko named president of Turnaround Management Association Florida chapter](#) (July 16, 2015)

Publications

- Guest Writer, *Local business bankruptcy filings declined last year, despite Covid pandemic. Here's why*, Orlando Business Journal (January 29, 2021)
- *Representing Landlords of Non-Residential Real Property in Chapter 7 Cases, Chapter 7 Commercial Bankruptcy Strategies*, Aspatore Books "Inside the Minds" Series (2012 ed.)
- *Keep your Lease a Lease - Seventh Circuit Finds the Severability of a Contract Defeats Recharacterization*, LJN Equipment Leasing Newsletter, Vol. 25, Number 9 (October 2006)
- *When is a Lease a "True Lease"? The Seventh Circuit Applies Substance Over Form in United Airlines v. HSBC Bank*, The Bankruptcy Strategist, Vol. 23, Number 1A (November/December 2005) and LJN Equipment Leasing Newsletter, Vol. 24, Number 11 (December 2005)
- Co-Author, *Be Careful What You Look For: It Could be An Authenticated Record*, LJN's Equipment Leasing Newsletter, Volume 23, Number 7, August 2004
- *Section 525(a) of the Bankruptcy Code and Sovereign Immunity: The Supreme Court's Creation of a Super Creditor*, Bankruptcy Journal, Volume 17, No. 2 (2001)