

Bankruptcy

John H. Tate II

Oppenheimer, Blend, Harrison + Tate Inc.

Favorite Quote:

“... The Court hereby finds for and rules in favor of (insert Mr. Tate’s client).”

~Standard court order

The University of Texas School of Law
Years in practice: 38

BY HERNÁN ROZEMBERG

Cool under pressure. Steady-Eddie under fire. Respected and admired by friends and adversaries.

Add pioneer to those accolades typically bestowed on him and you begin to get an idea of the man who is John H. Tate II.

The fact is, at least in San Antonio, bankruptcy law and Tate go hand in hand. Essentially, there was no such specialty practiced in the area until Tate — by accident — delved knee-deep into it.

“It was exciting because we were plowing new ground,” Tate recalls.

Bankruptcy law was in its infancy in the late 1970s when it suddenly took off as an area of legal practice as the country began feeling the impact of the economic recession at the time. Having just joined the San Antonio law firm founded by Jesse H. Oppenheimer, Tate was given the rookie assignment of checking out what was going on over at bankruptcy court.

He never looked back, finding himself with a growing work load from handling one case to 25 cases just about overnight.

The practice was so new, in fact, that Tate was growingly tapped as the go-to expert not just by his firm colleagues but also by judges in court who were still getting familiarized with codes, regulation and enforcement.

“You were inventing the process on your own and judges looked to us for help to argue before them what provisions meant and how to enforce them,” says Tate, 67, who has remained at the same firm but is now one of the partners at Oppenheimer, Blend, Harrison & Tate. The firm has grown from about seven lawyers when Tate started to approximately 40 today.

One of Tate’s first defining cases involved de-

fending apartment complex owners who filed for bankruptcy after they became stuck with year-long leases, unable to raise rent amid the recession.

Tate then went on to take on the bankruptcy cases of well-known companies such as Handy Andy supermarkets and Commonwealth Oil and Refining Company.

One high-profile case Tate took on involved ASARCO, a mining giant that filed for bankruptcy in 2005. Tate represented former Texas District Judge Robert C. Pate, appointed by the court to represent asbestos claimants.

Tate guided the judge toward the eventual recovery — five years later — of a \$1 billion trust fund set up for people who fell ill due to being exposed to asbestos.

His steady, no-frills attitude in the face of intense adversity immediately impressed Pate, who went on to retain Tate’s services in other cases.

Tate’s handling of the case, amid complex legal wrangling involving large, high-power firms proved that he was more than able to hold his own amongst the best bankruptcy lawyers in the country, Pate says.

“John’s just that kind of lawyer that doesn’t get one bit perturbed when the arrows start flying,” says Pate.

Michael McConnell, a former bankruptcy judge in the Northern District of Texas and now a partner at a Dallas firm, attended law school at the University of Texas at Austin alongside Tate.

His demeanor remains steadfastly low-key and level-headed at all times and every argument he makes carries a definitive sense of purpose.

“He’s well respected all around: Adversaries and friends, in the judiciary and even opposing counsel,” says McConnell. “He has the highest standards of conduct — a man that never, ever breaks

his word.”

That pristine reputation stretches beyond the courtroom. In military circles, for example, he’s also an established leader. He served for six years in the Army, including Vietnam, his service there as a Ranger earning him a Bronze Star among other distinctions.

Tate also serves on the board of directors of the West Point Society of West Texas, an association through which he met Charles Cheever, a fellow Army veteran and former chairman of the board of directors at Broadway Bank.

“He’s very well thought of by people in the military academy,” says Cheever. “It’s quite an honor to know him.”

Oppenheimer associate Debra L. Innocenti says Tate is also known for promoting and advocating for women. “He is quick to share accolades, allowing his mentees to take the lead on legal matters, backing them up with guidance and direction,” she says. “I’m always amazed at his generosity.”

Born at Fort Bliss in El Paso where his father was stationed, Tate eventually settled with his family in Alamo Heights when he was in seventh grade. He graduated from Alamo Heights High School.

Tate is board-certified in business bankruptcy by the American and Texas Boards of Legal Specialization, and he has appeared in every edition ever printed of *The Best Lawyers in America*.

He’s an avid fly fisherman, often traveling to Port Aransas but also as far as Argentina to practice the hobby. He currently lives with his wife, Toby, in Terrell Hills and they have three grown children and six grandchildren.

HERNÁN ROZEMBERG is a freelance writer in San Antonio and a reporter for Texas Public Radio.