

Stinson Attorneys Examine Supreme Court Rulings on Sovereign Immunity in Bankruptcy Law

In the News

05.19.2025

Stinson LLP Partner [Thomas Salerno](#), attorney [Anthony Cali](#) and law clerk Kenneth Bellows authored an article for the *ABI Journal*, "SCOTUS's Latest Proclamation on the Limits of Sovereign Immunity." The article explores the complications that arise from broad proclamations issued by the U.S. Supreme Court in recent bankruptcy rulings.

Using *United States v. Miller* and *Lac Du Flambeau Band of Lake Superior Chippewa Indians v. Coughlin* as case studies, the attorneys explore discrepancies in the Court's interpretations of Section 106 of the Bankruptcy Code, specifically, how and when sovereign immunity applies to government entities.

The attorneys write that "while Coughlin found ultimately controlling the unambiguous language of the Bankruptcy Code, the Miller decision ignores the unambiguous language of Section 106(a) and its unconditional reference to Section 544 actions."

The article contributes to ongoing national discourse on the scope of sovereign immunity in bankruptcy proceedings. By spotlighting inconsistencies in the Court's rulings, the attorneys aim to encourage further clarity in how Section 106 is interpreted and applied by courts, practitioners and policymakers.

Salerno brings global and international experience with out-of-the-box solutions to his work with complex commercial corporate restructurings. He advises clients from a variety of industries, including real estate and construction, sports and entertainment, aviation and aerospace, agribusiness and hospitality. Cali focuses his practice on corporate restructuring and complex insolvency and has represented clients on all sides of bankruptcy proceedings, including debtors, creditors, trustees, committees, and purchasers and sellers of distressed assets. He also has significant experience in defending and prosecuting companies and individuals in fraudulent transfer, preference and breach of fiduciary duty litigation.

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Bellows was a 2024 summer associate with the firm and will be rejoining the firm this fall.

Read the [full article](#).

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