



COLLEGE COLUMNS

A MAGAZINE FOR AMERICAN COLLEGE OF BANKRUPTCY FELLOWS | DEC. 2023

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From the Chair

*Melissa S. Kibler, Accordion
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This is my last column as College Chair. It seems appropriate, then, to look both backward and forward.

At the beginning of my tenure in March 2022, we were just emerging from the pandemic and starting to resume the in-person interactions that are so essential to us as Fellows and as professionals. Unfortunately, my first communication as Chair was an email informing you that several Fellows had tested positive for COVID-19 shortly after the spring meeting. I am thankful that we have moved past that stage, returning to in-person circuit programs and celebrating our return to Washington DC in March 2023 for the first time since 2018, with record attendance and fantastic programming (see this year's educational retrospective by Rich Levin). And I am looking forward to gathering in Washington DC again this March.

I can't look back on my time in College leadership without acknowledging that diversity, equity and inclusion has been a centerpiece of my tenure. I didn't begin with that expectation, and I didn't know that events in the summer of 2020 and the *College Columns* essay I would write as President, "A Thoughtful Path to Diversity for the College," would help spawn the Select Commission on DEI and then the DEI Committee. It was a mission that found me, and I would like to think that I was the right person at the right time. I am so proud to have been a part of what these groups have accomplished, changes that permeate everything we do as the College – our mission, governance, selection of Fellows, recognition of excellence, delivery of education, recording of history, financial support – and perhaps most importantly, our mindset. There has been a profound shift, but it is only the beginning. Our societal shortcomings in DEI require long-term solutions, and it is organizations like the College, which is dedicated to enhancing the diversity of the profession, that will be critical to accomplishing real change in the future.

Another outgrowth of the DEI Commission that deserves commendation is the Freshman Fellows program, which has

transformed the way that we integrate new Fellows. We have moved from a single (too) early morning breakfast to a series of four programs that can be accessed live or on-demand to help new Fellows learn about the College and get involved, paired with an optional mentorship program. The number of new Fellows who are active in the College has notably increased, to both their benefit and ours.

Other committees have been forging new paths for the College. The Finance Committee is taking the next step as stewards of our financial condition through the development of a spending policy to complement the reserve and investment policies put in place in 2019 – a structure that provides for the accumulation and use of our resources for their intended purposes. Our Visibility Committee has selected and rolled out a modernized logo for the College and will be debuting a new website next spring that will bring both an updated look and enhanced functionality.

Our Policy Committee has been another bright spot for the College, supporting the integrity and efficacy of our bankruptcy system. I have had the honor of signing three letters to Congress – two involving legislation related to COVID-19 and one involving the Subchapter V debt threshold. We also submitted two amicus briefs during my tenure – the first the College has filed since Wellness in 2014: a brief submitted to the Eleventh Circuit regarding chapter 15 eligibility in Talal Qais Abdulmunem Al Zawawi, and a brief submitted to the Supreme Court regarding third party releases in Purdue. In each of these cases, it was our Policy Committee that took the laboring oar to analyze the issues and develop the positions we would take institutionally. To have had a voice in these matters and to have been involved in shaping a Supreme Court brief, particularly as a financial advisor, has been a rare privilege.

The College’s leadership has always strived to be good stewards of this great organization, identifying those things they can do to help the College evolve while protecting that which is our essence as an honorary public service association. I am the 15th Chair of the College – the second woman, the first non-

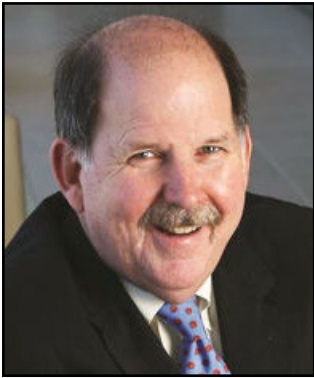
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President's Message: My Favorite Aggies

*Charles A. Beckham, Jr., Haynes and Boone, LLP
President, American College of Bankruptcy*



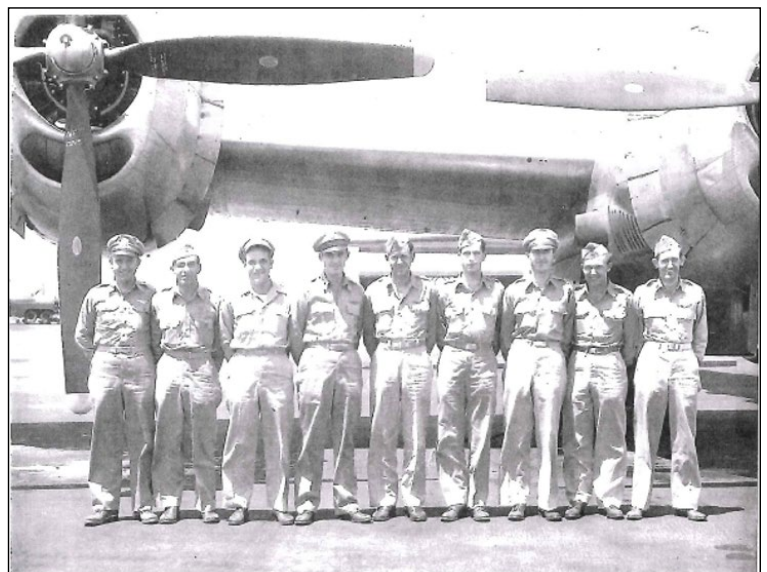
Happy Holidays! I hope the holiday season is happy and bright for you and your family. While I've gotcha, let me tell you about My Favorite Aggies. It may sound pretty peculiar to many of

you who came to Austin this Fall for our meetings to learn that a full orange blooded Texas Longhorn would have not one but two favorite Texas A&M Aggies. While separated by many decades and different paths in life, these individuals have two common bonds: they are both Texas A&M Aggies and they both have an overwhelming willingness to serve their communities. That willingness to serve and serve well is a recognizable quality in many Aggies. During World War II, while describing his admiration for Texas Aggies, General George Patton stated, "Give me an Army of West Point graduates and I'll win a battle. . . Give me a handful of Texas Aggies and I'll win a war."

My first favorite Aggie is my Dad. He was born in a farmhouse in Grand Prairie, Texas in 1914 when Grand Prairie truly was a grand prairie, not the Dallas suburb it is today. After graduating from Oak Cliff High School in Dallas, he went to work in a battery factory close to Love Field in Dallas for seventeen (17) cents an hour. He was

working to save money to become a military cadet at Texas A&M. During his lunch breaks, he would go outside under the baking Texas sun to watch airplanes take off and land at Love Field. He dreamed of flying airplanes in the newly formed United States Army Air Corps after graduating from college. After a few years he finally had enough money to go to college at Texas A&M and become an Aggie. Unfortunately, by the Fall of 1939 and the beginning of his senior year when all Texas Aggies bought their "Senior Boots" to proudly march on parade, he had run out of money. His dream of wearing his Senior Boots on parade seemed to have evaporated.

Somehow in the Fall of 1939, fate and the Army Air Corps found him. The Army Air Corps came on campus in College Station to offer him and other military cadets an immediate opportunity to serve their country and a \$250 signing bonus. It



also included his dream of flying. With no path to graduate as an Aggie cadet, but the immediate opportunity to serve his country, my Dad dropped out of Texas A&M. He joined the Army Air Corps and took a train to Santa Maria, California (leaving Houston from what is now Minute Maid Park, home of the Houston Astros). At Santa Maria, he learned to fly in a Stearman Biplane. My Dad loved flying and serving his Country. He called it a "Higher Calling" with a wry smile on his lips. He served his Country for twenty-four (24) years and retired as a Colonel in the United States Air Force. In World War II, he was a Commander of a B-29 Bomb Group. The picture (preceding page) is of my Dad and his B-29 flight crew on an island in the South Pacific in 1945.

My other favorite Aggie is someone far more familiar to you: Melissa Kibler. Suave and sophisticated Melissa is a Texas A&M Aggie true and true. After growing up in Midland, Texas, Melissa went to Texas A&M to play Division 1 Tennis for the Aggies. She started her brilliant career as a restructuring professional in Houston. As a bankruptcy professional, Melissa has not been content to simply represent her clients' interest. No, if there is a volunteer job to be done for no pay and long hours, she raises her hand if it involves serving our profession and her community. Melissa has served on the Board of the Uniting Voices Chicago (formerly the Chicago Children's Choir) for almost twenty years; serving as Chair for two (2) years. (Oddly, I have never heard Melissa sing. She must save that for the Aggie War Hymn!).

Closer to our profession, Melissa served as President of ABI and now serves as Chair of the College. As President of the College, I have a front row seat to observe how and when Melissa enthusiastically serves the College. I don't think there is a day when I



don't receive an email from Melissa or talk to her on the phone about some aspect of College business. Service to the College is her mantra and we're all better for her. Melissa's leadership led the College to create the DEI Commission and the DEI Committee. Melissa's voice led to reforms in our by-laws to inculcate DEI principles. And, she did all this while working her day job and raising three fine young men.

Melissa's steadfast service to the College is an example to all of us on how to serve and improve the College and our communities. While my Dad and Melissa are not the only folks who have tirelessly served their communities, they remind all of us that service to our communities is an opportunity to do good. Each of you as Fellows became Fellows not only because of your excellent professional credentials but because of your service to your communities. As we start the nomination process for leadership in the College in 2024, I hope you raised your hand during our nominating process for a leadership position in the College. If you didn't, please consider doing so next year or get your feet wet working on a College Committee and say, "How can I help?" While we can't all be Aggies, we can all serve the College and our communities.

Happy New Year! 🍷

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From the Foundation

*Jan Hayden, Baker Donelson Bearman Caldwell & Berkowitz, PC
Chair, American College of Bankruptcy Foundation*



The Texas Fellows made sure we all had a wonderful time at the All Fellows luncheon in Austin this fall. Our luncheon featured their own Professor Westbrook, Westbrook, followed by President Charlie Beckham's closing. We had a wonderful leadership dinner arranged by Berry Spears and the International Committee dinner at the Lady Bird Johnson Wildflower Center. My personal

thanks for a wonderful time to those who worked so hard to make it happen, but on to the heart of my column. Time to tell you about the hard work of the Foundation Board made possible by your generosity!

The fall meeting was the first time since amending our bylaws that we saw the results of incorporating our DEI initiatives into our goals. As we reported in the spring, expanding our reach to implement our DEI initiatives did not hinder our fundraising efforts, but may well have bolstered them as we raised a record-breaking \$459,178 in 2022, compared to \$412,555 in 2021. Armed with such a successful fundraising year and considering the funds available in our quasi-endowment and from the College, we were able to approve and award in excess of \$620,000 in grant requests, with more than \$523,000 for Pro Bono grants, \$30,000 for the Just the Beginning internships, and over \$66,000 in other DEI grant requests. As we noted in our Foundation Board meeting, it is hard to fathom the dramatic growth we've seen in over twenty years of awarding pro bono grants.

During the meeting, our forward-looking business included setting our 2024 grant level at \$664,000 and our fundraising goal at \$470,000 with the hope that, as in years past, we will exceed it! Finally, after years of good stewardship, our quasi-endowment has grown to a level that we believe will allow us to start to use some of the proceeds to fund our work on a consistent basis. The board agreed to appoint a committee headed by Becky Roof and Liz Tashjian to develop criteria to govern future withdrawals.

So now having patted ourselves on the back for a job well done, we are back, hat in hand, asking for your help this year! As I said above, it seems every year your generosity exceeds our expectations. We shouldn't be surprised, after all you would not be a Fellow in the College but for your proven ability to share your gifts of talent and treasure with your community. By now I hope you have received inquiries to give towards our 2023 campaign and responded. However, for those of you have not given yet, I wanted to suggest some ideas to make your donation more meaningful for you and offer some guidance. Many of us try to give in the amount of a billable hour, a concept that is easy to grasp and calculate. Others

have decided to join the Four Figure Club by giving at least \$1000, which in 2022 was 215 members strong. Some circuits have come up with special challenges, including the Fifth Circuit's 5 for the 5th Challenge asking for \$ 5,000 or the 11th circuit's new 1111b Election Campaign suggesting the giving of \$1111.

Finally in closing let me take this opportunity to thank all the staff, especially Jenny, for their hard work. Our board has done a great job this year and they could not have done it without the staff's help. And finally thank goodness for Vince, who tries so hard to keep me in line...with moderate success. Blessings to all of you during this holiday season, Jan. 🏛️

20 Years
OF IMPACTFUL GIVING

SINCE 2003,
THE FELLOWS OF THE AMERICAN COLLEGE
OF BANKRUPTCY HAVE RAISED OVER

\$4.1 Million
FOR THE FOUNDATION

THE FOUNDATION HAS GENEROUSLY
GIVEN AWAY OVER

\$5 Million
IN FUNDING FOR 630 DIFFERENT GRANTS


American College of Bankruptcy Foundation

From the Grants and Pro Bono Committee

*Norman L. Pernick, Cole Schotz, P.C.
Chair, Grants Committee*



This is my favorite time of year, because all of the hard work that the Foundation and the Grants & Pro Bono Committee (the "Committee") do seeking donations, soliciting grant applications

from across the country, and reviewing applications and deciding priorities, comes to fruition in October and November with the approval of grants and the disbursement of funds to organizations servicing so many in need across the country. The College and the Foundation are again poised to continue to change so many lives due to your generosity. We are now in the middle of the Foundation's campaign to raise funds for 2024 grants, and we hope that by seeing the direct affect across the country that the funds you contribute make that you will again donate generously to the College's effort.

2023 Pro Bono Grants. Once again, the College and the Foundation were able to award grants to pro bono legal service programs that provide assistance to the most vulnerable. This year, because of the generosity of the Fellows and the support of the Foundation, we increased the maximum grant amount from \$10,000 to \$15,000. The College and Foundation awarded \$518,024 to 44 organizations, funding programs in 25 states plus the District of Columbia. They include grantees in metropolitan areas small and large, including Boston, Chicago, Greenville, Little Rock, Miami, Mobile,

New Orleans, Philadelphia, Seattle, and Washington, DC. The proposed grantees include grants to 6 new grantees who have not previously received a grant from the Foundation. A full list of our 2023 grantees can be found [here](#).

The grantees are usually local bankruptcy pro bono programs formed by or supported by the bankruptcy bar and bankruptcy judges in that locale. The programs reflect a variety of ways to expand services. Some grantees provide for training and recruitment of additional volunteers to take on pro bono cases. Other applicants request support for self-help or pro se clinics to educate and advise unrepresented individuals in bankruptcy court. Grantees may seek funding for tools to expand the reach of the grantees to serve clients and volunteers, such as bankruptcy software programs, preparation of how-to videos, or tools to provide for website integration. Some provide in person and virtual trainings to volunteers and communications with clients. With a few rare exceptions, the grants do not fund paid lawyers delivering services to clients (although the grants may support the administrative aspect of running and coordinating volunteer and pro bono efforts).

As part of our grant process, we ask the agencies that receive the College's funds to tell us their stories of people that they have helped. I am sure you will agree with me after reading just a few of these from our 2022 recipients what an incredible impact your donations continue to have:

• **1st Circuit - Volunteer Lawyers Project of the Boston Bar Association.** T is a 64 year-

old disabled man who is the sole caregiver of his teenage grandson. He fell into debt when he became disabled and had to stop working in 2014. His only income now is Social Security Disability Insurance benefits. Over the years since he stopped working, T accrued more than \$40,000 in mostly credit card debt. The stress of mounting debt and pursuit by creditors was becoming unbearable. He came to VLP seeking help. VLP's bankruptcy paralegal helped T gather credit reports and other documentation of his debt. A pro bono attorney counseled T about his options and prepared and filed a Chapter 7 bankruptcy petition on his behalf. A VLP staff attorney helped him get a collection case in district court dismissed. The bankruptcy court discharged all of T's debt, allowing him to have a financial fresh start and relieving his stress.

• **3rd Circuit - Volunteer Lawyers for Justice (VLJ).** T, a survivor of domestic violence, came to VLJ because she was experiencing homelessness due to job loss, which led to also owing \$20,416 in rental arrears to her former landlord. T had recently relocated to California after fleeing domestic violence in New Jersey. She was fortunate to find a transitional housing program in that state that supported her to seek employment and build savings for the next stable living environment. VLJ placed her case with a volunteer bankruptcy attorney who moved quickly to file her Chapter 7 petition before she had been out of New Jersey for more than 90 days. The volunteer did an excellent job representing her and T obtained her Chapter 7 discharge this year, giving her a meaningful fresh start as she moves forward in her new state.

• **5th Circuit - The Pro Bono Project.** L requested legal help from The Pro Bono Project with a Chapter 7 bankruptcy case. She was self-employed, a student, had

[View the 2023 DEI Grantees Here](#)

[View the 2023 Grantees Here](#)

recently lost her transportation due to a car accident and had about \$45,000 in debt. She gave us a list of her creditors and debts and met with a volunteer attorney to discuss her legal options. After he determined that L was a candidate for Chapter 7, another volunteer accepted the case. The volunteer attorney met with the client, made sure that she met all of the legal requirements to move forward with bankruptcy represented her at a hearing, and ultimately secured a discharge order forgiving her debts. The client is now able to move on with her life and pursue her goal.

• **8th Circuit - Volunteer Lawyers Network.** C was a chapter 7 bankruptcy client on SSDI who was unable to work due to mental health and previous addiction issues (C was over ten years of sobriety when he came to VLN for help). Like many clients, C felt guilty about filing for bankruptcy, so he tried to negotiate his bills but found this was impossible to achieve with his creditors. After further counsel, C accepted that bankruptcy was a moral option for him, and he successfully completed a chapter 7 bankruptcy through VLN, repeatedly telling VLN of his gratitude for how this has impacted his life for the good.

• **9th Circuit - Neighborhood Legal Services of LA County.** P is a creditor who came to us for help. Her former partner was seeking to discharge a child support obligation. She had opposed a motion to strip a judgment lien that was incurred in the legal fight to

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Achieving Tangible DEI Results: The College Gets to Work

Hon. Erithe Smith, C.D. California

Paul E. Harner

Co-Chairs, Diversity, Equity and Inclusion Committee



From the outset of its work, your DEI Committee has been committed to achieving tangible results that would meaningfully advance the College's DEI Mission Statement and promote systemic change in the College and the insolvency community generally. As the College's Board of Directors concluded, "talking the talk" would be insufficient. Instead,

to actively promote diversity, equity, and inclusion, the College would be required proactively to devote resources to practical, concrete ends.

In this issue of *College Columns*, we describe several recent initiatives and developments that highlight the College's commitment to the *tangible* furtherance of its mission.

Working Principles for the Election of New Fellows. Over the course of nearly two years, the DEI Committee (chiefly through its Internal Subcommittee, chaired by Hon. Joan Feeney (Ret.)), has worked to study, evaluate, and make recommendations regarding potential DEI-related changes to the College's processes for identifying,

nominating, and selecting new Fellows. This Fall, these efforts culminated in the adoption by the College's board of directors of new "Working Principles" to guide the work of the Board of Regents and the Circuit Admissions Councils (CACs), which select all new Fellows other than judicial and international candidates.

The Working Principles (as well as an accompanying "template timeline" for the annual nominations and selection process) set forth "best practices" developed after extensive study of the College's existing processes, as well as interviews with the Chair of the Board of Regents, all Circuit Regents and the DEI Committee representatives on the CACs and an opportunity for written input from all CAC members. The Committee also worked closely and tirelessly with the Chair of the Board of Regents, Trish Redmond, to develop its final recommendations, which it submitted after considering literally dozens of drafts.

The Working Principles focus very specifically on ensuring that diverse candidates for Fellowship in the College (defined as including, among others, individuals who identify as Black, Indigenous, and People of Color (BIPOC); LGBTQ+; women; and people with disabilities) who, for historical or other reasons, might have been overlooked in the nominations process, *but who nonetheless meet the high standards for admission to the College*, receive due consideration. They do so by, for example:

- encouraging CAC membership that is representative of varied and diverse professionals in each Circuit;
- requiring that Regents' periodic reports regarding the nominations process include a description of specific efforts to identify varied and diverse professionals as candidates for Fellowship;
- encouraging each CAC member to identify and bring forward for consideration a nominee in the current year or a potential future nominee a future year a person who is a diverse individual;
- encouraging the establishment of a "pipeline" of potential nominees, subject to annual supplementation, with special notation of diverse candidates; and
- emphasizing the importance of Regents, CAC members, and all Fellows functioning as DEI "allyship leaders," especially in mentorship and networking initiatives.

Importantly, the Committee concluded that the College's existing nominations and selection process were fundamentally sound in many respects, and the Committee thus did not recommend any formal DEI-related by-law or other changes to the College's governance. The Committee also agreed unanimously that the College should neither lower or otherwise modify the existing extremely high standards for admission to the College nor establish quotas or "targets" for the number or percentage of diverse Fellows in the College (generally or in future classes). The Committee (and, ultimately, the Board of Directors) unanimously concluded, however, that a number of improvements to existing processes could be made. Accordingly, the Board adopted the Working Principles at the College's semi-annual meeting in October in Austin.

Development of DEI Training for College Fellows. In April 2022, the College's Board

of Directors also adopted a resolution requiring that all College Leadership and new Fellows undergo training approved by the DEI Committee. The Committee quickly concluded, however, that simply utilizing training modules developed by third parties, such as outside professional services firms, might be unavailing.

Instead, the DEI Committee is in the process of developing College-specific training programs regarding the implementation of our diversity, equity, and inclusion mission. The first such program will be conducted and made available to all Fellows at the College's induction ceremony weekend and annual meeting in March 2024 in Washington, D.C. The panel will be moderated by Dr. Arin Reeves, a nationally recognized and widely admired expert in diversity and inclusion, and the panelists will include four longtime Fellows with wide experience in the practical implications of our DEI efforts in the College generally. If you will be joining us in Washington, please plan to attend this dynamic program!

Annual DEI Excellence Award. In 2022, the College presented its inaugural Diversity, Equity, and Inclusion Annual Award to Judges Jeffrey Hopkins and Laurel Isicoff, who co-chaired in initial Select Commission on Diversity, Equity, and Inclusion and pioneered the College's DEI efforts. At the All Fellows Luncheon during our October meetings in Austin, we were delighted to present the 2023 DEI Excellence Award to Just the Beginning – A Pipeline Organization (JTB).

JTB began as a celebration of the integration of the federal judiciary, which occurred in 1949 when President Harry S. Truman made the first lifetime appointment of an African-American, Judge William Hastie, to the United States Court of

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Congratulations and Welcome to Class XXXV

*Patricia Redmond, Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A.
Chair, Board of Regents*



After working diligently since March of last year, the Board of Regents met at the fall meeting of the College in Austin, Texas on October 11th, 2023 to consider the selection of fellows to Class

XXXV of the College.

During the last six months, Regents, members of the Circuit Admissions Councils and hundreds of fellows participated in the demanding nomination process resulting in the invitation to 30 insolvency professionals to join the College as fellows. These fellows will be inducted at the Annual Meeting once again in Washington, D.C. on March 22, 2024.

This year, the Board of Regents included three new Regents and topped last year as the most diverse in the College's history. Last year, the College had added a member of the Diversity, Equity, and Inclusion (DEI) Committee to each of the Circuit Admissions Councils. As a result, each circuit cast a wider net in identifying potential fellows for nominations or for the circuit pipeline. The Regents and Circuit Admissions Councils also collaborated with DEI Committee to develop and refine working principles to guide the selection process and assure that the selection outreach was the broadest possible.

The Regents this year continued the

progress made last year with diversity, equity and inclusion. The fellows included in Class XXXV are 37% women, 43% diverse, 34% under the age of 50, 5% over the age of 60, 13% financial advisors and investment bankers, and 6% academics.

The nomination process is highly confidential and rigorous. Our Regents, Circuit Admissions Councils and fellows are tasked with reviewing candidates for admission, preparing nominations packages, and vetting those candidates within each Circuit before they are put before the Board of Regents. The Board of Regents then evaluates nominees seeking the best and the brightest restructuring professionals who have also shown a commitment to scholarship, education, paying-it-forward, and to the promotion of DEI professionally and in their community. Each candidate is subject to diligence with respect to each of these qualities.

The meeting on October 11th involved a robust discussion of each candidate with Regents expressing honest and open views. The Regents' preparation was extraordinary, and all participated in the discussion of nominees. This year, again with the invaluable input of Judge Erithe Smith (the DEI Committee representative on the Board), the Board completed its task of reviewing and nominating new fellows to the College and did so in record time because of the collegiality and professionalism of the Board.

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Doing the Splits

From Settled to Unsettled Law - The Jurisdictional Effect (or Not) of the Failure to File a Timely Appeal

Annette W. Jarvis, Greenberg Traurig, LLP
Secretary, American College of Bankruptcy



In law school, most of us were taught that the failure to timely appeal deprives the appellate court of jurisdiction to hear the appeal. However, in bankruptcy appeals, the Supreme Court's decision in *Arbaugh v. Y&H Corp.*, 546 U.S. 500 (2006) has appellate courts rethinking this issue under the Bankruptcy Code and Bankruptcy Rules, resulting in a circuit split. While considering whether *Arbaugh* had changed the analysis of appellate court jurisdiction over late filed appeals, the Third, Fifth, Seventh, and Tenth Circuit have all held that this decision did not change the result that a late filed appeal deprived the appellate court of jurisdiction to decide the appeal, requiring a dismissal of the appeal. *In re Caterbone*, 640 F.3d 108 (3d Cir. 2011); *Smith v. Gartley*, 737 F.3d 997 (5th Cir. 2013); *In re Sobczak-Slomczewski*, 826 F.3d 429 (7th Cir. 2016); *Emanuel v. Latture*, 605 F.3d 830 (10th Cir. 2010). However, recently the Sixth Circuit created a circuit split on this issue, holding that the appellate deadline set under the Bankruptcy Rules is non-jurisdictional. *Tennial v. REI Nation, LLC*, 978 F.3d 1022 (6th Cir. 2020). To understand this changing landscape, let's start with understanding exactly why the reasoning in *Arbaugh* caused a reexamination of what was thought to be settled law.

Arbaugh involved a sexual abuse claim under Title VII brought by an employee against a former employer. The question before the Supreme Court was whether the employee-numerosity requirement of the claim, which was not challenged until after a trial on the merits, was a jurisdictional requirement that could be challenged at any time in the case. The Fifth Circuit dismissed for lack of subject matter jurisdiction, but the Supreme Court reversed and remanded the case. As explained by the Supreme Court, "[t]his case concerns the distinction between two sometimes confused or conflated concepts: federal-court 'subject-matter' jurisdiction over a controversy; and the essential ingredients of a federal claim for relief." *Arbaugh*, 546 U.S. at 503. Finding the employee numerosity requirement not to be "jurisdictional" such that it "does not circumscribe federal-court subject-matter jurisdiction" but rather "relates to the substantive adequacy of [the] Title VII claim," the Court determined that the failure to timely assert the objection prior to close of trial precluded later raising this defense. In narrowing the question of what is jurisdictional, the Supreme Court focused on requiring a finding of a Congressional statement of intent. Thus, "[i]f the Legislature clearly states that a threshold limitation on a statute's scope shall count as jurisdictional, then courts and litigants will be duly instructed and will not be left to wrestle with the issue." *Id.* at 502. However, "when Congress does not rank a statutory limitation

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How Did You Get Started in Bankruptcy?

Senior Fellows Committee

Dear Fellows -

As you probably know, the Senior Committee embarked on an ambitious project following last year's Spring Meeting. We are trying to collect at least 150 narratives from Fellows who started working in the insolvency field in 1983 or earlier. We would like to know whether their involvement was intentional, accidental, expedient or happenstance? Who, if anyone, were their mentors, role models, colleagues or adversaries? Who were the Judges before whom they frequently appeared? What cases of significance were they involved in? If applicable, what was it like transitioning from the Act to the Code?

We are happy to report that we have collected over 100 stories so far. We would love to hit 150 by the Spring Meeting. If you meet the time criteria and have not yet submitted your story, please help us out. The narrative should be 1,000 words or less, in Word format and emailed to jcudahy@amercol.org.

Eventually, all of the stories will be posted in a section of our refurbished website and the Bankruptcy History Committee will work on compiling them for the Archives. If you are a mentor of a new Fellow, you can share your story with him or her.

To pique your interest, we are including two narratives that we trust you will enjoy.
Richard Carmody

Richard Carmody



When I decided to go to law school after eight years in the Army Field Artillery, it was because law school didn't care what your college major was. I was eight years removed from a BA in Finance with minors in History and Economics. My wife and I thought that we wanted to be close to the water so during second year I landed a summer clerkship with Akerman in Orlando. This was the summer of 1974 - the height of the Arab oil embargo and two years

after Disney World had opened. Akerman represented the Disney land company which held the ground lease on the hotels adjacent to the park. As I arrived, a hotel per month was filing bankruptcy. So the land company was a constant fixture in these reorganization cases. Akerman did not have an experienced bankruptcy lawyer, so I was tasked with helping get the strategies organized. The first Bankruptcy Judge I witnessed in action was Alexander Paskay who routinely chewed up lawyers and spit them out. Bankruptcy law with a heavy accent became even more challenging.

From that summer, I observed that most traditional law firms at that time didn't have

experienced bankruptcy lawyers. It was a boutique practice much like criminal law and matrimonial law. Unfortunately for me, Akerman needed a bankruptcy lawyer ASAP so they hired a lawyer who was graduating six months before me. However, they had worked with the firm in Birmingham who was considering me for an associate's position, and they provided me with a very nice recommendation. I saw Bankruptcy law as a way that I could be my own boss sooner while also remaining a transactions and banking lawyer. I already enjoyed secured transactions and real estate law so that was a logical fit. So when I started practicing, I became the first lawyer at a traditional Birmingham firm to begin appearing in Bankruptcy Court.

Since Bankruptcy Law was not a subject covered in law school at that time, I spent

parts of at least two summers at Larry King's NYU bankruptcy program where I got to meet Vern Countryman, Frank Kennedy, George Treister, Marty Lipton, Leonard Rosen, James White and a young David Epstein. I was also encouraged by our local bankruptcy judges, Stephen B. Coleman (appointed in 1938) and Chandler Watson, as well as the local bar, including College members Charles Denaburg, Bob Rubin and Wilbur Silberman. Bankruptcy Law became one of my primary areas of practice. In addition, I handled secured lending transactions, general banking and trust law as well as commercial law like collections and material men's lien law. I mainly represented the creditors' side of the street with only mixed results when I ventured over to the debtors' side.

That's my story.

Hon. Deborah L. Thorne



I grew up listening to my father talking about Chapter XI cases at the dinner table. My father Bill Thorne was a well-known business bankruptcy lawyer in Northern Indiana — maybe the only lawyer in

the area willing to take on middle-market corporate reorganizations. In my memory, the best of those cases involved a local ski shop and a record store, but there were many more RV and mobile home manufacturers that needed relief. Judge Robert Rodibaugh (N.D. Indiana) was frequently discussed during dinner.

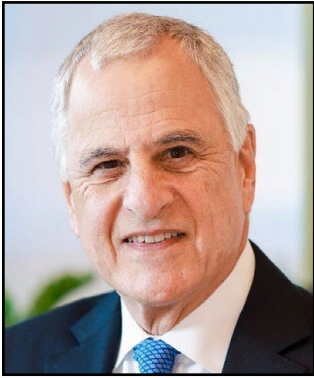
After attending law school and taking several bankruptcy courses (merely so that I

could understand the dinner conversation), I found bankruptcy case discussions even more interesting and started to understand my father's love for this area of law. I served as an extern for Chief Judge Robert Eisen for several semesters and, as I left law school, I was asked if I wanted to work on bankruptcy matters for the City of Chicago Law Department. Harold Washington had recently been elected as the first Black mayor of Chicago and had begun to professionalize the law department. The administration was full of young and progressive people; it seemed like a great opportunity, so I took the job. Of course, I had no idea that I would become involved in many of the mega cases filed in the mid-eighties, including Johns-Manville, UNR Industries, Eastern Airlines, and Air Florida, as well as local tax issues

[*continued on page 30*](#)

The College's 2023 Educational Programs

Richard Levin, Jenner & Block LLP
Scholar-in-Residence



Innovation and diversity marked the College's educational programs this year. The program at the annual meeting in March featured the first Saturday morning concurrent sessions,

so that both business and consumer/small business Fellows could hear about developments in their areas. Speakers came from all parts of the country and represented diverse groups of lawyers, judges, and academics working in diverse areas of bankruptcy law and practice.

The small business panel discussed *Subchapter V—Tomorrow and Beyond*. The panel, headed by Bankruptcy Judge Roberta Colton (M.D. Fla.), included David Cox, Esq., Cox Law Group, PLLC, Lynchburg, Va., and Soneet Kapila, Subchapter V trustee in the Southern District of Florida. Their focus was on developments in subchapter V cases that point the way to its evolving uses and effects.

The business panel covered *Liability Management*, sometimes referred to as "creditor-on-creditor aggression,"¹ The panel explained the kinds of transactions distressed debtors, their sponsors, and their debt holders use to prolong the debtor's liquidity and manage its liabilities, often at the expense of one or more group of other creditors, and the litigation that has resulted from those transactions, both before and after the debtor's chapter 11 petition. Lisa Schweitzer, Esq., Cleary, Gottlieb, Steen & Hamilton LLP, New York, led the panel,

which included William Derrough, Moelis & Co., New York, discussing the financial purposes and effects of these transactions, and Natasha Labovitz, Esq., Debevoise & Plimpton LLP, New York, and Patrick Nash, Esq., Kirkland & Ellis LLP, Chicago, IL.

The other two Saturday-morning panels were designed more for general interest. First, our 2023 Distinguished Service Award recipient, Professor Douglas G. Baird, Harry A. Bigelow Distinguished Service Professor, University of Chicago Law School, spoke about his most recent book, *THE UNWRITTEN LAW OF CORPORATE REORGANIZATION*, published last year. Prof. Baird traced the development of corporate reorganization law to the Statute of 5 Elizabeth (1570), the original fraudulent transfer law, as one of the foundations of creditors' rights and reorganization cases, through the railroad reorganizations of the late 19th and early 20th Centuries, section 77 of the Bankruptcy Act, and into the modern Bankruptcy Code and chapter 11.

The second panel—*Attorneys' Fees in Consumer Bankruptcy Cases—A Policy and Ethics Discussion*—which provided CLE ethics credit, posed the policy and ethics questions in consumer bankruptcy cases of how to deal with individual chapter 7 debtors' inability to commit to pay their attorneys' fees after the filing of their petitions. The chapter 7 discharge and injunction prohibit an attorney from collecting fees post-petition, and debtors are often unable to save enough to pay the fees in advance when creditors are pounding on their doors. Practitioners have developed several different work-arounds, some of which the

courts have approved, but none of which are wholly consistent with the Code and Rules. The panel described the practices and then engaged in a policy discussion of ways to amend the Code to allow debtors to pay the fees postpetition, while maintaining bankruptcy court oversight and preventing abuses. Professor Nancy Rappaport, UNLV Distinguished Professor, University of Nevada, Las Vegas, Boyd School of Law, led a lively discussion on the panel, which included Areya Holder Aurzada, Holder Law P.C., Dallas, Texas, and Joyce Bradley Babin, Standing Chapter 13 Trustee, Little Rock, Arkansas.

Friday afternoon also presented panels of general interest. Your Scholar-in-Residence (me!) presented *The Bankruptcy Jurisprudence of the Roberts Court*, using a new approach for the College. The presentation was presented as a quiz, with 18 questions about the Roberts Court's bankruptcy decisions, which the audience could answer through their mobile devices. Happy to say, the speaker was able to stump the audience on most of the questions!

Consistent with the College's emphasis on Diversity, Equity, and Inclusion, the second Friday afternoon panel discussed *Best Practices in Mentoring*, with a focus on providing mentoring to diverse mentees. The Senior Fellows Committee and the DEI Committee jointly organized the panel. Harry Greenfield, was the Moderator, joined by Hon. Laurel Isicoff, S.D. Fla., Ronald Peterson, Esq., Jenner & Block LLP, Chicago, IL, and Demetra Liggins, Esq., a partner at McGuireWoods LLP in Houston, Texas.

The fall luncheon meeting of the College in Austin also presented new ideas in a new format. Professor Jay L. Westbrook, Benno C. Schmidt Chair of Business Law, University of Texas at Austin, and Professor Christoph G. Paulus, Professor at the

Humboldt-Universität zu Berlin, are working on a new book that takes a radical new look at corporate reorganization, basing their analysis on principles of rescue and resolution, rather than the historical basis of a liquidation. Prof. Westbrook joined us in Austin, while Prof. Paulus participated by Zoom from Europe, to have a conversation, rather than a panel presentation, about the basic thesis of their work and why it points the way to a better approach to business reorganization.

The coming year promises to bring a continued focus on diversity and additional innovations. For the educational program at the next Annual Meeting in March 2024, instead of the traditional "Views from the Bench," featuring bankruptcy judges, we'll present Views from the Appellate Bench, with two Court of Appeals judges and one District Court judge who have substantial bankruptcy experience, both before going on the bench and in bankruptcy appeals. A legislative aide to Senator Elizabeth Warren will discuss the Senator's Consumer Bankruptcy Reform Act and her proposals on third-party releases and venue, with commentary and discussion by a consumer law practitioner, a professor, and a business practitioner. Another panel will discuss the enforceability of foreign bankruptcy orders in the U.S. To help Fellows meet their DEI training requirement and to improve their DEI awareness in their practices, we will have a full session on DEI issues. Finally, the Senior Fellows Committee and the Bankruptcy History Committee will feature Bill Rochelle, author of ABI's *Rochelle's Daily Wire*, a commentary on current bankruptcy decisions, talking with senior Fellows about their diverse paths to bankruptcy practice.

¹See Douglas G. Baird, *Three Faces of Creditor-on-Creditor Aggression*, 97 Am. Bankr. L.J. 213 (2023). ¶

Remembering Chris Meyer



From D.J. (Jan) Baker

Former Chair, American College of Bankruptcy

Everyone who worked with Chris soon came to recognize and cherish not only his talent and ability, but also his generosity of spirit. He was everything that a lawyer and leader should be - patient, good-natured, fair-minded, and someone who took his work more seriously than himself. He brought all of those qualities to bear on everything he did for the College.

Chris was tireless in his dedication to the College and its goals. In time, he came to hold every major leadership position, and in each of those roles he made a distinct and meaningful contribution.

From Mark Bloom

Former Chair, American College of Bankruptcy

Chris Meyer served the College so meaningfully over many years, always leading with the grace, resourcefulness and humility that he displayed in every aspect of his life. I had the privilege to speak to him at length only a few weeks before he left us, and those qualities remained with him to the end. I owe Chris a lifelong debt of gratitude for his role in paving my path to leadership in the College, and showing me the character of a true leader and exemplary human being every step of the way. I miss him greatly.

From Michael L. Cook

Former Chair, American College of Bankruptcy

The College lost a gifted Fellow when Chris Meyer recently died. Many people can rightfully claim his loss: his family; his friends; his law partners and colleagues; and the legal community that valued his credibility and effectiveness.

Others can tell you about Chris's lawyering. He was universally regarded as a star. As his close colleague in the College's leadership for about six years (he was Chair of the Board of Regents; College President; and College Chair), I know Chris to have been a superior human being. Paul Singer and Jan Baker, my predecessors as College Chair, regularly talked with me about Chris's wisdom, maturity, common sense, and effectiveness.

Chris and I met about thirteen years ago during College events. He was always supremely likeable, but also direct, clear and unpretentious. His easy manner made it easy to solve whatever problem arose. There was no self-promotion, prancing, preening or pandering. You always wanted to spend time with the man. We were partners in fostering the College's public service mission.

Chris's perspective on human relations was superb. When two Fellows got into a nasty public fight at a College event, Chris comforted me. As he saw it, X was just being X, and Y was just being Y. Everybody knew their quirks. We should just move on.

When another Fellow was tarnished unfairly in a public scandal, Chris advised me how to handle the problem for the College. More importantly, he advised me how to support the Fellow during a painful period---with grace and sympathy.

Chris's gentle manner, generosity and wisdom will stick with me to the end. He was not only a wonderful teacher and mentor, but also a superb friend. Above all else, he was what many of us would call a mensch.

From Hon. Laurel Isicoff

Chris Meyer came into my life in 1985, when I was starting my second year at Squire Sanders & Dempsey. I came to the firm after a clerkship at a state appellate court and was working with the real estate and corporate departments of our Miami office. My colleague was working on a bankruptcy case with Chris, a young partner in the Cleveland office. My colleague left the firm and recommended I take over her position as Chris' local attorney on a chapter 11 bankruptcy case. From then on, Chris was my mentor. He taught me bankruptcy, he mentored me throughout my tenure at SS&D, and continued as my friend and mentor until he passed away.

As early as at my formal investiture (Chris flew down for the day from Cleveland), and as recently as the mentoring panel at our 2023 Spring meeting, I shared and acknowledged that Chris Meyer is the reason I entered the practice of bankruptcy. Chris was my first example of what it requires, and what it means, to be the best I could be.

Chris was not only my forever mentor, he was also a dear friend. I don't know who or what I would be without having had Chris in my life.

From Melissa S. Kibler

Chair, American College of Bankruptcy

Chris loved the College. After joining us in Washington DC this March, Chris expressed his excitement about the trajectory of the College, and what a treat it was to see everyone and be back at the Reynolds Museum. He was an intentional and selfless leader, fostering a special sense of camaraderie, purpose and professionalism in those around him. I would not have had the privilege of serving as College chair were it not for Chris, and I am truly grateful for his

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Dreams...

*Lynn L. Tavenner
Tavenner & Beran, PLC*



In a wonderful collaborative fashion, the American College of Bankruptcy, supported by the American Bankruptcy Institute and their respective diversity committees, organized and presented the inaugural Discovering

Restructuring Expertise and Mentorship Symposium (DREAMS) on the afternoon of November 9, 2023 at Howard University School of Law's Pauli Murry Suite and Moot Court Room in Washington, D.C. This highly successful, multi-faceted program was designed to (i) provide information to law students on insolvency careers, (ii) cultivate a pipeline of available candidates to professional firms with vibrant restructuring practices, and (iii) promote open dialogue among the insolvency professional community on ways for us to address inclusion and make available opportunities for all who aspire to join our wonderful insolvency industry.

The day began with a working lunch and programing for over 75 students, while the second half of the program was for practitioners and students alike. Discussions ranged from different types of professional opportunities in the bankruptcy and restructuring industry to empowering dialogue to advance a more equitable and inclusive insolvency profession. The event wrapped up with an energetic networking reception.

The student portion included a primer

on student loans, the most recent topic updates and alternative insolvency career vocations. The remainder of the symposium focused on empowering a more equitable insolvency profession and featured, among others, Robert Grey, Jr., President of the Leadership Council on Legal Diversity. It also highlighted documented research on bias in bankruptcy and ways to address diversity and inclusion challenges and truly turn dreams into reality through engagement and empowerment.

Special thanks to Howard University School of Law and Professor Matthew Bruckner for participating in and promoting this special event. The following bankruptcy judges also served as panelists and contributed countless hours to the preparation of the entire program: Judge Michelle M. Harner (D.Md.), Judge Elizabeth L. Gunn (D.D.C.), Judge Klinette H. Kindred (E.D.Va.), and Judge Frank J. Santoro (E.D.Va.). Their participation was both impactful and deeply appreciated. And huge thanks also are to the professionals who interrupted their busy schedules and happily contributed as moderators and panelists: Earl J. Barnes II of Sentara Health and current President of Just the Beginning, A Pipeline Organization; Michael St. Patrick Baxter of Covington & Burling LLP; Veronica Brown-Moseley of Financial Freedom Legal; Prof. Pamela Foohey of Cardozo School of Law; Elizabeth Gabaud of BakerHostetler (Howard alum); Lauren Friend McKelvey of Reitler Kailas & Rosenblatt LLP; Kevyn D. Orr of Jones Day; Emony M. Robertson of Akin Gump Strauss Hauer & Feld, LLP (Howard alum); Miles A.

Taylor of White & Case, LLP (Howard alum); Tara Twomey of the Executive Office for U.S. Trustees; and Jolene E. Wee of JW Infinity Consulting, LLC. The event also featured current Howard law students Jasmine Loston, Ria Melhotra, Amir Muhammad, and Darwin Perry.

Sponsors of the inaugural event included Tavenner & Beran, PLC, McGuireWoods (which graciously hosted the luncheon), Greenberg Traurig (our bar sponsor), as well as Squire Patton Boggs (which also had five professionals on site throughout

the day), Arnold & Porter, Cox Law Group, Financial Freedom Legal, Williams Mullen, Don Workman and Baker Hostetler, Jenner & Block, and the Bankruptcy Section of the Virginia State Bar. Thanks to all for their enthusiastic generosity.

Finally, a huge thank you to the many Fellows who were able to give of their time and attend the program and networking reception and spend impactful one-on-one time with the attending students. Your participation truly facilitated the DREAMS of many! 🙏



All About the 2023 ACB Scholars: Who Are They and How Were They Selected?

*Hon. Erithe Smith, C.D. California
Paul E. Harner
Co-Chairs, Diversity, Equity and Inclusion Committee*

For the second year in a row, the College partnered with Just the Beginning – A Pipeline Organization (JTB) to provide stipends to six law students participating in JTB’s Summer Judicial Internship Project (Project). The Project, a collaboration between JTB and the Judicial Resources Committee of the United States Judicial Conference, provides highly qualified law students, from socioeconomic, ethnic, and cultural backgrounds underrepresented in the legal profession, with summer judicial internships in the chambers of federal appellate, district, bankruptcy, and magistrate judges, as well as select state appellate judges.

The Application Process

Participation in the Project involves a rigorous process. Student applicants must submit to a cover letter, resume, law school transcripts, a writing sample, and three references. Qualified applicants are identified from the application materials and interviewed by attorneys for a second round of evaluation. Those selected in the second round are then referred to a judge who conducts his or her own interview and makes the final selection.

And the process doesn’t end there. To prepare them for the internship, students who are hired by a judge must attend two JTB training workshops and complete a legal writing assignment.

Once judicial selections have been made, JTB provides the College, through the DEI

Committee, with a list of law students who have been selected for summer internships in bankruptcy courts. The DEI Committee then invites the prospective bankruptcy interns to apply for an ACB stipend. In addition to basic information (such as the name of the law school, year of graduation, and the judge with whom the student will be interning), applicants are required to submit a 500-1000 word essay describing why they should be selected for the stipend, including financial need. A special working group of the DEI Committee then reviews the applications and selects the top six applicants.

In inaugural year 2022, each selected student received a \$3,000 stipend directly from the DEI Committee’s approved budget. This year, in addition, the stipend recipients were given a formal title: ACB Scholars! Finally, the DEI Committee proposed that, in 2023, the College follow the lead of the NCBJ in subsidizing the Scholars’ attendance at the NCBJ Conference in Austin. The NCBJ has, for the past three years, invited its stipend recipients (NCBJ Fellows) to attend its Annual Conference, which has resulted in several of its Fellows pursuing or obtaining employment in bankruptcy law, including full-time judicial clerkships. The College, through its Foundation, in turn, agreed to provide additional funding of up to \$2,000 per Scholar to cover the \$500 Conference registration fee and to defray the costs of lodging, travel, meals, and other approved expenses.

The ACB Scholars

The 2023 ACB Scholars hail from law schools from around the country. They are highly accomplished and have excelled in the face of extraordinary personal and financial challenges. Five of the six Scholars were able to attend all or part of the Conference in Austin and four arrived in time to be recognized at the College's All Fellows Luncheon on October 11, 2023.

To assist the students in navigating the supersized Conference, each was assigned a judicial mentor, an NCBJ NextGen or Blackshear attorney mentor, and a College Fellow mentor. The Scholars took full

advantage of the unique opportunity to network with a plethora of judges, attorneys and other insolvency professionals, as well as to attend educational seminars and various social events. During the Conference, Scholars Tanner Bowen, Hans Brownstein, Vas Levin, and Kris Zhang also participated in individual live video sessions (produced by Fellows Omar Alaniz and Scott Bovitz) in which they shared their unique personal stories, including their experiences as bankruptcy interns. Stay tuned for the opportunity to view their amazing videos in 2024. 📺



Tanner Bowen
Harvard Law School (2025)
Interned for Hon. Tracey Wise,
Eastern District of Kentucky



Hans Brownstein
University of Illinois Chicago
School of Law (2025)
Interned for Hon. Janet Baer,
Northern District of Illinois



Vasily (Vas) Levin
University of Florida School of
Law (2025)
Interned for Hon. Peter Russin,
Southern District of Florida



Qingqing (Kris) Zhang
Drexel University Thomas Kline
School of Law (2024)
Interned for Hon. Ashley
Chan, Eastern District of
Pennsylvania



Joseph Ulloa
UNT Dallas College of Law
(2024)
Interned for Hon.
Michelle Larson,
Northern District of Texas



Kemberly Viveros
Temple University Beasley
School of Law (2024)
Interned for Hon. Rosemary
Gambardella,
District of New Jersey

Tips on Mentoring: DEI & All Good Things

Diversity, Equity and Inclusion Committee and Senior Fellows Committee

At last Spring's Induction Meeting, the DEI Committee and the Senior Fellows Committee presented a lively panel discussion on best mentoring practices. At the conclusion of the formal presentation, we asked our Fellows in the audience to respond to some questions about their experiences. Thanks to Shari Bedker, we have compiled the responses to our questions and thought we would take this opportunity to share them with the College with the hope that these observations will foster deeper mentoring experiences. Enjoy these insights and feel free to share them with your colleagues.

What was your best mentoring experience as either a mentor or a mentee?

- When starting out as a 4 year associate in a new firm, my mentor spent an afternoon explaining how a secured credit agreement worked, including how the various sections worked together, and the significance of certain sections. He invested time on a holiday weekend on me, and it made me feel he cared about my professional success.
 - One hopes that our mentees will grow beyond one's own achievements.
 - I conducted a class for new associates that was very rewarding.
 - I gave a young attorney the opportunity to take his first deposition but arranged with opposing counsel that I could step in if he was in trouble. This gave the young attorney the confidence to complete his first case.
 - Watching an associate conduct an excellent examination at a confirmation hearing.
 - As a mentee, maintaining connections and being offered opportunities from senior bankruptcy partner at my former firm.
 - As a mentor, practicing with a partner who has a fully independent book who was hired to be my summer associate.
 - Judge would always say, "Beware the fury of a patient man" from a John Dryden quote.
 - Received advice that this is a profession with a long run. There will be highs and lows but over the long run, patience pays off.
 - A feeling as a mentee of being included, seen and heard. As a woman, this was vital to me staying in the profession.
 - As a mentee, too many to list, but here's one constant, he always showed me he had confidence that I would succeed.
 - Be there and be seen.
 - Having a partner defend me from being stereotyped.
 - Working with a young female attorney who thought she had to leave the practice because "you can't have it all." She still practices.
 - Supporting young women so they could have a life with children and still stay an active member of the practice.
 - I let an excellent first year lawyer sit first chair on a contested CCAA application for a small public company. I sat second chair. The judge congratulated me later and said he

wished more people did that. She won the motion and fist-bumped outside the court and said "I love this firm!"

- Seeing former associates and law clerks move on to successful careers and becoming mentors for other young lawyers.

- As a mentor, he taught me about the practice of law AND the business of law. He took me to court on my second day of practicing law.

- Work with an experienced trial attorney in a jury trial.

- Get to know all of the great externs and clerks who have worked in my Chambers.

- When I was too scared to learn to swim, my grandad told me to go. I refused. He threw me in, I swam. Seemed to work. I like to think I have grown and instead encourage and support but to seek to have mentees do more out of their comfort zone.

- Serving as a law clerk for a newly appointed bankruptcy judge.

- When my former associates advance within the firm or had prosperous and successful careers elsewhere.

- Being brought to my first ABI conference.

- Being asked to co-team on panels/presentations.

- Being taken to pitches.

- Being taken to watch a trial in year one.

- I was a mentee with a non-lawyer who was willing to help me look at my career path. He and I would have lunch with a white board and Venn diagrams. He was a great listener and asked great questions.

- My best mentee experience was the female bankruptcy judge who suggested that I apply for a judgeship and handed me the application. She believed in my potential as a jurist before I did.

- The hardest thing was having to counsel a protégé of 7 years to accept a job offer and leave our firm.

- Making deep friendships with mentors.

- Teaching me how to be a lawyer and not a judge.

- I started mentoring a young lawyer who ascended to partner, department leader and ultimately a better mentor than me!



What is the best advice you have ever given or received?

- Just submit the application for the judgeship! "I know you are enjoying your practice now. You can always withdraw your application, but I don't think you will. And I believe you will be a very good judge."

- The practice of law is a marathon, not a sprint. You need to find a balance in your life that is sustainable in the long run.

- Received: Don't count other people's money.

[continued on page 33](#)

[From the Chair continued from page 3](#)

attorney, and the first 7th Circuit Fellow to assume the role – and I hope that I have met the high standards set by my predecessors. I stand on the shoulders of former Chairs, especially Jan Baker, Mike Cook, the late Chris Meyer, Marc Levinson and Mark Bloom, each of whom gave me opportunities to serve in leadership roles such as College Treasurer and on various committees and working groups. They believed in me, as a person and a professional. Without each of them, I would not be in this role, nor would the College and Foundation be the organizations they are today. In March, Charlie Beckham – a most worthy individual and a tremendous partner – will become the next Chair, and a new slate of leaders identified by the nominating committee, which is starting its work now, will assume their positions. This is as it should be. We have a wealth of talent in the College, and we all benefit from the diversity of skills,

experience and perspective that each new leader brings.

Finally, I must recognize the person who has been essential to the College's leadership for over fifteen years, someone who is often outside the spotlight but couldn't have been more important to the continuity and stability of the College: our Executive Director, Shari Bedker. Shari will be retiring in July, and while well-deserved, we will miss her greatly. But her amazing staff at Armstrong & Associates will remain, under the leadership of CC Schnapp, who will have worked under Shari's tutelage for two years in advance of assuming the helm. While this will be a transition for the College, change brings growth, and we look forward to exciting new things to come.

I end by saying thank you – it has been an honor and privilege to serve as your Chair. I look forward to continuing our journey together as Fellows. ¶

[Class XXXV from page 12](#)

Our Future

The future of the College is good and continually getting better. Each Regent and Circuit Admissions Council has started or enhanced the implementation of a pipeline for their circuit to identify, guide and mentor potential new fellows from diverse backgrounds, from all geographic areas of the circuit and from all professions. In order to identify outstanding young practitioners, the Circuits have held networking events and programs. The Regents have additionally identified states within their circuits where fellowship in the College is underrepresented and targeted their pipeline to correct that imbalance. The pipeline is assuring that, among other objectives, the identification and development of future fellows is a top priority.

Thank You

As this is my last Column as Chair of the Board of Regents, I could not have navigated this process without Melissa and Charlie and their constant advice and counsel. In addition, I have had the privilege and honor to work with Regents, the Chairs of the Judicial Nominating Committee, and the International Fellows Nominating Committee who are the best of the best. Their diligence, excellence, professionalism and courtesies have been inspirational for me.

Lastly, but certainly not least, I would like to thank all the fellows who spent weeks and months preparing comprehensive nomination packages for Class XXXV which made all of our jobs so much easier. ¶

DEI Results continued from page 11


Appeals for the Third Circuit. On September 19, 1992, various bar leaders convened a special event entitled “Just The Beginning – A Celebration of Integration of the Federal Judiciary,” which honored both Judge Hastie and Judge James Parsons, the first African-American United States District Court Judge, on his retirement after thirty-one years on the federal bench. Inspired by the events of that weekend, JTB was founded as a not-for-profit organization of judges, lawyers, and others dedicated to developing educational programs to inspire and foster careers in the law among students of color and from other underrepresented groups, from middle school through law school.

Today, JTB continues this mission by

offering pipeline programs directly aimed at inspiring young students and increasing diversity in the legal profession and the judiciary. These programs include the Middle School and High School Summer Legal Institutes, an Advanced Summer Legal Institute, law student externships, law student scholarships, programming in schools that target under-served and minority high school and college students, and biennial conferences that bring together diverse legal leaders of local communities.

After considering a number of worthy nominees, the DEI Committee unanimously selected JTB as the recipient of the College’s 2023 DEI Excellence Award. JTB Program Director Cristina Figueroa, pictured below, accepted the award on JTB’s behalf.

ACB Scholars Program. The DEI Committee of course had particular familiarity with and admiration for JTB because, for each of the last two years, the College has partnered directly with JTB to sponsor and fund six bankruptcy court summer internships for accomplished law students of diversity. This year’s stipend recipients, now known as American College of Bankruptcy Scholars, also had an opportunity to attend and participate in the College’s semi-annual meetings in Austin, as well as the concurrent annual meeting of the National Conference of Bankruptcy Judges, in October.

For more on our 2023 ACB Scholars and the College’s sponsorship of judicial internships, see the separate article that appears beginning on [page 22](#) of this issue of *College Columns*. 



[The Splits from page 13](#)

on coverage as jurisdictional, courts should treat the restriction as nonjurisdictional in character." *Id.*

In applying this carefully articulated standard to bankruptcy appeals, the focus turns on whether timely appealing from a bankruptcy court decision involves a statute which clearly states that this time limitation was intended by Congress to be jurisdictional. This statutory construction is not simple. The Tenth Circuit became the first Circuit to apply this narrower statement of statutory jurisdictional limitations to bankruptcy court appellate jurisdiction in *Latture*—four years after *Arbaugh* was decided. The bankruptcy litigation involved the non-dischargeability of a debt. The bankruptcy court found the debt to be non-dischargeable on summary judgment, and the debtor filed an appeal one day late under Fed. R. Bankr. P. 8002(a) and 9006(a). The B.A.P. concluded that the failure to timely appeal was a jurisdictional defect and dismissed the appeal, an expected result, as the Tenth Circuit itself noted. However, the Tenth Circuit decided in light of *Arbaugh* and two other Supreme Court cases, *Kontrick v. Ryan*, 540 U.S. 443 (2004) and *Eberhart v. United States*, 546 U.S. 12 (2005), this expected conclusion needed to be reexamined. The issue revolved around whether 28 U.S.C. § 158(c)(2), which, in setting the time for appeal, provides that an appeal must be filed "in the time provided by Rule 8002 of the Bankruptcy Rules," is a sufficient statement of Congressional intent that the time limitation set in Rule 8002 should be interpreted as a jurisdictional limitation. If Rule 8002 cannot be tied to a congressionally-enacted statute, or, as the Tenth Circuit stated, "has its roots in a congressionally-enacted statute," then

under the reasoning of *Arbaugh*, it cannot be a jurisdictional limitation because courts, not Congress, establish rules. *Latture*, 605 F.3d at 836. While Section 158(c)(2) is not entirely clear, the Tenth Circuit found this congressionally-enacted requirement to be satisfied because the statute specifically referred to the time provided by Rule 8002 and the statutory section "is located in the same section granting the district courts and bankruptcy appellate courts jurisdiction to hear appeals from bankruptcy courts." *Id.* at 837. Thus, the Tenth Circuit concluded that the Rule was linked sufficiently to the statute to demonstrate Congress's intention to make the timeliness of appeals jurisdictional.

The Third, Fifth, and Seventh Circuit agreed. In *Caterbone*, while it was argued that "requirements contained in a bankruptcy rule alone are not jurisdictional" since rules are not enactments of Congress, the Third Circuit, in addressing the appeal of a motion to dismiss, found the incorporation of Rule 8002 in 28 U.S.C. § 158 to create a Congressionally enacted limitation on jurisdiction which was non-waivable and could be raised at any time, including independently by the courts. *Caterbone*, 640 F.3d at 111. In *Berman-Smith*, another case involving a non-dischargeability action, the Fifth Circuit noted the difference between 28 U.S.C. § 158(c) and "the thirty-day time limit to file a notice of appeal under Federal Rule of Appellate Procedure 4(a)(1)(A) [which] is jurisdictional because the time limit is expressly contained in 28 U.S.C. § 2107(a)." *Berman-Smith*, 737 F.3d at 1001. In reversing the district court's decision that Rule 8002 was not jurisdictional, the Fifth Circuit concluded: "We find the Tenth Circuit's reasoning in *In re Latture* persuasive. Since the statute defining

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jurisdiction over bankruptcy appeals, 28 U.S.C. § 158, expressly requires that the notice of appeal be filed under the time limit provided in Rule 8002, we conclude that the time limit is jurisdictional.” *Id.* at 1003. Finally, the Seventh Circuit followed the same reasoning in *Sobczak-Slomczewski* involving yet another non-dischargeability action, affirming the district court’s dismissal of an untimely appeal. Referring to the precedents in the Tenth, Third, and Fifth Circuit, the Seventh Circuit found “these courts’ analysis persuasive” and agreed that the time limit in Rule 8002 was jurisdictional. *Sobczak-Slomczewski*, 826 F.3d at 432.

It appeared that the courts agreed on the jurisdictional nature of the time limit set in Rule 8002 until the decision by the Sixth Circuit in 2020 in *Tennial*. This case involved an untimely appeal of an order terminating the automatic stay. While affirming the dismissal of the appeal by the district court on independent grounds, the Sixth Circuit held the district court erred in dismissing the appeal for lack of subject matter jurisdiction. The Sixth Circuit acknowledged that it had previously held this deadline to be jurisdictional, but reexamined the question in light of *Arbaugh* and other recent Supreme Court cases. Disagreeing with other Circuits, the Sixth Circuit held:

Congress did not state that this 14-day deadline establishes a jurisdictional prerequisite. In the relevant statute, Congress merely referred to any appeal deadlines created by the Bankruptcy Rules. 28 U.S.C. § 158(c)(2). Nothing about that reference indicates that Congress meant to attach subject matter jurisdiction consequences to deadlines established by the Bankruptcy Rules.

Much less did it do so ‘clearly’ with that modest reference.

Tennial, 978 F.3d at 1025.

The Sixth Circuit then cited to other Supreme Court cases interpreting deadlines in court adopted rules and concluded:

How did the Court resolve these cases? Based on this straightforward principle: Rule-based deadlines are jurisdictional when they implement an appeal deadline created by Congress. Otherwise, they are not. Thus, a bankruptcy appellate deadline is not jurisdictional when Congress did not create it.

Id. at 1026.

Citing to the Supreme Court case *Homer*, the Sixth Circuit explained: “If a time prescription governing the transfer of adjudicatory authority to an Article III court appears in a statute, the limitation is jurisdictional; otherwise, the time specification fits within the claim-processing category.” *Id.* Based on this reasoning, since Rule 8002(a)(1) did not implement an appeal deadline set by Congress, the Court determined it was not jurisdictional. The Court warned: “If deadlines established by the rules process alone created jurisdictional limits, this would mean the rules committee could change the scope of federal court subject matter jurisdiction on its own,” which the court found untenable. *Id.* Analyzing the Supreme Court’s four decisions interpreting the jurisdictional effect of deadlines in rules, the court noted that there is a difference between a statutory incorporation of a rule’s deadline and the statutory creation of a deadline because “[w]hen the rule deadline grows out of one truly ‘specified’ by Congress, it is jurisdictional. When the rule deadline grows out of the rules process alone, it is not.” *Id.*

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at 1027 (citing *Bowles v. Russell*, 551 U.S. 205, 213 (2017)). To decide otherwise, the Court stated, “would mean that Congress could delegate authority to establish the subject matter jurisdiction of the federal courts to the rules committees through the Rules Enabling Act of 1934.” *Id.* Despite this conclusion, the Sixth Circuit affirmed the district court’s dismissal of the appeal, not because of subject matter jurisdiction, but because the missed deadline in Rule 8002(a)(1) was mandatory and the failure

to comply with the mandatory rule timely raised in a motion to dismiss the appeal was properly dismissed “as dilatory.” *Id.* at 1028.

Will the Sixth Circuit be persuasive with other circuits? That remains to be seen, but these cases are instructive in reminding us both that determining a clear Congressional intent may not be easy and that what appears to be settled law may, upon closer examination, become unsettled. Jurisdiction is always going to be carefully scrutinized—a principle we understand well in the area of bankruptcy law. ¶

[Senior Fellows from page 15](#)

and O’Hare Airport construction problems. Each case presented me with opportunities to protect the City. I found myself leafing through the Bankruptcy Code and *Colliers* during the day, and I called my father in the evening to figure out what my strategy would be to protect my client. I was very lucky that I was able to talk through the issues with my father and could not have had a better mentor. My father was patient and a deep thinker. He had represented hundreds of middle market companies in the Midwest and was known as a good counsel and negotiator. We would discuss strategy and then, the next day, I would begin drafting or marching into court to protect the City.

After four years with the City, I left for private practice. During the early years, I represented corporate debtors. My favorite case was that of Provident Hospital, a Chicago community hospital. It also supported a nursing school and was, in many ways, the pride and joy of the Southside Chicago community. Provident filed in 1987 primarily because Medicaid and other state reimbursements were not sufficient to make ends meet, and it lost

money every time a patient came into the emergency room. Through that case, I learned more about recoupment, HHS, and HUD than I ever imagined possible. It also taught me a lot about listening to clients and helping them understand the limited options that existed. The case was before Judge Robert Ginsberg—who I believe was more patient than perhaps he wanted to be—as the case could not be converted to a chapter 7 because Provident was a not-for-profit entity. Nearly halfway through the case, the partner I was working with left the practice, and I had to navigate the remaining issues on my own. Eventually, the hospital was “sold” to Cook County and we used the remaining assets to create a foundation to memorialize the historic importance of the institution in Chicago and the country.

Over the years, I had many other opportunities to participate in large Chicago cases, including Kmart and United Airlines. Appearing before Judge Gene Wedoff in the United Airlines case gave me the chance to see an excellent judge handle hundreds of issues and treat each one carefully. I had the opportunity to work in many of the

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Senior Fellows from page 30

large automotive supplier cases and continued my love of crisis management in the “just-in-time” auto supply world. Having the opportunity to learn about and solve problems in so many different industries has always been one of the silver linings of this practice.

I would be negligent if I did not mention the challenges I faced as a young woman practicing at law firms and in the courts. The firms at which I was an associate or partner had a primarily white, male culture, and I was often the only female lawyer in the courtroom. There were few role models except for Melanie Cohen, who was fearsome and so smart that she knew every portion of the Bankruptcy Code by heart.

One of the places I met other female attorneys and supportive male attorneys and judges was in the American Bankruptcy Institute. There were abundant opportunities for writing, speaking, and leadership. My collection of colleagues who were available for consultation, collaboration, and referrals grew exponentially. The ABI became a professional family for me and remains so today. In 2015, the Seventh Circuit appointed me to the Bankruptcy Court for the Northern District of Illinois. Becoming a judge expanded my bankruptcy family to include many judicial colleagues throughout the country. The bankruptcy bench is collegial, supportive, and cares deeply about providing access to justice, no matter whether the debtor before us is

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a single mom struggling to pay her utilities and keep her car or a multibillion-dollar corporation.

Finally, I am grateful for my colleagues in the NCBJ. It is our “union,” representing our interests as bankruptcy judges, but also has been a great source of education and friendship. I had the privilege of serving as its president in 2021 through 2022 and learned even more about the value it brings to the bankruptcy system. 🏛️

Chris Meyer continued from page 19

confidence, compassion and nurturance. We have lost a great Fellow, a great friend and a great man, and his enduring impact on the College will always be remembered.

From Stephen Lerner

I was very privileged to work alongside Chris as his partner and friend for almost 20 years. When I joined Squire Sanders & Dempsey (now Squire Patton Boggs) in 1999, Chris was already the elder statesman of the firm's restructuring group. Chris was my most valued mentor – he was always available to brainstorm solutions to thorny problems and had the ability to assess issues from multiple perspectives, focusing on the practical and pragmatic. Chris was cut from a special mold – filled with compassion, common sense, and decency. He was among the most intelligent and humble people I have ever known. The College and our profession are better having had the benefit of Chris' passionate participation and leadership.

From Marc A. Levinson

Former Chair, American College of Bankruptcy

Chris was one of the best people I've ever known. We met as newbie Regents almost 20 years ago, and thereafter closely worked together on College issues in several leadership positions, culminating when he was the Chair and I was President. We talked almost daily during those two years and exchanged many emails. Chris addressed problems, no matter how perplexing, objectively and with concern about the feelings of all parties, always viewing issues through the lens of what was best for the College. He did so with grace and without a trace of ego. I greatly miss his warmth, compassion, and calm spirit.

From Harley E. Riedel

Stichter, Riedel, Blain & Postler was fortunate that Chris chose to "retire from retirement." SRBP had benefitted from Chris' skill and acumen when, while he was with Squire Sanders, he acted as co-counsel on matters for the firm. After Chris "un-retired" to accept a position with SRBP, we came to cherish his wise counsel, thoughtful analysis, and friendship. Chris was a fine and decent person who treated all with kindness and respect and conducted himself with humility and dignity in all he did.

From Paul Singer

Former Chair, American College of Bankruptcy

I was sorry to hear of Chris's passing. I am glad I was able to visit with him at the College meeting in March. He was a tall fellow with a large brain and heart. He processed information more quickly than most anyone I have ever known. He always knew the correct answer and could explain his reasoning in a very even and non-threatening way to recalcitrant lawyers and sometimes obstinate judges.

I am sorry he couldn't spend more days enjoying his new home in Sarasota. No one deserved that more.

Chris had a great impact on the College as an officer and Chair. He made the College more inclusive. ¶



[Tips on Mentoring continued from page 25](#)

- My mentor told me at the beginning “Your job is to make me obsolete” and for what’s it worth, he worked hard to give me the space to do it.
- Received: Treat everyone with equal respect, regardless of how you personally feel about them.
- Do not shoot from the hip.
- An associate needed management to be more detailed oriented. I told him that “loose threads weave the rope that hangs you.” He put that saying on his screen saver. He has since been inducted into the College.
- Given: If you can, develop your own book of business. It is the best way to have some control over your schedule.
- Say yes to all potential experiences early in your career.
- Pass it on. Mentor others as you have been mentored (or better).
- God gave you two ears and one mouth, use them in that proportion. LISTEN!
- Be yourself, everyone else is taken.
- Know your limits. It is OK to say “no.”
- I once asked a mentor of mine if he had problems mentoring young lawyers NOT in his firm. He said “No-it’s a relationship, not a competition.”
- Don’t ask your judge or senior partner a question until you first try to figure it out yourself.
- Don’t assume that making a change is the most risky decision. Sometimes it is the failure to change that has the most risk.
- I tell law students to call themselves to be mentored by any and all great lawyers who take an interest in them-whether they look like them or not.
- Never hurts to ask. 🙏

[Pro Bono from page 9](#)

protect her child. She also filed an adversary proceeding. P was struggling to understand how all this fit together, what her options and rights were going forward. Her case was sent to mediation. We helped P to understand the various issues in her partner’s bankruptcy as well as her options and rights. We continue to help her as she works toward finalizing a mediated settlement.

• **11th Circuit - South Alabama Volunteer Lawyers Program / Alabama Bankruptcy Assistance Project.** D, who was retired and living on Social Security, had \$8,000

personal debt. Around 2020, D reached out to a credit consolidation company. The company told her to stop paying her creditors and pay them [debt consolidation company] instead, and they would handle it. D lost hundreds of dollars before realizing that the company was not making any payments to her creditors and had not contacted a single creditor. In 2022, D contacted ABAP. Because she had low over-all debt and no income or assets that could be attached by her creditors, D was not a good candidate

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[Pro Bono from page 33](#)

for a Chapter 7 bankruptcy. However, she was a great candidate for a new partner ABAP had begun working with -- a non-profit law firm called HELPS. HELPS serves individuals who are "judgment proof," living on social security or retirement benefits, and need help with creditor harassment or consumer protection. ABAP facilitated a referral to HELPS, and D obtained assistance in stopping the phone calls about debts she had no way of repaying.

Michael L. Cook Grant Award. The Foundation established the Michael L. Cook Extraordinary Grant for a program that is "such an innovative and exemplary approach to a previously under-served area of need as to justify an extraordinary grant in excess of the grant limits customarily applied by the Foundation." The budget for the Cook Grant is \$20,000.

This year, based on the recommendation of its Working Group consisting of Chief Judge Laurel Myerson Isicoff and James Baillie, the Committee selected a new grantee, Community Legal Access in Little Rock, Arkansas. Founded in 2019 by dedicated individuals, CLA was created to bring the "Modest Means Attorney Panel" to Arkansas. This approach is designed to allow each client to gain access to the justice system which they might not be able to do otherwise. CLA was formed to serve individuals that are unable to get free legal services through programs that have income restrictions imposed by the Legal Services Corporation or because of conflicts or because those programs have practice area limitations. CLA would serve clients with income between 150% and 250% of the federal poverty guidelines. CLA recruits attorneys who are willing to drastically reduce their fees. In this way

CLA would reach clients who in fact would be unable to retain a lawyer. Delivery of legal services at a substantially reduced fee to persons of limited means constitutes pro bono under Rule 6.1 of the ABA Model Rules of Professional Conduct. Through this grant the CLA would make a significant effort to serve people who need assistance in the areas of bankruptcy or debtor-creditor law.

2023 DEI Grants. This year the Committee, primarily through its DEI Working Group, took on an expanded role of processing and evaluating and making recommendations on the first ever set of DEI grant applications to the Foundation and the DEI Committee. The DEI Working Group works closely with the College's DEI Committee in reviewing and approving those grants. In 2023, the Committee proposed, and the Foundation and DEI Committee awarded, \$66,675 in grants to 6 grantees in 5 states. [Please see Jan Hayden's article as Chair of the Foundation Board](#), for more detail.

Conclusion. This is my second year having the privilege of serving as the Committee Chair, and I thank you for the opportunity. It has been a pleasure serving with the over 45 members of the Committee, the College and Foundation Boards and leadership, the DEI Committee, and Jenny Cudahy and Shari Bedker – all of whom spend significant time in this effort. And a special thank you to all of the Fellows who generously donate their money and time to this very worthwhile project. You have all made it possible for many to serve the most vulnerable populations across the country. I urge you to not only continue to donate and make these grants possible, but to also encourage organizations that fit our pro bono and DEI guidelines to submit applications for 2024 grants by June 1. ¶



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9TH CIRCUIT





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Upcoming Events

2nd Circuit Panel and Cocktail Reception to Honor New Fellows January 10, 2024

American College of Bankruptcy's 2nd Circuit Panel and Cocktail Reception to Honor New Fellows will be at Simpson Thacher & Bartlett LLP in New York, NY.

[Learn More Here](#)

Third, Fourth And D.C. Circuit Moot Court Event February 19, 2024

The Education Committees of the Third, Fourth and DC Circuits are pleased to announce a 2024 American College of Bankruptcy Fourth Circuit Moot Court. We hope to hold the moot in-person at the Prettyman Courthouse, 333 Constitution Avenue N.W., Washington D.C., 20001.

[Learn More Here](#)

Class 35 Induction Ceremony and Events March 22, 2024

We will be in Washington, D.C. for the Induction of the 35th Class! The ceremony will be held at the Smithsonian Portrait Gallery Atrium on Friday, March 22, 2024.

[Learn More Here](#)

Ninth Circuit Retreat Slated for April 26-28, 2024

Planners have been hard at work and the dates for the next 9th Circuit. Retreat have been set for the meeting that will be held in Northern California. Keep an eye out for more information coming soon.

[Learn More Here](#)

Focus on Fellows

We invite all Fellows to submit information about awards, news, and/or recent publications. Member highlights will be published on a bi-monthly basis to all Fellows through email or the College Columns as appropriate. If you have news about yourself or a colleague, please send announcements to Michelle Foster, ACB Communications Director, at focus@amercol.org.

Douglas C. Bernstein was included on the 2024 edition of The Best Lawyers in America®.

Rudy Cerone was ranked in the Chambers USA 2023 Guide.

Josiah Daniel published "AI Chatbots Are Useless for Bankruptcy Lawyering" in 17 LSN Reorganization & Creditors eJournal, No. 2 (Aug. 22, 2023), for download free [here](#).

Leonard H. Gilbert has embarked on his third year as a member of the Board of Governors of the American Bar Association. He has been reappointed to the Finance Committee of the Board. He also serves in the ABA House of Delegates. Leonard was re-elected as Secretary of the International Insolvency Institute at its annual meeting on June in Amsterdam.

Hon. Jeffery P. Hopkins was appointed as a U.S. Federal District Court Judge for the Southern District of Ohio, the first African American federal district judge ever appointed in Cincinnati.

Hon. Peggy Hunt was appointed as a bankruptcy judge in the District of Utah.

Hon. Corali Lopez-Castro's Investiture to the U.S. Bankruptcy Court was held in August.

Soneet Kapila was elected as President of the American Bankruptcy Institute.

Brian Shaw was named to the 2023 list of the Top 500 Bankruptcy & Restructuring Attorneys in the country by Lawdragon magazine.

Travis Torrence was promoted to Managing Counsel-US in Shell plc's Global Litigation Department.

Richard Wasserman was honored to receive the 2023 Honorable Paul Mannes Award from The Bankruptcy Bar Association for the District of Maryland for commitment to the betterment of the bar association and the practice of law in Maryland.

Hon. Tracey N. Wise, USBC EDKY, was selected to receive the 2023 Judge William L. Norton, Jr. Excellence Award.

Scott Wolfson published an article in the July ABI Journal titled "[Critically Thinking About Your Critical-Vendor Status.](#)"





Email the Editors

We are constantly adding content to the Columns and making other updates. If you have input on what you would like to see here, please email us at:

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We value your input. Thank you!

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