

Alan Resnick's Presentation of the American College of Bankruptcy Distinguished Service Award to Ralph Mabey, March 28, 2009:

- 1) It is an honor to be here today to present the highest, most prestigious award in the bankruptcy field. I am especially thrilled to be presenting this award to my good friend, Ralph Mabey. Nobody could be more deserving of this award than Ralph.**

- 2) I have known and observed Ralph in his many capacities during the past 25 years. I say "many capacities" because he has served in so many different roles, and has contributed in so many different ways -- to his profession, to the bankruptcy field, and to his community at large. If anybody has "given something back" to his profession and his society, it is Ralph.**

- 3) As everyone in this room knows, the characteristic quality that makes a first and lasting impression on anybody who meets Ralph is that he is, first and foremost, a gentleman. Ralph is soft-spoken, calm, compassionate, unassuming, and humble. In our professional world where advocates can sometimes be less than civil, Ralph never loses his sense of civility and his utmost respect for others.**

4) Now I must admit that I questioned whether anybody could be so calm and steady all the time, so I asked Ralph's wife, Sylvia, and his daughter, Emily, whether Ralph is as calm and soft-spoken at home, or does he ever explode and let out his anger. No, they said, they have never heard him swear or say a mean word about anyone. Once, when Emily was a teenager, she came downstairs wearing a fashionable mini-skirt, expecting that her father would not be pleased and would order her to change her clothes. But Ralph, in his cool and calm manner, quietly asked Emily what she had paid for the skirt. When Emily told him, he made Emily an offer to buy it and they negotiated a price – Ralph bought the skirt so that Emily would never wear it again. No yelling, no anger – just cool, calm negotiation and wisdom – and Ralph, as usual, got exactly what he wanted. And then there was the time when it was Emily's job to mow the lawn and she left Ralph an angry, ranting message about how if he did not fix the crumby mower she was not going to mow the lawn anymore. She returned home to find a note that said: "Emily, mower fixed. Please persevere." That is vintage Ralph. I guess he really is like that.

- 5) In my due diligence on Ralph, I asked Emily whether there is a wild side to Ralph, anything flashy about him. She just laughed and said “are you kidding? - when our family goes to Baskin Robins, my dad orders vanilla!”**
- 6) But though Ralph is a soft-spoken gentleman, his deeds have been loud and clear, and they speak volumes about Ralph’s character and his impact in everything that he does.**
- 7) Ralph was born and raised in and around Salt Lake City and was educated at University of Utah, but then, after spending time in the Army Reserves in Fort Dix, NJ, he decided to try the east coast for awhile and so he attended Columbia Law School. Now you would think that Ralph, coming from Utah, would be a fish out of water in Manhattan, but not Ralph. He is a very quick learner and he immediately jumped in and embraced the unique culture of the city – in fact, not long after Ralph and Sylvia arrived, all of their possessions were stolen from their Volkswagen, which they left parked on the street. Later, Ralph was glad to find a parking space on a street that had no meters – the next day the city installed meters there – right in front of Ralph’s car, and gave Ralph a**

ticket for not putting his coin in! Then, still during his first year at Columbia, Ralph came home and surprised a burglar stealing welfare checks from the mailboxes inside the building adjacent to their apartment door – the burglar, with a gun, ran down Amsterdam Avenue with Ralph in pursuit until the thief blended into the crowd. Welcome to NY, Ralph.

- 8) But Ralph learned to cope in that challenging environment and went on to become a Harlan Fiske Stone Scholar and served on the Board of Editors of *Columbia Law Review*. Then, after he graduated he and Sylvia decided to move back to Utah (where you can leave car doors unlocked) and so Ralph accepted a clerkship in Utah with federal District Judge Aldon Anderson, Jr.**
- 9) While teaching at the Business School at the University of Utah after his clerkship, in 1979, while still in mid-30's, Ralph received a call from District Judge Anderson to ask him if he wanted to apply for the position of United States Bankruptcy Judge for the District of Utah. There was an opening. At first, Ralph declined but then thought about it and called him back, and Ralph became a bankruptcy judge.**

- 10) That was the year when the Bankruptcy Code became effective and Ralph was often called upon to decide cases of first impression under the Code, which is a bit scary since Ralph knew absolutely nothing about bankruptcy when he became a judge. But Ralph learned on the job and went on to write a number of important decisions interpreting the new Bankruptcy Code. One that sticks out in my mind is the Alyucan decision, one of the most important early decisions analyzing the concept of adequate protection under the Code (and concluding that an equity cushion is not always necessary to find that a secured creditor is adequately protected).**
- 11) But to define Ralph's 4-year stint on the bench in terms of his published decisions would not tell the whole story. Utah's bankruptcy court in those years was among the busiest in the country and Ralph would hold court on weekends and stay long hours to give everyone their say and to carefully consider their positions. He was known as a caring, compassionate, and fair judge of the highest integrity.**
- 12) Ralph left the bench to enter private practice. He founded and, for 20 years, headed the international**

bankruptcy and restructuring practice at LeBoeuf, Lamb, Greene & MacRae LLP, and now serves as Senior Of Counsel to Stutman, Treister & Glatt, PC. His professional career in practice has been marked by his patient, calm style, as well as his tireless energy, dedication, integrity, wisdom, and his many successes.

13) And Ralph managed to do all that from his office in Salt Lake City because that is the center of Ralph's universe – except for his numerous trips around the country and frequent visits to New York (he is still looking for his stolen possessions).

14) Ralph's practice is not limited to service as counsel to a party in a case. He also served the bankruptcy community in other capacities, including his service as examiner, trustee, arbitrator, mediator, and expert witness in numerous cases.

15) Among the cases in which Ralph played a major role are: Baldwin-United, A.H. Robins, Dow Corning, Columbia Gas, Federated Dept. Stores, TWA, Enron, Cajun Electric Power, and so many others.

16) And then there is Ralph, the teacher. As I mentioned, before serving on the bench, Ralph taught at

the University of Utah College and Graduate School of Business for 3 years. He then served as Lecturer at the University of Utah College of Law, and then, for a time spanning more than 20 years, was a Senior Lecturer at the Law School at Brigham Young University. Ralph then joined the faculty at the Law School at the University of Utah, where he has been serving as Professor of Law since 2007.

17) Of course, that is all in addition to Ralph's teaching at professional seminars, such as those of the NCBJ, the annual NYU Workshop on Bankruptcy and Business Reorganization, and many other continuing legal education programs throughout the United States.

18) And then there is Ralph the scholar. He has written numerous articles on bankruptcy-related topics that have been published in leading academic and professional journals. Most important, and for purely selfish reasons, I am delighted that Ralph is a contributing author of *Collier on Bankruptcy*.

19) I really got to know Ralph well, and to appreciate his good humor and wisdom, when, in 1987, Chief Justice Rehnquist appointed Ralph to the Judicial Conference

Advisory Committee on Bankruptcy Rules. He served on the committee for 6 years and I was the new reporter at that time. Ralph chaired a special task force studying chapter 13 in those days. His insights, judgment, and knowledge of bankruptcy practice made him an extraordinary member of that committee. Ralph spent 6 years helping to improve the procedural aspects of bankruptcy.

20) I also got to work with Ralph in connection with the National Bankruptcy Conference. Ralph has been an active and important member of NBC, and he has contributed enormously to the work of the Conference in advising Congress on legislative matters.

21) Not surprisingly, Ralph was inducted into the first class of the American College of Bankruptcy, and since that time has served the College with distinction in several capacities, including as Director, President, and Chair; During Ralph's tenure as President and Chair, I had the pleasure of serving as the College's Scholar-in-Residence and I got to witness, first hand, Ralph's extraordinary leadership style.

- 22) Ralph contributed to the bankruptcy field in so many other ways as well – such as his service as an advisor to the National Bankruptcy Review Commission Working Group on Future Claims, as a founding member of the International Insolvency Institute, as a member of the ABA's Select Advisory Committee on Business Reorganization – and too many others to mention here.**
- 23) And then, most important, there is the personal and spiritual side of Ralph. Throughout his life, Ralph has been a dedicated and passionate member of his religious community, having served as a spiritual leader of several wards of his church, and Ralph is a very active member of his community, always concerned about the welfare of others.**
- 24) Anybody who knows Ralph also knows that he is a proud and dedicated family man. Over the years, when I would see Ralph we frequently talked about how our families were doing. Ralph is a devoted and loving husband of his lovely wife, Sylvia, father of his five daughters, and grandfather of his nine grandchildren. Ralph and Sylvia go back a long time together – they actually met in elementary school. Ralph is very close to**

his daughters and soon as they were old enough, Ralph would take them along on his business trips. When I spoke with his family, it was obvious that they all have the highest respect, admiration, and deep affection for Ralph. I am delighted that Ralph's family is with us today.

25) One of my personal pleasures is when I was a guest at the Mabey family ranch in Wyoming. Ralph loves the outdoors (maybe that has something to do with the fact that Ralph was raised on a bird farm) and also loves to run. Ralph is a strong runner – he completed approximately 25 marathons, which is an amazing accomplishment.

26) We are all indebted to Ralph (the judge, the lawyer, the educator, and the scholar) for his enormous contributions to our profession, our laws, and our society.

27) It is my great pleasure to present the 2009 Distinguished Service Award to Ralph R. Mabey.