

College Columns

News and Views from The American College of Bankruptcy

Publications Report

By Evelyn H. Biery



▲ Evelyn H. Biery

Please continue to forward to me information on your honors and achievements, your interests outside the practice of law, and humorous stories about the practice of

law. Your fellow Fellows would be delighted to hear more about you.

The Publications Committee is continuing the projects it has previously embarked upon. If you would like to serve on one of the subcommittees, please contact me at your convenience.

The *College Columns* Subcommittee has published bi-annual issues of the *College Columns* and will continue to do so. Its members include Eric Lam, John Kozyak, Hon. Cecelia Morris, Robert Sable and Baine Schwabe.

The Law Review Articles Subcommittee will continue to review seminar papers and law review articles during the year and forward the most impressive to the College Fellows, as we did with the article on ethics by Jerry Smith and Sally Neely. Its members include Hon. Tom Ambro, Don Bernstein, Dan Cohn, Hon. Burton Lifland, Joel Pelofsky, Isaac Scott and Walt Taggart.

The Memorial Lecture Subcommittee will continue to work with our Scholar-In-Residence, Prof. Alan Resnick, to present an ethics lecture. Its members include John Barrett, Richard Broude, Jan Hayden, Simon Kimmelman and Michael Reed. It is our hope that the lecture will take place in a resort and will

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Chair's Report

By R. Neal Batson



▲ R. Neal Batson

I will be concluding my tenure as Chair of the College at the March meeting in Washington. Thank you for allowing me to serve as President and Chair of our

College for the past six years. Together we have accomplished a great deal in furthering the goals of the College to promote collegiality among our members and contributions to the larger community. We have sought to promote collegiality among the Fellows through the annual spring meeting in Washington and the mid-year meeting in conjunction with the meeting of the National Conference of Bankruptcy Judges. Attendance at these 2002 meetings broke all records. The addition of the Circuit meetings, the joint College/International Insolvency Institute educational program and the Salon meeting at the annual meeting has been enthusiastically accepted by the Fellows and will become a permanent part of that meeting. In February 2001, we initiated the first regional meeting of the Southeastern Fellows in Miami. During the last two years more than twenty regional, state and city meetings of Fellows have been held throughout the country. The introduction and expansion of the College Extranet has also provided a new dimension for member communication.

In addition to programs designed to promote collegiality, we have sought to foster contributions by the College to

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**Nomination Procedures
for Fifteenth Class**

▲ John A. Barrett

By John A. Barrett

In mid-April of 2003, the Board of Regents will write to each Fellow requesting that nominations, together with biographical information and other supporting data, be forwarded to each Circuit Admissions Council by June 15, 2003. Fellows are reminded that the nominations should be complete and that substantial due diligence is required in order to make it likely that a candidate will receive an invitation; incomplete and insubstantial nominations are less likely to receive favorable consideration. It is imperative that nominees not be contacted. All names of nominees must be kept **confidential!** We want to avoid any potential embarrassment on the part of someone who may be considered but not extended an invitation.

Nominations for Judges should be forwarded to Leonard E. Gilbert (Chair, Judicial Nominating Committee), and nominations for International Fellows should be forwarded to Daniel M. Glosband (Chair, International Fellows Nominating Committee). Thereafter, each Circuit Admissions Council will review nominations received for that Circuit (other than Judges and International Fellows) and begin the process of making recommendations to the Board of Regents. Please note that a Fellow can nominate a person who is not in the Circuit of such Fellow. If this is done it is very important that the completed nomination form be sent on time to the proper person pursuant to the bylaws.

Each Fellow within a Circuit will receive the names of the proposed Fellows in that Circuit (other than Judges and International Fellows) and be asked to comment on each proposed Fellow. Final Circuit Admissions Council recommendations and recommendations of the Judicial Nominating Committee and International Fellows Nominating Committee will be forwarded to the Board of Regents, which will meet on Wednesday, October 15, 2003, in San Diego, California, in conjunction with the Meeting of the National Conference of Bankruptcy Judges. Invitations to new Fellows for the Class of 2004 will be sent out in mid-November of 2003. 📧

**Nomination Procedures
for Judicial Fellows**

▲ Leonard H. Gilbert

By Leonard H. Gilbert

It is that time of year again. Now is the time to consider proposing for membership in the College the most qualified Bankruptcy Judge before whom you have appeared. Do not wait for someone else to do it!

Often the Committee hears from one of our fellow members, "Why isn't Judge _____ a member of the College?" The answer usually is because no one has presented that nomination. There is more than one geographic area in this country that should have judicial representation in the College but does not. It is up to you, the members, to submit the nomination, and I encourage you to do so.

While the process for nominating a Judge is exactly the same as nominating a practicing attorney for membership in the College and the form and detailed information required is the same, it is, in fact, more difficult to present a Judicial Nomination. This is because you have to be able to obtain the necessary biographical data without letting the candidate know that he or she is under consideration. It is done every year, and I hope that more of you will consider doing so in 2003.

Through this past year for the Fourteenth Class, six members of the Judiciary were considered and approved for membership: Hon. Stuart M. Bernstein; Hon. Charles G. Case II; Thomas B. Donovan; Arthur B. Freedman; William H. Gindin; and Arthur J. Gonzalez.

This Committee is extremely hard working and diligent in their inquiry. They are to be congratulated for their efforts. Serving on the Committee are: James Baillie, Hon. Leif Clark, David Heiman, Hon. Barbara Houser, Prof. Kenneth Klee, Marc Levinson, Alan Miller, Barbara Rom, David Sykes and Leonard Gilbert.

The College has, as its members, the leading Judges in this country. It is our hope that you will continue to add to this cadre of important persons. 📧

Nomination Procedures for International Fellows



By Daniel M. Glosband

The International Fellows Nominating Committee started its consideration of candidates for the Class of 2003 with a preliminary list of nine names either carried forward from prior years or suggested during the course of the last 12 months. All preliminarily available information on those candidates was circulated to the Committee in early June, along with a request for additional suggestions. By the conclusion of the first conference call Committee meeting in late June, the potential list had two additional entries and a preliminary cut to four leading contenders. Nomination forms, in varying degrees of completeness, were assembled for the four and circulated for review prior to the second Committee meeting. The four contenders, Mr... Justice Adolfo Rouillon of Argentina, Thomas Benes Felsberg of Brazil, Christopher K. Grierson of England and a fourth who was ultimately deferred by the Board of Regents) became nominees. In addition, Jay Westbrook suggested a fifth candidate, Jacob S. Ziegel who became our fifth and final nominee. Messrs. Rouillon, Felsberg, Grierson and Ziegel have been invited to become Fellows.

Gathering information to complete nomination forms is usually difficult; for the International Fellows, it requires a higher degree of persistence and resourcefulness. As the process evolved, I sent a series of status reports on the several nominations, identifying incomplete components of each form and prodding Committee members to escalate their investigative intensity. All rose to the occasion and we were able to slide under the wire with our fifth and last form on August 22, 2002.

The nominees are each exceedingly impressive. Each is personally known to one or members of the Nominating Committee. Chris Grierson is a partner in Lovells' London office. He has had a major role in many of the best known cases of the 1980's and 1990's including Laker Airways, Barings and BCCI. He is an active member of IBA Committee J (and Vice-Chair) and the

International Insolvency Institute, has spoken and written for them and other organizations and has written for commercial publishers.

Thomas Felsberg is considered to be one of the most prominent insolvency attorneys in Brazil, active in several bar associations, debtor's counsel to Singer do Brazil and Outboard Marine Corporation and frequent author and speaker. Mr. Justice Adolfo Rouillon of Argentina is a leading authority on Latin American insolvency. He has been involved in the World Bank project on insolvency law, has written seven books on insolvency law and over 100 articles. He also is on the faculty of two universities in insolvency and business studies.

Professor Jacob Ziegel is known to all of the Nominating Committee. In Jay Westbrook's words, "He is undoubtedly the best known and most revered commercial-law scholar in Canada and the leading academic expert on bankruptcy law ("insolvency") in Canada." In addition to writing over 100 books and articles, he was one of the two Canadian reporters on the ALI Transnational Insolvency Project (Bruce Leonard was the other). While he remains very active, he is retired from full time teaching and will be an Emeritus Fellow.

The members of the Nominating Committee are to be congratulated for their hard work and excellent results: Richard Broude, Evan Flaschen. Bruce Leonard, Dr. Hans-Jochem Luer, Prof. Grant W. Newton, Michael Steiner and Prof. Jay L. Westbrook. ¶

Educational Program Fall 2002



By Prof. Alan N. Resnick

The All-Fellows Luncheon and Panel Discussion held on Wednesday, October 2, 2002, in Chicago, was a highly informative and entertaining discussion of *The Implications of Enron*. The panelists were Prof. Douglas Baird, the Harry A. Bigelow Distinguished Service Professor of Law and the former Dean at the University of Chicago, and the Vice-Chairman of the National Bankruptcy Conference; and Prof. Randall C. Picker, the Paul & Theo Leffmann Professor of Commercial Law at the University of Chicago. Professors Baird and Picker have studied the *Enron* case and have taught a seminar on Enron at the University of Chicago.

The lively discussion, including PowerPoint presentations designed to help the audience visualize the effects of complex financial transactions, focused on the ramifications of the Enron financial collapse and its chapter 11 cases. The program was well-attended and, based on the enthusiastic reaction of the Fellows in the audience, was extremely successful. ¶

Future of the College Committee Report



By Paul M. Singer

The Future of the College Committee (the "Committee") was reconstituted in 2002. The members of the Committee are: Arthur J. Abramowitz, John A. Barrett, Donald S. Bernstein, Mark D. Bloom, David G. Heiman, Simon Kimmelman, Richard L. Levine, The Hon. Ralph R. Mabey, Richard E. Mikels, Larry E. Prince, Prof. Alan N. Resnick, Brad Eric Scheler, R. Patrick Vance, Thomas B. Walper, Paul M. Singer, Chairman.

The Committee held telephonic meetings on June 19, 2002, July 17, 2002, and August 14, 2002. During the year the Committee addressed, among other issues, the role of the College in pro bono matters and educational outreach activities. These matters will continue to be the focus of discussions.

During the year the Committee developed a questionnaire to determine whether the College is meeting the expectations of its Fellows. The questionnaire was forwarded to Fellows late this year, and responses from about one-third of our total were received in December and compiled for consideration by the Board. ¶

Educational Programs Committee Report



By Richard S. Toder

As you will recall, the Board of Directors of the College earlier approved two programs of the Education Committee. The first project was an initiative addressed to bankruptcy law professors whereby the resources of the College were to be made available to law professors. The second project was to establish a pilot program whereby gifted bankruptcy students from three Circuits were to be invited to attend the annual meeting of the College in Washington, D.C. in 2002.

1. Law Professors Initiative

Letters were sent out from the Education Committee to over 300 professors in January 2002 advising them that if they had topics or questions which they wished to discuss, seek reactions to a particular idea, consider practical applications of a particular bankruptcy code section, or obtain a speaker for class discussions, members of the College were available to assist the professors. The response of the Fellows of the College was quite good and over 60 Fellows agreed to participate in the project. However, the response from the law professors has so far been non-existent. To my knowledge, there has not been a single inquiry from a law professor seeking assistance of any Fellow of the College.

In a conference call with the Education Committee in the Spring, discussion was had as to the reasons for the lack of success of the project and whether it should be abandoned. Possible reasons for inaction on the part of the law professors ranged from (i) lack of need (i.e., most professors already have sufficient informal contacts with the Bankruptcy Bar); (ii) overblown egos precluding use of a valuable resource; (iii) a sense that the resource was not all that valuable; and (iv) sloth. As for the question of whether to discontinue the project, there were decidedly mixed views. Some felt that the project was a failure, and we should accept it as such. However, others felt that in connection with the gifted law

Educational Program Spring 2003

By Prof. Alan N. Resnick

The Educational Program at the Annual Meeting of the College in March 2003 promises to be another exciting and informative program. It will feature three panels of outstanding speakers, all prominent experts in their fields, discussing timely topics. The program will be held on Saturday morning, March 29, 2003, at the Mayflower Hotel in Washington, D.C.

The program will begin at 9:00 A.M. with a segment on *Forum Selection: Factors To Consider When Deciding Where To File a Chapter 11 Petition*. The presence of multiple venue possibilities often requires counsel to select the best forum for the particular chapter 11 case. The panelists have extensive experience in representing debtors in chapter 11 cases. The discussion will focus on the differences between the circuits on key substantive bankruptcy issues, as well as on procedural and practice considerations that counsel should consider when selecting the forum. The panelists will be Howard L. Adelman, of Gettleman, Merens, Berish & Carter, Ltd., Chicago; Marcia L. Goldstein, of Weil, Gotshal & Manges LLP, New York; Sally Schultz Neely, Esq., of Sidley, Austin, Brown & Wood, Los Angeles; and David T. Sykes, of Duane, Morris & Heckscher LLP, Philadelphia.

The second panel will be on *Bridging the Gap: Resolving Valuation Disputes In Chapter 11 Plan Negotiations*. Chapter 11 plan negotiations often boil down to a disagreement over total enter-

prise value or the value of specific plan securities. These issues will be debated against the background of multiple valuation methodologies, disputes over relative priorities and, ultimately, the legal requirement that the plan be fair and equitable to any impaired dissenting class. The discussion will focus on how creative plan design can help resolve these disputes and make a consensual plan possible. The panelists will be Donald S. Bernstein, of Davis Polk & Wardwell, New York; Michael A. Kramer of Greenhill & Co., New York; Frank A. (Terry) Savage of Lazard LLC, New York; and James H.M. Sprayregen, Kirkland & Ellis, Chicago.

The third panel discussion, entitled *Hot Topics*, will consist of a review and commentary on selected important and interesting recent judicial decisions of which all bankruptcy professionals should be aware. The panel will represent views from the bench, academia, and practice. The panelists will be Hon. Barbara J. Houser, United States Bankruptcy Judge, Dallas, Texas; Prof. Melissa B. Jacoby of Temple University Beasley School of Law, Philadelphia; Prof. Bruce A. Markell of the William S. Boyd School of Law, University of Nevada, Las Vegas, Nevada; and Brady C. Williamson, of LaFollette Godfrey & Kahn, Madison, Wisconsin.

The College will apply for appropriate CLE credit for Fellows who attend the Educational Program. As always, the Educational Program will be followed by the All Fellows Luncheon. ☞

students pilot program, we should include in the letters being sent to the law schools a reference to the professors initiative. If there were responses, we would consider renewing the initiative; whereas, if there were no responses, the sentiment of the Committee was to inter this project. It was determined that the second approach would be adopted.

2. Law Students Initiative

As you will recall, the Directors decided to establish a pilot program to invite law students who had shown aptitude and commitment to the field of bankruptcy to the annual meeting of the College. Expenses would be paid by the College and every effort would be made

to involve the law students in the activities at the annual meeting. If the pilot program was successful, favorable consideration would be given to expanding the program.

In order to accomplish the mission, a letter has been sent to the Regents for the Second, Third, and Fourth Circuit councils requesting that they communicate with the law schools in their Circuit with a view towards the schools making recommendations to the Circuit as to the law students to be honored. In turn, the Regents of these Circuit Councils have sent letters to the law schools in their respective circuits requesting recommendations. The letters sent to the law schools reprise the law professors initiative. ☞

Report on Georgia Regional Meeting

By R. Neal Batson and Joel Piassick



▲ R. Neal Batson



▲ Joel Piassick

On April 4, 2002, the College Georgia Fellows enjoyed dinner at the offices of Alston & Bird in Atlanta, Georgia, during the Southeastern Bankruptcy Law Institute, at which several Fellows from outside Atlanta served as speakers. The event was attended by 15 Fellows and 5 spouses and hosted by Neal Batson and Joel Piassick.

Report on Seventh and Eighth Circuits Regional Meeting

By Hon. Nancy Dreher, Richard Mason and Jerry Munitz



▲ Hon. Nancy Dreher



▲ Richard Mason



▲ Jerry Munitz

On June 1, 2002, the Fellows in the Seventh and Eighth Circuits attended two educational programs at the offices of Goldberg, Kohn, Bell, Black, Rosenbloom & Moritz in Chicago. Lunch was provided by the Goldberg, Kohn Firm and Ross & Hardies. Hon. Eugene Wedoff led a discussion on jurisdiction of a nonbankruptcy court to decide issues related to the automatic stay. Eric Lam then led a discussion of *In re Babcock & Wilcox*, 215 F.3d 395 (5th Cir. 2001). Hon. Nancy C. Dreher, Faye Knowles, and Lou Levit then led a discussion of officer and director liability in the pre-bankruptcy stages of a case. The event was attended by 20 Fellows.

After an afternoon of leisure, the Fellows and their guests enjoyed dinner at Nicks Fish House. The event was hosted by Hon. Nancy Dreher, Richard Mason and Jerry Munitz.

Report on Second Circuit Regional Meeting

By Stuart Hirshfield and Alan Miller



▲ Stuart Hirshfield



▲ Alan Miller

On June 26, 2002, the Fellows in the Second Circuit enjoyed lunch at the offices of Weil, Gotshal & Manges in New York. The speakers were Hon. Burton R. Lifland and Hon. Allan L. Gropper. Judge Lifland concentrated his remarks on the proposed Chapter 15 of the Bankruptcy Code, and Judge Gropper focused on his observations from the bench, which led to an interesting discussion of first day orders, particularly those authorizing critical vendor payments and key employee retention programs. The event was attended by 23 Fellows and hosted by Stuart Hirshfield and Alan Miller.

Report on Tenth Circuit Regional Meeting

By Ed Nazar



▲ Ed Nazar

On June 28, 2002, the Fellows in the Tenth Circuit enjoyed dinner at Santa Café in Santa Fe, New Mexico. The event was attended by 10 Fellows and guests and hosted by Ed Nazar.

Report on Nevada Regional Meeting

By Kaaran Thomas



▲ Kaaran Thomas

On September 11, 2002, the Nevada Fellows enjoyed dinner at Michael's in Las Vegas in conjunction with the American Bankruptcy Institute Southwestern Bankruptcy Conference. The event was attended by 4 Fellows and 1 Bankruptcy Judge and hosted by Kaaran Thomas.

Report on Ohio, Michigan and Western Pennsylvania Regional Meeting

By Kathryn C. Heidt, Doug Campbell, Paul Singer and David Heiman



▲ Doug Campbell



▲ Paul Singer



▲ David Heiman

On November 15, 2002, the Fellows in the Ohio, Michigan and Western Pennsylvania Region enjoyed dinner at the home of Prof. Kate Heidt. The event was attended by 8 Fellows and 7 guests and hosted by Prof. Kate Heidt, who provided the dinner, and Doug Campbell, who provided the wine. Other hosts were Paul Singer and David Heiman.

Report on Texas Regional Meeting

By Evelyn H. Biery and Prof. Jay Westbrook



▲ Evelyn H. Biery



▲ Prof. Jay Westbrook

Texas Region: On November 20, 2002, the Texas Fellows enjoyed dinner at the Shoreline Grill in Austin, Texas, in conjunction with the University of Texas School of Law Bankruptcy Conference. The event was attended by 12 Fellows and 3 guests and hosted by Evelyn Biery, who provided the wine, and Prof. Jay Westbrook.

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Communications Committee Report



By Ronald M. Martin

The Communications Committee is made up of Henry J. Sommer, Professor Alan N. Resnick, Joel B. Piassick, Hon. Cecilia G. Morris, John W. Kozyak,

Richard G. Heltzel, Suzanne Bingham, Evelyn Biery, Ronald M. Martin.

We have established as our primary means of communication early monthly conference calls to discuss our progress on various projects for which we bear responsibility. These include the College Columns, the Directory the internet site, and our extranet site. We have also discussed in these meetings new ways in which individual Fellows can communicate together more effectively, and the College can communicate more effectively with the Fellows.

College Columns. Special thanks needs to be given to Evelyn Biery for her continuing hard work and extraordinary efforts to publish the *College Columns* on a biannual basis. This year Evelyn has sought to improve and add more of a personal touch through stories and other additions to add more value to the Fellows.

The Directory. With the support of Matthew Bender as our sponsor, we have been able to turn out the Directory on time to all of our Fellows. This takes considerable effort, particularly by Suzanne Bingham and her staff with the many changes of our Fellows moving from firm to firm and the tedious job of proofreading to ensure that the Directory is as accurate as possible. They deserve our strong support and thanks for producing this valuable tool.

Internet Site. Our American College of Bankruptcy internet site has to be updated regularly with changes in officers, new *College Columns*, announcements and making sure that we present a dignified and yet appealing face to the e-world. One of the most extraordinary benefits of the internet site is the search engine for Fellows and potential individual clients who are searching for the best bankruptcy lawyers they can find in given geographical areas by city and/or state. Again, Suzanne Bingham has done an exceptional job of working with our web people and in working on obtaining a new webmaster for our internet site.

Extranet Site. Being the newest addition to our methods of communicating, there is still some work to be done to take full advantage of the benefits offered by the extranet. The Committee continues to examine new ways to make our extranet more user-friendly. The extranet contains discussion facilities, some of the best research links available, together with links to our internet site's search engine, lists of officers, circuit representatives, and directors, together with their phone numbers and e-mail addresses.

We are presently investigating a new piece of software known as Web Crossing, which has been used by other groups as a useful tool whereby instead of an individual Fellow having to log into the extranet at all, an e-mail comes to the Fellow of the newest information, question or discussion which is happening on the extranet. If this works, it will save time, energy, and make the use of our extranet capacities much more user-friendly at a relatively nominal cost.

I want to thank all of the members of the Communications Committee for giving of their time and being such a dynamic group of creative individuals when it comes to the problems and issues that we face. 📧

Pro Bono Committee Report

By Paul M. Singer

The Pro Bono Committee (the "Committee") was reconstituted in 2002. The members of the Committee are:

James L. Baillie, George B. Cauthen, Hon. Nancy C. Dreher, Richard A. Gitlin, John W. Kozyak, Prentice L. O'Leary, Jerome Shulkin, Wilbur S. Silberman, Gerald K. Smith, David T. Sykes, Joseph Braunstein, Paul M. Singer, Chairman

The Committee met by conference call on April 24, 2002 and had a number of mail discussions. During the year the following grants were approved and funded:

1. Chicago Bar Association, Bankruptcy Committee, Pro Bono Subcommittee (Requested \$1,000)
2. Los Angeles Public Counsel law Center (Requested \$10,000)
3. Neighborhood Legal Services Association, Pittsburgh Pennsylvania (Requested \$2,500)
4. The Miller Center For Public Interest Advocacy, The Pennsylvania State University, The Dickinson School of Law (Professors Peter Alexander And Gary Gildin) \$10,000
5. Coalition For Consumer, Bankruptcy Debtor Education, Pilot Program (Professors Karen Gross and Susan Block-Lieb) \$10,000

During the year the Committee continued to discuss (i) the inability to source grant applications; and (ii) whether the Committee should restrict grants to large grants that have a more meaningful impact and/or smaller grants which will effect more people but in a very limited way.

On the first issue the Committee requested that the Board consider approving and funding a program by which grants can be solicited through advertisements such as in the ABI Journal, etc. Insofar as the latter issue is concerned, the current consensus (not without dissent) is that to fulfill our mission of distributing allotted funds to worthy projects, it is necessary to make both large and small grants. 📧

Report on First Circuit Meeting



By Philip J. Hendel

Twenty-seven Fellows and twenty-one spouse and guests attended the Third Annual Dinner Reception and Wine Tasting held in Boston on January 10,

2003, at the Westin Hotel. We had an

opportunity to welcome Guy Moss and Mark Berman, both of Boston, as new inductees. We also honored Circuit Court Judge (and former Bankruptcy Judge) Conrad Cyr for his contributions to the enhancement of Bankruptcy practice in the First Circuit over the past several years. Judge James Goodman made the presentation. 📧

National Bankruptcy Archives Committee Report



By Hon. Mary Davies Scott

In February, 2002 this Committee reported to the American College of Bankruptcy Board of directors that it was continuing efforts to encourage the placement of bankruptcy and insolvency materials at the University of Pennsylvania School of Law Library. The Committee reported that the Library has received papers from Ken Klee and the papers of Professor Lawrence P. King. It also reported that some 100 file boxes of materials from the US Bankruptcy court in the Southern District of New York comprising non-official court records covering many of the mega cases filed in the 1980's in that district were ready to be shipped to the Library. In addition, boxes of materials from Judge Robert Martin of Madison, Wisconsin, were also ready to ship. Some of these donations were referred to Suzanne Bingham in order that arrangements could be made for payment of shipping costs through the College. To date, however, these materials have not yet reached the library as was earlier reported.

In August, 2002 the chair of this Committee spent one week in Philadelphia working in the law school library and, more specifically, inventorying the 53 boxes of materials received from the estate of Professor Lawrence P. King. 43 of the boxes were inventoried (several pages of the contents of these boxes are attached as examples of the significant bankruptcy materials included in this collection). The boxes of correspondence were haphazardly packed necessitating a complete resort. Much of the correspondence to and from Professor King dated more than 20 years ago and contained onion skin copies made using carbon paper. Two additional follow up trips to the Law Library are planned for later in the fall in order to complete the inventory of Professor King's papers as well as the papers of the National Conference of Bankruptcy Judges.

Report on Tennessee/Kentucky Fellows Regional Meeting

By Russell Hippe, Jr.



▲ Russell Hippe, Jr.

Nine Fellows, eight from Tennessee and one (John Almes) from Kentucky, plus newly-elected Tom Ray and eight guests (spouses and significant others) attended the annual regional dinner meeting at Cibo Café in Nashville on November 20. Although over fifty percent of the regions Fellows attended we very much regretted that none of the three out-of-state Fellows who spoke at the Mid-South Commercial Law Institute – including our distinguished Chairman – was able to attend. Sylvia Harrelson did French this year and tastefully and creatively (white Bordeaux with lamb stew) matched French wines with her French cuisine. Fellows brought bottles of sparkling wine for the hors d'oeuvres plus bottles of Swiss (John Walker) and American wines to contrast with Sylvia's choices. It was a gastronomic event worthy of the stimulating intellectual exchanges between the Fellows and their vivacious guests. Being unavailable to make a formal presentation of the College's first certificate of appreciation to the former executive director (without pay) of the Tennessee Fellows at the meeting Neal Batson was able to congratulate her when he checked into

the Mid-South the following day and she was impressed and appreciative. The Fellows attending the meeting expressed interest in having a spring meeting in Kentucky – Lexington since there are four Fellows there? – and with this email are requesting that the Kentucky Fellows explore the possibility of such a meeting which might be expanded to include the entire circuit given the somewhat central location of Lexington. Speeches at the meeting were relatively short with the president pro tem of the Tennessee Fellows expressing concern over the fact that most of the members of the local bankruptcy bar did not have a clue as to what the College was all about, if they had even heard of it, thus frustrating the ability of the College to hold out their Fellows as examples for the bar. In an initial step to remedying this Sally Bailey had the dean of the VU law school at the conclusion of a bankruptcy program there the following week advise the audience that the College was the honorary organization which recognized outstanding bankruptcy attorneys and judges and had him introduce the Fellows there. We have considered it in the past but in the future it appears that we should invite the deans and/or bankruptcy professors of the appropriate law schools to our dinner meeting. What do you all think? 🍷

During the week in Philadelphia, the Committee Chair also met with the new Director of the Biddle Law Library, Paul George. It was a brief and cordial visit as Mr. George had only just arrived to take on his new assignment. He expressed his enthusiasm for the National Bankruptcy Archives project. We agreed to meet again later in the Fall to discuss proposals for signage in the law library (which would reveal publicly that the NBA is housed there) as well as a formal "unveiling" of the NBA. With regard to this last item, it was hoped that an event/reception could be planned in the Spring of 2003. After discussions with Mr. George as well as the archivists at the library, it was determined that the Fall of 2003 would be a better time. This later time suggestion

will also allow for the complete inventory of the archival materials of the National Conference of Bankruptcy Judges. Materials located in Washington D.C. have not yet been shipped to the NBA, but that should be accomplished by the end of this year.

The visit in August also revealed that other College members, as well as bankruptcy judges have been sending papers to be included in the National Bankruptcy Archives. Murry Drabkin, Harvey Miller and Merrill Francis have all sent materials.

Finally, a reminder will be sent to Matthew Bender Lexis/Nexis in mid-November regarding the second installment of the five year, \$25,000 per year, grant to provide a matching salary amount for the library archivist. 🍷

Acknowledgements

The American College of Bankruptcy would like to acknowledge and thank the following 2003 Patrons and Sponsors without whose help our educational sessions and events would not be possible.

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Honors and Achievements

Lee De Hihns

George B. Cauthen Receives the Order of the Palmetto



▲ George B. Cauthen

George B. Cauthen of Nelson Mullins Riley & Scarborough, L.L.P., was presented with the Order of the Palmetto by Jim Hodges, governor of South Carolina.

The Order of the Palmetto was initiated in 1981 by Gov. John West. The award recognizes private citizens who have helped the state of South Carolina. It is the highest award that can be presented to civilian resident of the state. Cauthen was recognized by Hodges for his pro bono work and service to indigents.

Cauthen is a partner of Nelson Mullins' Columbia office where he heads the Bankruptcy Practice Group. He has held numerous positions of leadership in the South Carolina Bar, including Chairperson of the Pro Bono Program, 1983-89. He received the South Carolina Oasis Award for Pro Bono Work in 1997 and the South Carolina Bar Distinguished Service Award in 1994. He was named South Carolina Pro Bono Lawyer of the Year in 1993. ☞

Michael H. Reed

Michael H. Reed Elected Vice President of Pennsylvania Bar Association



▲ Michael H. Reed

Michael H. Reed, a partner with Pepper Hamilton LLP, has been elected vice president of the Pennsylvania Bar Association and will become president of the Association in 2004, making him the

first African-American lawyer in the history of the 107-year-old organization to assume the presidency.

He is a past chair of the House of Delegates and Minority Bar Committee and is credited with organizing the first PBA Minority Attorney Conference in 1988.

From 1990-93, he served on the Pennsylvania Judicial Inquiry and Review Board by appointment of Governor Robert P. Casey. He served for six years as a member of a hearing committee of the Disciplinary Board of the Supreme Court of Pennsylvania. In 2000, he was appointed by the U.S. Court of Appeals for the Third Circuit to chair the Merit Selection Committee to fill the bankruptcy judgeship vacancy in the Eastern District of Pennsylvania. ☞

James L. Baillie

James L. Baillie President- Elect of the Minnesota Bar Association



▲ James L. Baillie

James L. Baillie of Frederikson & Byron, P.A., in Minneapolis began his term on July 1, 2002, as President-Elect of the Minnesota Bar Association.

He also recently published an article, Fulfilling the Promise of Business Law Pro Bono, William Mitchell Law Review, Vol. 28, Number 4 (Spring 2002). ☞

Committee for the Missouri Bar from 1980 to 1983. Judge Koger was a sought after teacher and lecturer. For many years he took the lead in organizing continuing legal education seminars for not only the local and state bar associations, but also the very popular "Hot Topics" program presented by the Commercial Law League in conjunction with the National Conference of Bankruptcy Judges' annual meeting. He served as an adjunct professor of law at the Kansas City University, School of Law, the University of Missouri Kansas City and Columbia Schools of Law and also taught for 25 years for the American Institute of Banking. He was co-editor of the Missouri Bar Association Handbook on Bankruptcy. Judge Koger was elected as the Eighth Circuit member of the Board of Governors of the National Conference of Bankruptcy Judges in 1990 and served until 1993, when he was elected Secretary of that organization, then President-Elect in 1995 and President in 1996. He was a member of the third class of Fellows inducted into the American College of Bankruptcy 1992.

In his usual quiet, courtly but very determined way, Judge Koger was instrumental in convincing the Eighth Circuit Court of Appeals that it should form a Bankruptcy Appellate Panel. In 1995 the Eighth Circuit agreed, and he, along with five other bankruptcy judge colleagues, formed the first panel. Judge Koger was appointed its first Chief Judge. By appointment from the United States Supreme Court Chief Justice

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In Memory of Hon. Frank Koger

By Mary Davies Scott



▲ Hon. Frank W. Koger

The Honorable Frank W. Koger, United States Bankruptcy Judge for the Western District of Missouri and Chief Judge of the Bankruptcy Appellate Panel for the Eighth Circuit Court of Appeals, died January 3, 2003, after a brief illness. He was 72. Before Judge Koger was appointed to the federal bench in 1986, he was a well known and respected commercial lawyer in Kansas City, Missouri, where he was a life long resident. He received his B.A. from Kansas City University in 1951 with Distinction and his L.L.B. from that university's School of Law in 1953,

where he graduated first in his class and was editor of the Law Review. Judge Koger also received a Master of Laws degree in 1965 from the University of Missouri at Kansas City. From 1953 to 1956 he served in the United States Air Force as a Staff Judge Advocate.

During his 30 years of practice and his almost 16 year tenure on the bankruptcy bench, Judge Koger was an active volunteer in community and professional organizations. He was elected president of the Commercial Law League of America in 1983 and, in 1995, he was presented with its Field Award of Commerce, only the seventh time that a member had received the award in the 41 years it had been established. He also served as the Chairman of the Commercial Law and Bankruptcy

Legal Committee Report



By William J. Perlstein

Proposed Amendments to the College Bylaws

Following our March 2002 meeting, I have discussed with John Barrett proposed amendments to the Bylaws to reflect several matters discussed at the March meeting. The bylaws will be considered at the Annual Meeting of the College on March 29, 2003. The changes that we are proposing are as follows:

1. Length of Term of Regents. The bylaws (Article VII, Section 2) currently provides that a regent serves for a term of three years, and can serve a maximum of two consecutive three-year terms. The consensus view was that the three-year term is too long and that regents serving six years consecutively was ill-advised. We considered either a single four-year term or two two-year terms. We settled on recommending two two-year terms for the reason that, if the regent were found after a year or two to be ineffective or inattentive, a four-year term could be a significant problem. The proposal is to amend Article VII, Section 2 to provide for a two-year term, and a maximum of two consecutive two-year terms.

2. Length of Term of Circuit Council Members. The bylaws (Article VIII,

Section 2) provide that circuit Council members serve three-year terms; there is no limit on the number of terms that they may serve. We recommend amending the bylaws to provide the same term length and limits as we are proposing for Regents. The proposal is to amend Article VIII, Section 2 to provide for a two-year term, and maximum of two consecutive two-year terms.

3. Sponsor Applications for election of Fellows. The bylaws (Article IV, Section 3, paragraph 2) provide that a Fellow sponsor must reside in the same circuit as a candidate that the Fellow is sponsoring. It appears that this provision may not have been adhered to in all cases, and in any event it appears unnecessary that a Fellow sponsor reside in the same circuit as a candidate that the Fellow is sponsoring for admission to the college. We recommend allowing a Fellow to sponsor a candidate to any Circuit Admissions Council, and requiring that at least one of the two Fellows who second the nomination maintain his or her principal office in the Circuit of the candidate. The proposal is amend Article IV, Section 3, paragraph b, to eliminate the requirement that a sponsor have his or her prin-

incipal office in the same circuit as a candidate but to add that at least one of the two Fellows seconding the nomination maintain his or her principal office in the same circuit as the candidate.

4. Voting by Members of the Board of Regents. A question has been raised whether a Regent may vote on the nomination of a candidate for which that regent was a sponsor or cosponsor. Our view is that this should be allowed; otherwise a candidate could be prejudiced by the fact that a Regent knew him or her well enough to be a sponsor or cosponsor. Our view is that this should be allowed; otherwise a candidate could be prejudiced by the fact that a Regent knew him or her well enough to be a sponsor or cosponsor. The proposal is to amend the last two sentences of Article IV, Section 3, paragraph g. to provide that "A Member of the Board of Regents may not vote or participate in the consideration of a nomination of a partner, business or professional associate or relative of that Regent. The Board of Regents may not nominate or elect a Fellow on its own initiative but a Regent who was a sponsor or cosponsor of a candidate may participate and vote on the nomination of such candidate." ¶

Endowment Committee Report



By Joel B. Piassick

The Board of Directors of the College has expanded the Foundation Board of Directors to provide greater geographic representation. Joining the Foundation Board are Philip Hendel from the First Circuit, Slayton Dabney from the Fourth Circuit, Micky Sheinfeld from the Fifth Circuit, Bill Cohen from the Sixth Circuit, Larry Snider from the Seventh Circuit, and Sally Neely from the Ninth Circuit.

During 2002 the Foundation received donations directly from Fellows of \$19,780, raising the Foundation's total assets to over \$115,000. ¶

Arrangements for Fall 2003 Meeting

October 14, 2003

Board of Director and Regents Dinner

October 15, 2003

Fall College All Fellows Luncheon and Panel Discussion
Board of Directors and Regents Meetings
San Diego Marina Marriott Hotel

October 16, 2003

Joint ACB/NCBJ Luncheon
San Diego Marina Marriott Hotel

Hotel Reservations:

San Diego Marina Marriott
333 West Harbor Drive
San Diego California 92101-7700
Hotel 619.234.1500
Reservations 800.228.9290

National Conference of Bankruptcy Judges

October 15 -18, 2003

Minutes of Board of Meeting Spring 2002

By Evelyn H. Biery

American College of Bankruptcy
Board of Directors Meeting
March 29, 2002
Approved October 2, 2002

A meeting of the Board of Directors of the College was conducted on Friday, March 29, 2002, at the Mayflower Hotel, Washington, D.C. The following were in attendance: R. Neal Batson, Hon. Ralph R. Mabey, David T. Sykes, Evelyn H. Biery, Merrill R. Francis, John A. Barrett, Donald S. Bernstein, Leonard H. Gilbert, David G. Heiman, Stuart E. Hertzberg, Stuart Hirshfield, Louis W. Levit, Ronald M. Martin, Prof. Grant Newton, Joel B. Piassick, Paul M. Singer, Gerald K. Smith, Lawrence K. Snider, Hon. Roger M. Whelan, Joel B. Zweibel, Raymond L. Shapiro, William J. Perlstein, Prof. Alan N. Resnick, and Suzanne Bingham,

On motion duly made and seconded, the Board approved the minutes of the meeting of October 17, 2000.

The Chair reported that the Nominating Committee met on November 26, 2001, and that, on November 28, 2001, the officers and directors of the College were notified of the recommendation of the Committee that (a) Phillip J. Hendel be asked to serve a second term as Regent from the First Circuit; (b) Richard J. Mason be asked to serve as the Regent from the Seventh Circuit; (c) Hon. A. Thomas Small be asked to serve as the board member from the Fourth Circuit; and (d) Lawrence K. Snider be asked to serve as the board member from the Seventh Circuit. The Board thanked Hon. Roger W. Whelan, Louis W. Levit and Gerald W. Munitz for their past service as the board member from the Fourth Circuit, the board member from the Seventh Circuit and the Regent from the Seventh Circuit, respectively.

On motion duly made and seconded, the Board of Directors approved the submission of the names of the Hon. A. Thomas Small to serve as the board member from the Fourth Circuit and Lawrence K. Snider as the board member from the Seventh Circuit.

On motion duly made and seconded, the Board authorized Prof. Grant Newton and Joel Piassick to purchase directors and officers insurance in an amount in excess of \$1 million and fidelity insurance in an amount in excess of \$1 million.

On motion duly made and seconded, the Board resolved that the signatures of two officers of the College will be required for the withdrawal or transfer of any funds from the accounts of the College at Merrill Lynch and Morgan Stanley.

On motion duly made and seconded, the Board resolved that the initial directors of the American College of Bankruptcy Foundation will be Hon. Glen E. Clark,

Leonard H. Gilbert, Stuart Hirshfield, Joel P. Kay, Joel B. Piassick, M. Freddie Reiss, Hon. Mary Davies Scott, Raymond L. Shapiro and David P. Sykes, and that the College will donate \$75,000 plus the induction fees for the 2002-03 year, approximately \$28,400, to the American College of Bankruptcy Foundation after the Foundation is approved as a Section 501(c)(3) corporation by the Internal Revenue Service.

On motion duly made and seconded, the Board approved the budget for the 2002-03 fiscal year, as amended.

On motion duly made and seconded, the Board approved the financial statements, as amended.

The Treasurer reported that the dues of all Fellows are current.

John Barrett, Chair of the Board of Regents, presented the report on the selection of Regents and Circuit Council Members of the College and the invitees for the Thirteenth Class of Fellows. In early November 2001, letters were forwarded to all Fellows asking them to submit nominations to John Barrett for Fellows, to Daniel Glosband for International Fellows, and to Leonard Gilbert for Judicial Fellows.

Daniel Glosband, Chair of the International Fellows Committee, reported on the work of the Committee and indicated that the Committee will seek additional members who have international contacts and experience.

Leonard Gilbert, Chair of the Judicial Fellows Committee, reported on the work of the Committee and, in particular, its endeavors to ensure that nominations for judges include all required information.

Evelyn Biery, Chair of the Meetings and Events Committee, reported that ten regional meetings had been held in various areas around the country and fifteen are planned for the coming twelve months.

Ray Shapiro, Chair of the Distinguished Service Award Committee, reported that the recipient of the award for the 2001-02 fiscal year will be Hon. William L. Norton, Jr.

Suzanne Bingham, Executive Director, reported that the probable date for the 2003 Spring Meeting of the College will be March 28-29, 2003.

Evelyn Biery, Chair of the Publications Committee, reported that the next issue of the *College Columns* will be published at or about the same time as last year.

Prof. Alan Resnick, Scholar-in-Residence, provided a preview of the educational programs to be presented at the College All Fellows Meeting the following day, at the International Fellows Committee Meeting on the same day, and at the Joint Luncheon of the College and the National Conference of Bankruptcy Judges on October 2, 2002. He then presented a pro-

posal for the College to sponsor a Supreme Court review project in which the College will publish, perhaps with the assistance of a legal publishing company, an analysis of bankruptcy-related United States Supreme Court decisions from the past century in the form of a monograph. He reported that he would approach LEXIS-NEXIS for assistance with the project and Hon. Mary Davies Scott and Prof. Kenneth Klee had agreed to work on the project.

On motion duly made and seconded, the Board authorized the expenditure of \$25,000 to Prof. Kenneth Klee in the form of an honorarium for preparing the monograph. The Board also authorized Prof. Klee to approach Lexis-Nexis with a request that it assist with the cost of printing and distributing the monograph.

In the absence of Hon. Mary Davies Scott, Chair Neal Batson reported on the work of the National Bankruptcy Archives Committee.

Paul Singer, Chair of the Future of the College Committee, reported on the work of the Committee.

Gerald Smith, Chair of the College History Committee, reported that there would be a meeting of the History Committee later in the day.

David Sykes, Chair of the Pro Bono Committee, reported on the programs that have received funds from the College and indicated that Paul Singer is proposed to be the new Chair of the Pro Bono Committee.

Ron Martin, Chair of the Online Committee, reported that the Extranet will be more than a chat room and can be a great resource for posing questions to be discussed among the Fellows of the College. In addition, the Committee is working on the Extranet case share programs and also on a portal system that will provide information that will allow telephone hookups and calendar functions and certain other tools. The Extranet will also have the capacity for threaded conversations.

Raymond L. Shapiro presented the report of the Nominating Committee as to new Regents to be submitted to the membership of the College later in the day and noted that the various circuit councils will be appointed by the Chair of the College. He also reported that Jerry Smith will serve as an ex officio director of the College because of his past service to the College.

There being no further business to come before the meeting, the meeting was adjourned.

Evelyn H. Biery, Acting Secretary



Executive Director's Report



By Suzanne A. Bingham

▲ Suzanne A. Bingham

The administration and day-to-day operations of the College are running efficiently and smoothly. The College staff and I always try to meet all inquiries and requests from Fellows on a timely manner, especially for inductees and family members. We appreciate Fellows keeping us informed of changes of firms and address so we may keep our database and web site current. Thank you all for your support as we manage the daily operations of the College. It is wonderful to work with such professionals!

We are looking forward to welcoming Class 14 during the Induction Ceremony and Events on March 28-29, 2003 in Washington, D.C. There are 45 nominees and we expect, at this writing, that they all will accept membership as a Fellow. We look forward to a huge attendance for the Class 14 2003 Induction Ceremony and Events scheduled for March 28-29, 2003 taking place in Washington, D.C. Our host hotel is the Mayflower Hotel

In Memory of Hon. Frank Koger

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Rehnquist, he also served for six years on the Bankruptcy Affairs Committee to the Judicial Conference of the United States.

An overflow crowd of friends and colleagues gathered at St. Paul's Episcopal Church for a memorial service January 7, 2003. He was eulogized as the last of a vanishing breed of commercial lawyer; schooled in the art of advocacy but dedicated to the craft of compromise. "No one knew the ins and outs of the Uniform Commercial Code or the Bankruptcy Code better than Judge Koger. But he also understood that commercial laws were designed to ease the frictions of commerce, which meant not just safeguarding the sanctity of contractual obligations but also upholding the dignity of debtors and creditors alike."

He is survived by his wife of 48 years, Jeanine Koger, two daughters, Lelia Jane Post of Jefferson City, Courtney Koger of Kansas City and one granddaughter, Tory Koger Findley, also of Jefferson City. 🏠

and, of course, the Induction Ceremony will take place at the Supreme Court of the United States. It is expected that most of the 45 nominees accepting will attend the induction ceremony. On Saturday, March 29, you don't want to miss the Capitol Steps Comedy Troupe during the annual dinner and entertainment at the Metropolitan Club. They were brought back by again by popular demand. We wish to thank Fellow John Barrett for allowing us to host the dinner at his club.

Our President, Ralph Mabey, invited Leonard M. Rosen to serve as the Induction Ceremony's keynote speaker to be held at the Supreme Court of the United States. We are honored that Mr. Rosen has accepted and look forward to his speech. Mr. Rosen has also been selected to be the recipient of the 2003 College Distinguished Service Award which will be presented following the educational program Business Lunch. Harvey Miller will give the introduction for Mr. Rosen. It is anticipated that we will have another superb educational program scheduled for Saturday, March 29, 2003. As usual Alan is on top of the most current issues and creative in planning the educational programs.

Before the Class 14 Induction Ceremony on Friday, March 28, there are three events to plan on attending. The College Regents will coordinate off-site lunch meetings from 12:00 – 2:30 p.m.; From 3:00 – 4:00 p.m., Fellows Daniel Glosband and E. Bruce Leonard, will host a joint session with the International Insolvency Institute and the College. The topic is "When Countries Go Bankrupt"; Ralph Mabey should have been a talk show host, he outdid himself last year! His 2002 session was such a big hit so look forward to the same because his timely topic from 4:00 – 5:00 p.m. this year is entitled, "Asbestos Bankruptcies—Mass Torts, Mass Filings and Mass Controversy!" All events received great praise and large turnouts.

PAST EVENTS: The 2002 March induction ceremony and events received many compliments and great reviews from Fellows. There was a full house at the U.S. Supreme Court induction ceremony, with over 300 people in attendance. Prof. Geoffrey Hazard served as the keynote speaker and also participated in an educational panel with Jerry Smith. The three additions to the induction weekend were most successful, and it was decided there

would be repeat performances in 2003 of the Circuit off site lunch meetings, the joint International Insolvency Institute/College meeting hosted by Bruce Leonard, and the College Salon meeting hosted by Ralph Mabey. Fellows expressed considerable interest, and there was excellent attendance in all meetings.

The fall College/NCBJ October 2, 2002 meetings, luncheon and dinner were organized during the summer, and the Chicago Fall All Fellows Luncheon registration brochures were mailed out to Fellows in July. Prof. Alan Resnick is efficient and organized the education session and had provided the luncheon topic and speakers on hot topics of the day. Best turnout ever!

The NCBJ/College sponsored luncheon is to be held on Thursday, October 3, 2002, in Chicago. Each year the College invites a keynote speaker and covers the cost of that speaking engagement. Ralph Mabey had charge of locating the speaker and was successful in obtaining Daniel Richard, Senior Vice President for Public Affairs, Pacific Gas and Electric Company, to address the luncheon. He was most impressive and knowledgeable about the PG&E bankruptcy.

PATRONS & SPONSORS: Neal Batson and Ralph Mabey have accomplished a great milestone in receiving the largest Patrons and Sponsors contributions ever! We want to thank the College Fellows who have participated in the initiative making it most successful.

EMERITUS STATUS: We are happy to announce the following Fellows have been approved for Emeritus status: Stephen Adamson, (UK) Gordon Marantz (Canada) and Sandy Sigoloff (CA). Emeritus status allows retirees to remain as a member and continue receiving College updates.

DIRECTORY: The 2002 Directory was mailed to Fellows in September with the updated inserts to also include the Class 13 Fellows. We wish to thank LexisNexis for covering the printing costs of the directory. We were pleased that the following LexisNexis staff attended the October 2, 2002 Fellows Luncheon and Discussion Panel: Margie Grodd, Dennis Schneider, Kent Hanson, George Bearses and David Collins. The College truly appreciates the financial assistance for special project by LexisNexis! 🏠

Meetings and Events Committee Report

By Evelyn H. Biery

During the past two years the Committee has planned, executed and reported on several College meetings and events. These included twenty-one regional meetings, the Induction Ceremonies and related events, and meetings prior to and during the meetings of the National Conference of Bankruptcy Judges.

The Committee worked with Executive Director Suzanne Bingham on the October 2001 meetings of the Board of Directors and the Board of Regents and the All Fellows Luncheon and Panel Discussion held on Wednesday, October 17, 2001, in conjunction with the meeting of the National Conference of Bankruptcy Judges in Orlando. Through the efforts of Hon. Ralph Mabey, the College had the honor of hearing Capt. William F. Compton, President and Chief Executive Officer of TWA Airlines LLC, on October 18, 2001, at the Joint Luncheon Meeting of the National Conference of Bankruptcy Judges and the College.

The Committee worked with Suzanne Bingham on the March 2002 meetings of the College, including the meetings of the Board of Directors and the Board of Regents held on Friday, March 15, the Educational Program, the All Fellows Luncheon and the Induction Ceremony conducted on Saturday, March 16. Through the efforts of Neal Batson and Hon. Ralph Mabey, the College has arranged for an excellent speaker for the March 15 Induction Ceremony, Prof. Geoffrey Hazard of the University of Pennsylvania Law School. Hon. Ralph Mabey worked with Bruce Leonard and Dan Glosband on the Joint Meeting of the College and the International Insolvency Institute conducted on March 15. The topic was "Expedited International Restructuring Procedures." On March 15, Ralph Mabey also chaired the first salon conducted on a legal topic. The topic was "Energy and Utility Bankruptcies: A Round Table Discussion for the Committed and the Curious." After the Induction Ceremony, the Board of Directors of the College hosted the International Fellows at dinner at the Capital Grille. On March 16, following the Educational Program and the All Fellows Luncheon at the Mayflower Hotel, the Fellows enjoyed dinner at the Metropolitan Club, after which the Fellows and their guests were entertained by Dave Werner, formerly a Washington,

D.C. attorney, who quit the practice of law after he won the Funniest Lawyer in Washington contest at a local comedy club and decided to go into comedy full time. He has appeared on the CBS Evening News, NBC's the Today Show, and PBS. He has also been featured in The New York Times, The Wall Street Journal, and The Washington Post.

The Committee worked with Suzanne Bingham on the October 2002 meetings of the Board of Directors and the Board of Regents and the All Fellows Luncheon and Panel Discussion held on Wednesday, October 2, 2002, in conjunction with the meeting of the National Conference of Bankruptcy Judges in Chicago. Through the efforts of Hon. Ralph Mabey, the College was to hear Dan Richard, Senior Vice President for Public Affairs of Pacific Gas and Electric Company and PG&E Corporation, on October 3, 2002, at the Joint Luncheon Meeting of the National Conference of Bankruptcy Judges and the College. Dan Richard was unable to speak at the luncheon, and we therefore had a substitute a speaker. Suzanne Bingham worked with Chris Molick, executive director of the NCBJ, to make sure that the profits were donated to the National Bankruptcy Archives.

The Committee is working with Suzanne Bingham on the March 2003 meetings of the College, including the meetings of the Board of Directors and the Board of Regents to be held on Friday, March 28, the Educational Program, the All Fellows Luncheon, and the Induction Ceremony to be conducted on Saturday March 29. Through the efforts of Neal Batson and Hon. Ralph Mabey, the College will arrange for a speaker. Hon. Ralph Mabey will work with Bruce Leonard and Don Glosband on the Joint Meeting of the College and the International Insolvency Institute scheduled for March 29. Ralph Mabey will also chair the second salon conducted on a legal topic, on March 29. After the Induction Ceremony, the Board of Directors of the College will host the International Fellows at dinner. On March 30, following the Educational Program and the All Fellows Luncheon at the Mayflower Hotel, the Fellows will enjoy dinner at the Metropolitan Club, after which the Fellows and their guests will be entertained by the Capitol Steps.

The Committee is working with

Joint Luncheon with NCBJ Fall 2002

By Hon. Ralph Mabey



▲ Hon. Ralph Mabey

At the for the Joint Luncheon of the College and the National Conference of Bankruptcy Judges conducted on October 3, 2002, in Chicago, we were scheduled to hear remarks by Dan Richard, Senior Vice

President for Public Affairs of Pacific Gas and Electric Company. Because he was unable to attend, we were pleased to hear the comments of Fellow James L. Lopes of Howard, Rice, Nemerovski, Canady, Flalk & Rabkin, San Francisco, California, lead counsel for Pacific Gas and Electric Company in its Chapter 11 Reorganization. He spoke on the regulatory aspects of the reorganization and the competing jurisdictions of the state and federal regulatory agencies on the one hand and the bankruptcy courts on the other. ☞

Suzanne Bingham on the October 2003 Board of Directors Meeting, the Board of Regents Meeting and the All Fellows Luncheon and Panel Discussion to be held in conjunction with the meetings of the National Conference of Bankruptcy Judges in San Diego and the speaker for the Joint Luncheon Meeting of the National Conference of Bankruptcy Judges and the College.

The Committee is working with Suzanne Bingham on arrangements for the March 2004 meetings of the College in Washington, D.C., including determining whether the dinner should be at the Metropolitan Club or at another location. The size of the group and the need for transportation from the hotel may require a change of location.

Prof. Grant Newton included in the 2002-2003 budget a line item of \$5,000 for the Meetings and Events Committee, even though we hope to use less than that amount of College funds. Each of the events is to be self-funded, and the Committee therefore hopes that the budgeted amount will not be needed.

The members of the Meetings and Events Committee include Hon. Ralph Mabey, Prof. Alan N. Resnick, Jesse Austin, Ellen Carpenter, Stephen Lerner, Judy O'Neill, Raymond Shapiro Grant Stein, Denise Turner and Riley Walter. ☞

Chair's Report

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the larger community. The National Bankruptcy Archives established by the College at the University of Pennsylvania Law School as a national repository of archival materials relating to the history of debtor and creditor relations, continues to prosper. Matthew Bender/Lexis Nexis has provided a \$25,000 annual matching salary grant for five years in honor of Professor Lawrence P. King to help fund the salary of a professional archivist for the Archives. In March of 2002, we announced a multiyear project for analyzing the bankruptcy decisions of the United States Supreme Court during the

last century. One of our Fellows, Professor Kenneth N. Klee, has agreed to undertake this effort on behalf of the College. In October, 2002, Matthew Bender/Lexis Nexis agreed to underwrite the cost of printing, binding and distributing approximately 8,000 copies of the manuscript to the members of the bench and bar. Three outstanding law students from the Second, Third and Fourth Circuits will join us at the annual meeting in March as part of a pilot program of the College designed to identify and encourage the development of future insolvency professionals. The Pro Bono Committee of the College has been particularly active during the last several years through its sponsorship of various courses at law schools and sup-

port of legal assistance programs. Specifically, we have sponsored undergraduate and graduate courses in business and consumer bankruptcy at St. John's University School of Law, the University of Alabama School of Law and the University of California, Davis School of Law, which have been taught by distinguished members of the College. In addition, the support of neighborhood justice centers has included the "Fresh Start Clinic" in Philadelphia, the "Put Something Back" project in Miami, and similar programs in Tucson, Arizona; Rochester, New York; Des Moines, Iowa; Seattle, Washington; Chicago, Illinois; Pittsburgh, Pennsylvania; and the State of New Jersey. We continue to support the Coalition for Consumer Bankruptcy Debtor Education Pilot Program in New York. None of these outreach programs would have been possible without the funding provided by our Patron and Sponsor program. More than 90 firms have contributed approximately \$500,000 to this program during the last three years. In addition, in the spring of 2002 we created the American College of Bankruptcy Foundation for the purpose of promoting and funding the pro bono, educational and other charitable projects of the College. To date, the Foundation has been funded in an amount exceeding \$100,000.

By March 2003, the History of the College committee will complete its work on the College history. We are also developing a role for the College in the legislative arena, not as lobbyist or proponent of legislation, but to provide education for those legislators and staffers involved in the legislative process. The establishment of the Liaisons Committee of the College in March 2001, has enabled us to work with the National Conference of Bankruptcy Judges and other organizations in collaborative efforts to improve our profession.

While much has been accomplished, much remains to be done. We are a unique organization of practitioners, academics, judges and public servants who are among the best in our profession. Together we have a rare opportunity to socialize and learn from the best the insolvency profession has to offer while filling our obligation to "put something back" into the larger community.

Thank you for the opportunity of allowing me to serve you and the College during the past six years. 🏛️

Regional Reports

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Report on Southern California Regional Meeting

*By Joel Ohlgren and
Prentice O'Leary*



▲ Joel Ohlgren



▲ Prentice O'Leary

Southern California Region: On November 21, 2002, the Southern California Region Fellows enjoyed dinner at the UCLA Faculty Center. Cocktails and dinner were followed by a presentation by Fellows Prof. Kenneth Klee and Richard Levin entitled, "The 1978 Bankruptcy Code: Drafters' True Confessions." The event was attended by 30 Fellows and hosted by Joel Ohlgren and Prentice O'Leary.

Report on Fifth Circuit Regional Meeting

By R. Patrick Vance



▲ R. Patrick Vance

Fifth Circuit: On February 1, 2003, the Fellows in the Fifth Circuit attended an educational program at the offices of Jones Walker in New Orleans and enjoyed breakfast pastries provided by Jones Walker.

The Fellows and their guests spent the afternoon in New Orleans and later enjoyed dinner at Antoine's. The event was hosted by Pat Vance. Lawrence Ponoroff, the Dean of Tulane law School, spoke on prepetition waivers of their protection of the automatic stay. Hon. Jerry Brown, Bankruptcy Judge for the Eastern District of Louisiana; Douglas S. Draper of Heller, Draper, Hayden, Patrick & Horn, LLC in New Orleans; and Rudy J. Cerone of McGlinchey, Stafford in New Orleans spoke on bankruptcy trends in gaming and the roller coaster in bankruptcy as opposed to the roller coaster of bankruptcy. Hon. Douglas D. Dodd, Bankruptcy Judge for the Middle District of Louisiana; David S. Rubin of Kantrow, Spaht, Weaver & Blitzer, in Baton Rouge, and R. Patrick Vance of Jones Walker in New Orleans spoke on recent cases and the new amendments to the Bankruptcy Rules. The educational program was attended by 27 Fellows and 3 speakers, and the dinner was attended by 14 Fellows, 3 speakers and 11 spouses. 🏛️

Publications Committee Report

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become an annual event sponsored by the Committee, under the auspices of the College.

The Publications Committee welcomes all suggestions for its future work. 🏛️

American College Of Bankruptcy Circuit Meetings In Washington D.C.

The circuits will meet during the Annual Meeting on Friday, March 28, in order to discuss candidates for future invitations to join the College and plan future regional meetings. Most will be luncheon meetings. The First Circuit will hold a business meeting in June of 2003 to discuss the issues and, while in D.C., will instead enjoy dinner hosted by one of the First Circuit Fellows.

Circuit	Regent	Host	Address for Luncheon	Telephone	RSVP Contact
First	Philip J. Hendel	Marti Kopacz	Dinner not Luncheon	617.439.7363	<i>marti.kopacz@us.pwcglobal.com</i>
Second	Alan B. Miller	Alan Kornberg	Paul Weiss Rifkind Wharton & Garrison 1615 L Street, N.W., Suite 1300	212.310.8272	<i>akornberg@paulweiss.com</i>
Third	Michael L. Temin	Michael L. Temin	Reed Smith 1301 K Street, N.W. Suite 1100, East Tower	215.977.2256	<i>mtemin@wolfblock.com</i>
Fourth	Bonnie Kay Donahue	Bonnie Kay Donahue	Womble Carlyle Sandridge & Rice 1401 Eye Street, N.W., Suite 700	336.721.3513	<i>clund@wcsr.com</i>
Fifth	Joel P. Kay	Henry Kaim	Meeting with Seventh Circuit Akin, Gump, Strauss, Hauer Feld 1333 New Hampshire Avenue, N.W.	713.759.0818	<i>sholberg@akingump.com</i>
Sixth	William I. Cohen	Christopher Meyer	Squire, Sanders & Dempsey L.L.P. 1201 Pennsylvania Avenue	216.479.8692	<i>cmeyer@ssd.com</i>
Seventh	Richard J. Mason	Henry Kaim	Meeting with Fifth Circuit Akin, Gump, Strauss, Hauer Feld 1330 New Hampshire Avenue, N.W.	312.750.3527	<i>sholberg@akingump.com</i>
Eighth	Hon. Nancy C. Dreher	Hon. Nancy Dreher	Thompson and Coburn 1909 K Street, N.W., Suite 600	612.664.5260	<i>jndreher@aol.com</i>
Ninth	Richard T. Peters	Richard T. Peters	McDermott, Will & Emery 600 Thirteenth Street, N.W.	213.896.6027	<i>swoods@mwe.com</i>
Tenth	Edward J. Nazar	Ralph Mabey	Fulbright & Jaworski L.L.P. 801 Pennsylvania Avenue, N.W.	713.651.5544	<i>ebiery@fulbright.com</i>
Eleventh	Robert B. Rubin	Robert B. Rubin	Greenberg Traurig 800 Connecticut Avenue N.W.	205.458.5351	<i>brubin@burr.com</i>

Arrangements for Spring 2003 Meeting

Friday March 28, 2003

Board Meetings, Circuit Meetings and Induction Ceremony	
8:00 A.M. - 12:00 P.M.	Board of Directors Continental Breakfast and Board of Directors Meeting
12:00 P.M. - 2:30 P.M.	Circuit Meetings Off Site
3:00 P.M. - 4:00 P.M.	Joint Session with International Insolvency Institute
4:00 P.M. - 5:00 P.M.	Ralph Mabey College Salon
5:30 P.M.	Buses depart for Photograph Session for Inductees
6:00 P.M.	Departure of buses to United States Supreme Court for Fellows
7:00 P.M. - 9:00 P.M.	Class 14 Induction Ceremony and Reception United States Supreme Court

Saturday, March 29, 2003

Education Program, Luncheon, Meetings & Events	
8:00 A.M. - 9:00 A.M.	Continental Breakfast
9:00 A.M. - 12:30 P.M.	Educational Program
12:30 P.M. - 2:00 P.M.	All Fellows Luncheon
2:00 P.M. - 4:00 P.M.	Foundation Board of Directors Meeting
2:30 P.M. - 4:30 P.M.	International Insolvency Institute Member Meeting
2:30 P.M.	Departure of Buses depart for Museum Tour
3:00 P.M. - 5:00 P.M.	Holocaust Museum Tour
7:00 P.M. - 8:00 P.M.	Reception at Metropolitan Club
8:00 P.M. - 10:00 P.M.	Dinner and Entertainment Capitol Steps

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