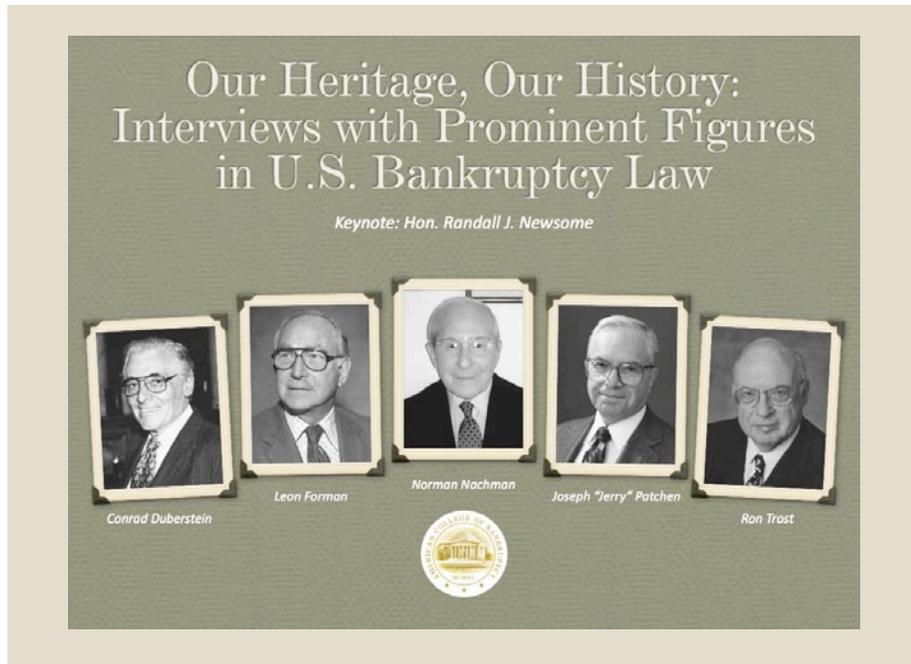




## Our Stories: Randall Newsome Reflects on Oral Histories

Hon. Diane Sigmund and Cecily A. Dumas



If you had attended the dedication ceremony of the Conrad B. Duberstein Bankruptcy Courthouse in Brooklyn, New York on February 10, 2005, you probably would not have learned that as a young man, Judge Duberstein had made his living for a time facilitating the shipment of restricted



▲ Hon. Randall Newsome

goods to South American countries. And that he not only met Evita Peron, but also imported from Italy sewing machines bearing her picture, thus solidifying her status in Argentina as a benefactress of the people. Or, if you had studied constitutional law, you probably would not have learned that Charles Horsky, who represented Fred Korematsu in his unsuccessful appeal before the United States Supreme Court challenging the internment of citizens of Japanese descent during the war, also ran the restructuring of the Penn Central Railroad, the largest bankruptcy

reorganization of the 1970s.

And, if you practice in the bankruptcy court today, you would not recognize bankruptcy practice in New York in the 1930s, which was, according to Asa Herzog's account, in the hands of a "ring."

*"You appoint me and I'll appoint you. You elect me trustee and I'll appoint you receiver in the next case. Passing the buck from one to the other and then controlling these cases. They would gather up claims. There were no rules against soliciting claims. So they would solicit claims, and they would file petitions, they'd file involuntaries, and they'd control the situation, and it was hard for anyone like me to get into it. When I got into a case it was clean."*

But if you, like many of us, were unaware of these stories, you were enlightened about these legends and many more during Judge Randall Newsome's recent presentation of his oral histories collection at the College luncheon in New

Orleans. Judge Newsome got the idea of taping interviews with the men who shaped bankruptcy practice in the late 1980s as he listened to war stories told over drinks by George Triester, Kenneth Klee, Neal Batson and others. As Judge Newsome put it, "someone needed to get these guys (and yes, they were all guys, unfortunately) on tape before they passed on, so that future generations could hear what they had to say and learn what they were about."

Judge Newsome started conducting interviews in 1993, on his own initiative and his own dime. "If I was going to a city or region for some conference or other activity, I would identify people to interview, and then contact them to set up a taping session." His collection is comprised of 31 interviews and includes such notable subjects as Professor Vern Countryman, attorneys Leon S. Forman and Norman Nachman, and turnaround specialists Robert "Steve" Miller (Chrysler) and Victor Palmieri (the Pennsylvania Company), whose recorded stories, among others, the Judge shared with us during the luncheon. What Judge Newsome has created is a fascinating collection of the lives of some of the bankruptcy greats, together with their contri-

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**Chair's Column**

Paul M. Singer, *Chair*



▲ Paul M. Singer

This has been a remarkable year for the College. Our 21st Class brought us an extremely talented and diverse group. And through the extraordinary efforts of Mike Cook and the Regents last month, we will be blessed with a terrific new class that will be inducted in March, 2011.

In the past, in this Column the Chair would speak to College activities always noting our Pro Bono program which has no peer. This year we have been enormously successful with our educational programs, starting with the Third Circuit's highly praised automotive program in January led by Judges Arthur Gonzales and Robert Gerber. That program was followed by equally great ones in Boston, Chicago, Washington, New York, Cleveland, Cincinnati, Memphis, and Kansas City. All of these programs used the resources of College Fellows to advance the bankruptcy process by producing programs that others do not or cannot provide. Many of these programs were done in conjunction with law schools; Boston College, Columbia, Georgetown and Washington University come to mind. The ability of our Fellows to interact with students and the students hear from the best in our profession is beneficial to both. Our Education Committee has worked very hard to make this happen.

A number of our regional meetings this year emphasized the social and collegial aspects of our College. The programs in Kansas City and Memphis included cultural activities and each, coincidentally, featured a barbeque dinner. While I do not expect we will ever have a "rib cook-off" between Circuits, I do think that the success of those events signify that at bottom bankruptcy lawyers like each other's company.

As the world shrinks and becomes more complex (hard to think of anything more complex than the *Lehman* or *Madoff* cases), our international programs are becoming more relevant. All of you are familiar with our International Law School Course led ably by David Epstein and taught by a number of U.S. and International Fellows. And some of you are probably aware that several of our Unit-

*continued on page 6*

**President's Column**

D.J. Baker, *President*



▲ D.J. (Jan) Baker

2010 has been a great year for the College, and there are any number of wonderful things that have happened. These include a spectacular series of pro bono projects, a number of timely and exciting seminars sponsored by the College, and a great group of inductees that has just been announced. For me, the most moving moment of this year in the College was Judge Randall Newsome's speech at the College luncheon in New Orleans in October. As many of you know, Judge Newsome for many years has recorded the memories and recollections of major figures in the history and development of American bankruptcy law. He has done this since 1993 (Larry King was Judge Newsome's first interviewee) - as he explained in his speech, whenever he had an out-of-town conference or meeting, he would arrange to arrive a day or two early or stay a day or two late, and contact someone who was important in the history of bankruptcy. He would then have an extended interview session with them. These sessions were not a one hour, "tell me about your three most interesting cases" kind of session. Instead, they were generally lengthy sessions in which interviewees were asked about their entire life history, including, of course, matters relating to bankruptcy.

Judge Newsome has made approximately 30 such recordings with practitioners, totaling over 100 hours in length. It is an astonishing body of work, broad in vision and carried forward with relentless zeal and dedication. As I have come to understand the scope and extent of Judge Newsome's recordings, it reminds me of other visionaries who have recognized that something rare and valuable was on the verge of passing irretrievably into history. One thinks, for example, of Edwin S. Curtis, whose great photographic effort at the dawn of the twentieth century captured the final days of traditional American Indian society and culture. Or, more recently, Alan Lomax, the great American ethnomusicologist, who crisscrossed the world for decades recording thousands of folk songs that otherwise would have been lost forever. What Curtis was to the American Indian

*continued on page 6*

## Editor's Column

by Grant T. Stein



▲ Grant T. Stein

Members of the American College of Bankruptcy are selected because they meet the standards for admission which include that they *have proven to their peers, and to the bar, bench and public, through long, continuous performance in their bankruptcy specialty that they possess (i) the highest professional qualifications and ethical standards; [and] (ii) that high level of character, integrity, professional expertise and leadership which demonstrates the likelihood that they will continue to contribute to the enhancement of bankruptcy scholarship, continuing education, and the bankruptcy process.* Put another way, each member of the College has either shown the ability to take, or has created an expectation that they will take, substantive action to leave a legacy to those with whom they come in contact professionally.

At what level do you place this obligation and how do you fulfill it? Does it rise to the level of a fiduciary obligation in addition to the professional standards to which we already must adhere? Is our duty one of performing above the already high standards of our respective professions, and if so, to whom exactly does that duty run? To the College? To other members of the College? And, in usual law school and lawyer fashion, who has the right to enforce this duty and complain of breaches if they occur.

To be candid, this type of analysis is not my usual approach to consideration of an issue. I assume that for many of us the usual approach is to focus on the practical consequence of an argument and to present it in that light. However, in this instance, the practical consequence of the theoretical analysis leads us directly to the day to day actions in which we engage to meet the standard that led to our induction into the College in the first instance. This is therefore not an abstract issue.

In summary, being a Fellow invites us to meet and set standards at the highest level and to pass those standards on to others inside and outside the College. It is also a responsibility that each of you have assumed and done well with, and will continue to pursue into the future. 🏛️

## Randall Newsome Reflects

continued from page 1

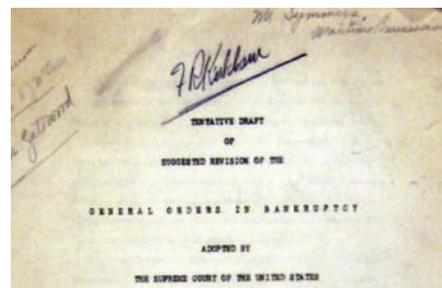
contributions to the law and policy that guide us today.

In 2000 the College and the University of Pennsylvania Trustees through the Biddle Law Library entered into an agreement to create the National Bankruptcy Archives as "a national repository of archival materials relating to the history of debtor-creditor relations, bankruptcy and the reorganization of debt." To preserve and maximize the audience for his oral histories, Judge Newsome donated the collection to the Archives. In 2008 the law firm of Blank Rome LLP and the Foundation of the College committed \$50,000 each to establish the Leon S. Forman Bankruptcy Digitization Project Fund in memory of Fellow and first Scholar-in-Residence Leon S. Forman, Esquire. The first archival materials to be digitized for public access on the Bankruptcy Archives' website ([www.law.upenn.edu/bll/archives](http://www.law.upenn.edu/bll/archives)) were the Newsome oral histories. These stories as told by their authors are part of the fabric of bankruptcy practice in the United States and are now accessible with a click of the mouse.

Judge Newsome will step down from the bench after 28 years and will soon find himself on the other side of the microphone. He continues to contribute to the historical bankruptcy record along

with other members of the College's Bankruptcy Archives Committee, who are committed to preserving the histories of the large field of subjects from whom we have yet to hear. At the College's March 2011 meeting in Washington, D.C., it is the Archives Committee's hope to offer a training session led by Judge Newsome in the techniques of interviewing for this purpose. All Fellows have received a memo soliciting their interest in taking this training in order to conduct interviews and/or their assistance in identifying potential subjects for an oral history. Contribute to our history and let us hear from you! 🏛️

## From the Archives



In the wake of the economic hardship brought on by the Great Depression, the United States was compelled to revisit its system of debt relief. Legislative efforts in the 1930s culminated in the passage of a new federal bankruptcy law, known as the Chandler Act of 1938, which established an administrative system that lasted for nearly 40 years.

Prior to the Chandler Act's passage, a young Supreme Court law clerk, Francis R. Kirkham, advised Chief Justice Evan Hughes and his associates on recommended changes to bankruptcy laws as they existed at the time. When writing the drafts of what would eventually become published as the "General Order and Rules of Bankruptcy," Kirkham researched the existing legislation, reports from the National Bankruptcy Conference, and corresponded with his superiors at the Supreme Court. These and other materials from Kirkham's working files were recently processed as part of the National Bankruptcy Archives, a repository dedicated to preserving the history of bankruptcy, debtor-creditor relations, and reorganization of debt. To find out more about this collection or our other historical materials, contact Jordon Steele, Archivist or click on the link from American College of Bankruptcy homepage at [www.amercolbankruptcy.org](http://www.amercolbankruptcy.org). 🏛️

## Save the Dates!

January 14-15, 2011

### Fifth Circuit Seminar

Austin, TX

*Cram-Down – What Can I Prove is Fair and Equitable These Days?*

March 18-19, 2011

### Class XXII Induction Ceremony & Related Events

Renaissance Mayflower Hotel

Washington, D.C.

Conference registration coming soon.

October 12, 2011

### Fall All Fellows Luncheon

Tampa, FL

(In conjunction with NCBJ)

March 16-17, 2012

### Class XXIII Induction Ceremony & Related Events

Renaissance Mayflower Hotel

Washington, D.C.

## Fourth Circuit Fellows' Responses to the Financial Crisis

Mark Ellenberg and Denise Neary



▲ Mark Ellenberg & Matt Feldman 4th Circuit Symposium



▲ Attendees at the 4th Circuit Symposium

On October 22, the Fourth Circuit fellows presented a seminar, "Responses to the Financial Crisis," at Georgetown University Law Center. It was the first public outreach program offered by the circuit; the program was designed and developed by committee chair Mark Ellenberg, with the help of a committee including Denise Neary.

The first panel, moderated by Georgetown bankruptcy professor Adam Levitin, posed the question, "Why does bankruptcy matter?" to each of the panelists—ACB fellows Steve Case, Judge Shelley Chapman, Judge Ray Mullins, and Congressional Oversight Panel Deputy Director Damon Silvers.

Some respondents offered practical comments, some uplifting, but all were provocative and interesting. Here are some suggestions offered about why bankruptcy matters:

*to empower the humble, to humble the empowered*

*to guarantee people dignity to give predictability to lives and to businesses*

*to encourage the creation of jobs to enforce fundamentals about finance to encourage entrepreneurial risk-taking by allowing failure without stigma.*

This wide-ranging conversation eventually encompassed Superman comic books, parallel universes, and the bankruptcy code as a living, breathing document.

Just a typical discussion of bankruptcy!

The second panel, a lively moderated discussion between Mark Ellenberg and Matthew Feldman, considered the auto bailout and its relationship to the Dodd-Frank Act. The speakers offered a front-seat account of the day-to-day debate about how to fix something most people never anticipated needing fixing. The search for solutions involves the inner workings of government, the inner workings of an industry in crisis, the duty of government service—in truth, soap operas have had fewer twists and turns than this story. The discussion also explored why GM and Chrysler were "too big to fail" and how the Dodd-Frank Act, had it been in effect in February 2009, might have produced a different approach (or not).

Nearly 60 attended: students, associates, government staff, even an ACB fellow or two! In all, it was a great morning; we look forward to the next 4th Circuit ACB event.

A special note of thanks is due to Georgetown University Law Center for hosting this event. 🏛️

## College Inducts Fellow Marshall Huebner

Marc Abrams

On May 4, 2010, the College held a special induction ceremony for newly elected Fellow Marshall Huebner (Class of 21). Marshall, a former Fulbright scholar, is an accomplished practitioner and a member of Davis Polk & Wardwell, LLP. The event was hosted by Fellow Marc Abrams at the offices of Willkie Farr & Gallagher LLP in New York City.

The ceremony drew a large number of Second Circuit Fellows as well as several senior members of the College's leadership, including Chair Paul Singer, President Jan Baker, and Board of Regents Chair Michael Cook, who presided over the induction. The event opened with remarks by Paul Singer, who welcomed Marshall to the College and urged all Fellows across the College to reinvigorate their efforts to conduct educational programs and social events to strengthen bonds among Fellows, enhance collegiality, and to ensure that Fellows are efficiently informed of pending and weighty developments in the Courts and Congress, consistent with the mission and purpose of the College. A convivial cocktail reception followed Mr. Huebner's induction. 🏛️



▲ Jan Baker, Marc Abrams, Paul Singer, Marshall Huebner, Mike Cook



▲ Mike Cook and Marshall Huebner

## Walking In Memphis: 6<sup>th</sup> Circuit Fellows Meet for CLE, Arts, BBQ, and Elvis!

Mike and Cyndi Coury



▲ Erwin and Mickey Rabin, Mike Coury and Chris Meyer

During the weekend of September 24-25, 2010, 28 College Fellows, spouses and guests put on their blue suede shoes and met in Memphis, TN, the land of the Delta Blues, with their feet 10 feet off of Beale (more or less) for a weekend of arts, fine dining, CLE, Graceland and BBQ. Two of the Circuit's new Fellows were in attendance—Collette Gibbons of Cleveland, Ohio, and Gregory Schaaf of Lexington, Kentucky. The 6<sup>th</sup> Circuit Fellows were joined by Fifth Circuit Fellow Craig Geno of Ridgeland, Mississippi, and Eighth Circuit Fellow Judge Nancy Dreher, Chief Judge of the District of Minnesota.

The weekend, which was hosted by Mike Coury and his wife Cyndi, began Friday evening with a cocktail reception and private tour at the Belz Museum of Asian and Judaic Art. The Belz Museum is the largest and most comprehensive collection of Chinese art in the southern United States, with outstanding works created during China's Qing dynasty (1644-1911). After the museum tour, the Fellows enjoyed dinner at Flight Restaurant and Wine Bar in downtown Memphis—the site of Brodnax Jewelers, which in its day sold more Rolex watches than any other retailer in the world and more jewelry than the Sears catalog (you can bet they searched the old jewelry safe in their banquet room for remnants).

On Saturday morning, the Fellows attended a morning of CLE at the University of Memphis School of Law, which recently relocated to the historic U.S. Customs House and Federal Courthouse Building in downtown Memphis. Henry "Hank" Hildebrand presented an update

on recent developments on consumer bankruptcy with emphasis on recent U.S. Supreme Court decisions and proposed rule changes. This was followed by a Chapter 11 panel presentation by Judge David Kennedy, Judge Shelley Rucker, Greg Schaaf and Mike Coury. The panel, with active participation from all Fellows, addressed recent case law involving assignment of rents, absolute priority rule in individual Ch. 11 cases, enhanced civil pleading standards, and interest rate issues in Ch. 11.

After the CLE program and lunch, the Fellows boarded a bus for a tour of Graceland mansion, home of Elvis Presley. After an afternoon of touring the mansion, as well as the King's private collection of automobiles and airplanes, the group boarded the bus to Mike and Cyndi's home in Meeman-Shelby Forest State Park for an evening of Memphis-style barbecue and comraderie. Mike, a veteran of a championship BBQ team that competed in the "Memphis In May" World Championship BBQ Contest, prepared a barbecue feast with smoked ribs, chicken, salmon and traditional southern side dishes—including Banana Puddin'. Fellows enjoyed some pickin' and grinnin' from a bluegrass/folk music group throughout the evening. The highlight of the evening was a surprise appearance by the King himself. Elvis (a/ka/ Brian Howell) gave an hour long performance that spanned Elvis' music from the '50s, '60s and '70s. By the end of the show, the Fellows in attendance were definitely "all shook up" while they "shaked, rattled, and rolled" to the music. 🎵

## Georgia Fellows Dinner, October 21, 2010

James D. Decker

The Georgia Fellows from the 11th Circuit got together on October 21st for what they plan to make an annual event. Hosted by Jim and Marcia Decker at their home, the Georgia Fellows enjoyed a beautiful and relaxing evening with cocktails and dinner. While there was no formal educational program, the evening allowed the Fellows and their guests to catch up and renew the strong bond of friendships within the 11th Circuit. Following dinner we enjoyed some after dinner Sauternes and Port under the watchful gaze of "The Commodore." Please see the accompanying photo. 🎵



▲ Georgia Fellows at the Decker home.

### Regional Programming DVD's Now Available!

Did you see a regional educational program that looked interesting, but you couldn't attend? We are building a library of DVD's of our regional programming. On the homepage of the College website ([www.amercol-bankruptcy.org](http://www.amercol-bankruptcy.org)) under "College Sponsored Reports and Publications", there is an order form for the programs that are available to Fellows and other interested parties. Keep checking back as programs are added. Currently the 4th Circuit Symposium and the 7th Circuit Regional Educational Program from the Fall of 2010 are available for order. 🎵

**College Succeeds...***continued from page 2*

ed States and Foreign Fellows participated in a three-day invitation only session in Paris earlier this year that dealt with U.S., U.K., and French law.

For the first time this year the College provided a program at the NCBJ. That program, on the ins and outs of Chapter 15, was led by our own energizer bunny, Bruce Leonard, Toronto, Canada. The panel of Judge Charles Case, Phoenix, Arizona; Professor Jay Westbrook, Austin, Texas; Michael Crystal, London, England; and Thomas Bene Felsberg, Sao Paulo, Brazil provided a perfect combination of legal rules and anecdotal experience.

We will be taking advantage of this momentum and the critical mass we now have of Fellows interested in international matters by increasing programming in this area. For instance, we will be planning a pilot project during our upcoming Annual Meeting that will allow U.S. Judges Fellows to interact with their foreign counterparts.

And who will forget our luncheon last month in New Orleans, where thanks to the unbelievable work of Judge Randy Newsome, we were able to hear the voices of those who have made our world possible. Judge Newsome did his work over many years out of a passion and respect for the past and without any thought that it would ever be recognized let alone create the excitement that it did. Randy's presentation was such a success that we received a number of requests from Fellows to be trained to conduct interviews. To his credit, perhaps not realizing what a celebrity he now is, Randy has agreed to counsel members of the Archives Committee on the interview process. No one will ever replicate Randy's efforts, but the good news is that through Randy's instruction we will empower our Fellows to preserve their own local bankruptcy history even if the ultimate product is not included in the Archives. Every community has a lawyer, a judge, or a professor, who has made a difference. Our Fellows will now be able to capture that profile as we march along this professional journey.

Because of the Archives Project, our new International efforts, and our other programs, such as the reconstituted Circuit Review Process, the new Best Practices project, and the new Bankruptcy Policy Committee, which will keep us current on legislation, we have had the good fortune of being able to increase op-

**President's Column***continued from page 2*

and Lomax was to folk songs and the blues, I think it is fair to say that Newsome will be to bankruptcy.

During the lunch, he played brief recorded excerpts from ten interviewees with whom he had spoken over the years. Some were scratchy and hard to hear, others were as clear as if they were over the phone. They included such seminal figures as Ron Trost, Asa Herzog, Jack Gross, Leon Forman, Connie Duberstein, Chares Horsky, Bob Ordin, Norman Nachman, Victor Palmieri and Robert ("Steve") Miller. Collectively, the recordings reminded us that talented practitioners in the 50's, 60's and 70's took the now superseded Bankruptcy Act and attempted to apply it to increasingly large and complex restructurings for which it was not designed. Chapter XI under the Act was intended for the traditional Mom-and-Pop corner grocery store case and was remarkably ill-suited for large, complex cases. Chapter X, which was better suited to handle complex restructurings, was shunned, in large part because of its mandatory appointment of a Chapter X trustee who displaced management.

What finally emerged, of course, was the Code, more or less as we know it today and with our current (but much-amended-and-rarely-the-better-for-it) version of Chapter 11. Thanks to Judge Newsome, we were privileged to hear the voices of some of the key figures who practiced under the Act and helped to create the Code. They and others were, and are, the giants of our field, who created the modern restructuring practice as we know it today.

For many in the audience, the high point of the recordings at the lunch may well have been that of Judge Conrad Duberstein, the long serving and legendary Chief Judge of the Bankruptcy Court for the Eastern District of New York in Brooklyn. Judge Duberstein, or Con-

portunities for participation by Fellows in College activities. We know we need to continue to look for new ways to enable Fellows to achieve their individual goals. And we also know that we need to take the mystery out of our College. On this latter point we will be rolling out a mentor program where each new Fellow will be assigned an experienced Fellow as a point person. We must continue to remind ourselves we are an honorary so-

nie, as he was widely and affectionately known, regaled Judge Newsome about his travails when he returned home after World War II as an unemployed veteran. He ultimately ended up starting an import/export business with his uncle. Among other things, they began exporting Cadillacs to Argentina, but, because of import duties, had to ship them as parts and then reassemble them once they arrived in Argentina. He ultimately was called by Eva Perón, who told him that there was an Italian manufacturer who made sewing machines. She asked Connie to work with that company to import the sewing machines into Argentina with her likeness on them. She imported thousands of sewing machines through Connie and donated them to supporters of the Peronista party, to demonstrate the benefits of supporting Juan and Eva Perón. Connie, who was fluent in Spanish, actually met with her in Argentina. It was a wonderful story, and, needless to say, put Judge Duberstein in a whole new light.

Perhaps one can go through an entire career as a bankruptcy professional oblivious to the history of our practice and the contributions of the great lawyers who created a modern bankruptcy system, but why would anyone want to do so? Now, thanks to the record created by Judge Newsome, no one has to. Simply google "National Bankruptcy Archives" and click on the link, which will take you to a page entitled "Penn Law." Then click on "Digital Collections," which will take you to recordings of approximately thirty practitioners and twenty judges. All can be played (and, in several instances, viewed) on your computer. It is an incredible experience to listen to the recordings. By the way, Judge Newsome is leaving the bench in January after 28 years of service. He will be moving to JAMS at the beginning of next year, and, we hope, continuing both to be involved in bankruptcy matters and recordings for many years to come. 🏛️

cety – not a secret society. Our job is to share our good fortune to be at the top of our profession. 2010 has been a good year for the College in that respect. 🏛️

*We can't really expect all the Fellows of The American College of Bankruptcy to take the time to work on a pro bono case.*

*But you've got to have the time to write a check to help support the people who do. On the following pages is a list of the pro bono activities supported by the College and Foundation in 2010.*

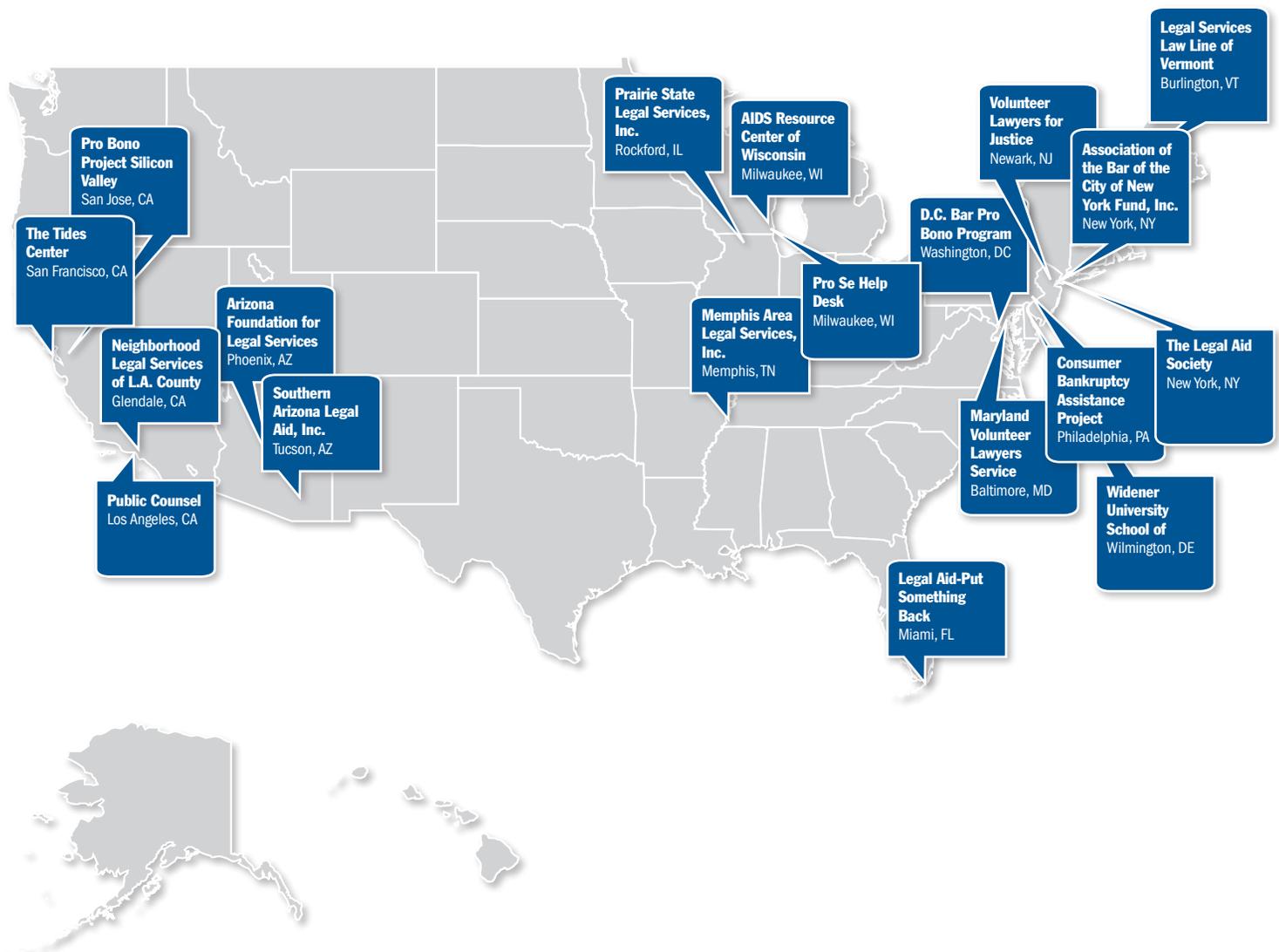
In addition, the Foundation helped provide funding for educational programs, including an International Insolvency course given at several law schools, the Bankruptcy Archive project, and credit abuse resistance education programs.

The need, and demand, for pro bono bankruptcy services has never been greater than it is now. If the bankruptcy bar will not support these services, who will?

The American College of Bankruptcy Foundation is a Section 501(c)(3) charitable organization, and donations to it are tax deductible.

**Please give—  
if not an hour of your time,  
then, at least,  
an hour of your money.**

## Where Your Donations Work!



## Dade County Practitioners “Put Something Back”

Karen Josefsberg Ladis, Esq., Project Administrator Dade County Legal Aid



▲ James Moon, Hon. John K. Olson, Allison Day.

### Legal Aid Society “Put Something Back” Pro Bono Project

On October 8, 2010, more than 100 people attended “Hot and Emerging Issues in Consumer Bankruptcy Law” which was generously underwritten by a grant from The American College of Bankruptcy and The American College of Bankruptcy Foundation. The seminar was free to all attorneys who agreed to accept at least one pro bono case. In addition to the private attorney participants, many area law students and legal services staff attorneys attended.

In recent years, as more and more Americans have used credit, problem debt has grown greatly—and so has the bankruptcy rate. “Put Something Back,”

a joint pro bono project of the Courts & Bar, hosted this event to recruit and train attorneys to take the growing number of bankruptcy cases.

The seminar was designed to provide free continuing legal education to attorneys by presenting a unique perspective on current trends in bankruptcy law. It featured informative panels such as “View from the Bench-a Judges Panel,” a round table discussion on ethical quagmires associated with bankruptcy cases, a question and answer session with Chapter 7 and Chapter 13 trustees, and a panel on recent developments in bankruptcy law. Speakers included Honorable A. Jay Cristol, Honorable Robert A. Mark, Honorable Laurel M. Isicoff, Honorable John K. Olson, Professor Jan Jacobowitz, Allison Day, Patricia Redmond, Robert C. Meyer,

Jean Ryan, Jim Schwitalla, Laila Gonzalez, Michael Frank, Joel Tabas and Nancy Herkert.

During the seminar, 30 indigent clients on the waiting list for free legal assistance from “Put Something Back” were successfully matched to private bankruptcy attorneys, and many more clients are being matched every day. These clients could not have received the services of pro bono attorneys without the generous contributions of the Bankruptcy Bar Association of the Southern District of Florida, The American College of Bankruptcy, The American College of Bankruptcy Foundation, Dade County Bar Association Young Lawyers Section, and the U.S. Bankruptcy Court, Southern District of Florida.

Attorney Samuel Sorota, an attendee of the seminar, and a long-time pro bono volunteer, noted that “pro bono clients are always the most grateful, and helping my pro bono clients gives me the best feeling ever.” Because of the support



▲ Attendees at Pro Bono Seminar Funded by ACB & ACB Foundation

and willingness of attorneys like Sorota who accept the cases, the “Put Something Back” project can continue its pro bono work and ensure that all deserving clients will have representation, regardless of their financial status.

According to College Fellow and program participant Patricia Redmond, “PSB placed all of the cases with the help of the Judges, and lawyers who agreed to serve as mentors as well.”

For more information on accepting a pro bono bankruptcy case, please visit Dade County Legal Aid at [www.dadelegalaid.org](http://www.dadelegalaid.org) or [www.dadecountyprobono.org](http://www.dadecountyprobono.org)



▲ ACB Fellows Hon. Laurel Isicoff & Patricia Redmond Participating in Seminar

# American College of Bankruptcy Pro Bono Grants

## Calendar Year 2010

Grantee		Grantee		Grantee	
1.	AIDS Resource Center of Wisconsin 820 North Plankinton Avenue Milwaukee, WI 53203 (800) 359-9272 x6818 (414) 223-6818 Attn: Will Janisch Director of Development <a href="mailto:Will.Janisch@ARCW.org">Will.Janisch@ARCW.org</a>	7.	The Legal Aid Society 199 Water Street New York, NY 10038 212-577-3425 Attn: Preeti Davidson Director of Development	14.	Public Counsel 610 South Ardmore Avenue Los Angeles, CA 90005 (213)-385-2977 Attn: Stephanie Benson Director of Grants and Program Development <a href="mailto:sbenson@publiccounsel.org">sbenson@publiccounsel.org</a>
2.	Arizona Foundation for Legal Services 4201 N. 24th Street Suite 210 Phoenix, AZ 85016 (602) 340-7366 Attn: Joannie Delgado Collins Director of Quality Enhancement <a href="mailto:Joannie.collins@azflse.org">Joannie.collins@azflse.org</a>	8.	Legal Services Law Line of Vermont, Inc. 274 North Winooski Avenue Burlington, VT 05401 (802) 651-4130 Attn: Thomas F. Garrett, Executive Director <a href="mailto:Tgarrett@lawlinevermont.org">Tgarrett@lawlinevermont.org</a>	15.	Pro Se Help Desk - Eastern District of Wisconsin 517 E. Wisconsin Avenue, Room 153 Milwaukee, WI 53202 Attn: Andrew N. Herbach, Esquire 324 E. Wisconsin Ave. Suite 1100 Milwaukee, WI 53202 <a href="mailto:aherbach@hswmake.com">aherbach@hswmake.com</a> (414) 272-0760
3.	Association of the Bar of the City of New York Fund, Inc. d/b/a City Bar Justice Center 42 West 44th Street New York, NY 10036 (212) 382-6661 Attn: Rebecca Nelson Director of Development <a href="mailto:rnelson@nycbar.org">rnelson@nycbar.org</a>	9.	Maryland Volunteer Lawyers Service One North Charles Street Suite 222 Baltimore, MD 21201-3710 (410) 539-6800 Attn: Bonnie A. Sullivan Executive Director <a href="mailto:bonnie@mvlslaw.org">bonnie@mvlslaw.org</a>	16.	Southern Arizona Legal Aid, Inc. (SALA) 2343 E. Broadway Blvd., Ste. 200 Tucson, AZ 85719-6007 (520) 623-9565 x 4101 Attn: Anthony L. Young Executive Director Norma MacKenzie Development Director <a href="mailto:nmackenzie@sazlegalaid.org">nmackenzie@sazlegalaid.org</a>
4.	Consumer Bankruptcy Assistance Project 42 South 15 <sup>th</sup> Street, 4 <sup>th</sup> Floor Philadelphia, PA 19102 (215) 523-9511 Attn: Mary Anne Lucey Executive Director	10.	Memphis Area Legal Services, Inc. 109 N. Main Street, Suite 200 Memphis, TN 38103 (901) 523-8822 Attn: Linda Warren Seely, Esq.	17.	The Tides Center dba Consumer Bankruptcy Counseling Project 1014 Torney Avenue San Francisco, CA (415) 561-6300 Attn: Gavin Harry McGrane 1 Ferry Building, Suite 220 San Francisco, CA 94111 (415) 283-1776) <a href="mailto:gmcgrane@mcgranegreenfield.com">gmcgrane@mcgranegreenfield.com</a>
5.	D.C. Bar Pro Bono Program 1101 K Street, N.W., Suite 200 Washington, D.C. 20005 (202)-737-4700 Attn: Maureen Thornton Syracuse Director <a href="mailto:MSyracuse@dcbar.org">MSyracuse@dcbar.org</a>	11.	Neighborhood Legal Services of L.A. County 1104 E. Chevy Chase Drive Glendale, CA 91205 (800) 433-6251 x476 Attn: Chancela Al-Mansour Directing Attorney of Pro Bono Project <a href="mailto:calmansour@nls-la.org">calmansour@nls-la.org</a>	18.	Volunteer Lawyers for Justice P.O. Box 32040 Newark, NJ 07102 (973) 645-1955 Attn: Karen Sacks Executive Director
6.	Legal Aid-Put Something Back 123 N.W. First Avenue Miami, FL 33128 (305) 579-5733 Attn: Karen Josephberg Ladis, Esq. Project Coordinator <a href="mailto:kladis@dadelegalaid.org">kladis@dadelegalaid.org</a>	12.	Prairie State Legal Services, Inc. Rockford, IL Office 303 N. Main Street, Suite 600 Rockford, IL 61103 Attn: Catherine Ritts Managing Attorney	19.	Widener University School of Law 4601 Concord Pike Wilmington, DE 19809-0474 (302)-477-2172 Attn: Prof. Nathaniel C. Nichols (302)-477-2269 <a href="mailto:ncnichols@mail.widener.edu">ncnichols@mail.widener.edu</a>
		13.	Pro Bono Project Silicon Valley 480 North First Street P.O. Box 103 San Jose, CA 95103-0103 (408) 998-5298 Attn: John Hedges Executive Director <a href="mailto:jhedges@probonoproject.org">jhedges@probonoproject.org</a>		

### Total Grant Requests in 2010:

TOTAL APPROVED for 2010	\$142,906.00
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## American College of Bankruptcy Foundation Launches New Website

We are pleased to announce the launch of an ACB Foundation website, complete with useful tools for consumers, legal service organizations, and Fellows. Please visit [www.acbfoundation.org](http://www.acbfoundation.org) or click on the ACB Foundation link at the top of the College website's Home Page for more information. Visitors are now able to access pro bono grant applications, view on-going pro bono projects in their area and make online donations to the Foundation. We are compiling useful financial literacy links for consumers as well as news articles on financial literacy. If you have additional links that are not currently listed, kindly forward that information to Shari Bedker at [sbedker@acbfoundation.org](mailto:sbedker@acbfoundation.org).

### How to Make a Foundation Donation

It is a continuing mission of the College to give back to the communities that sustain us. The College and the American College of Bankruptcy Foundation raise funds and distribute those funds to support worthy projects. The Foundation is a Section 501(c)(3) charitable organization; donations are tax deductible. If you wish to make a donation in memory or in honor of an individual, or to recognize an event, we will advise the designated party. You can make donations at any time by check or through the website [www.amercolbankruptcy.org](http://www.amercolbankruptcy.org).



▲ The new American College of Bankruptcy Foundation web site design.

### 2010 Foundation Donations

As of December 1, 2010, 141 Fellows have donated a total of \$32,160 to the Foundation.

Please note, we have added an online donation form to the homepage of the website, [www.amercolbankruptcy.org](http://www.amercolbankruptcy.org), if you would like to make a donation at any time during the year.

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# Class XXII Induction Ceremony & Related Events

## Save the Date!

**A**s we prepare for the upcoming Class XXII Induction Ceremony, please mark your calendars now and plan to attend the events on March 17-19, 2011. A draft of the agenda (subject to change) is listed below. Be sure to check the College website periodically for important updates, including the most recent listing of Inductees, posted as they accept their nominations. We expect online registration for this event to be available by mid-December. Please remember space is extremely limited at the Supreme Court so, if you plan to attend, sign up as soon as you receive the email invitation.

### Thursday, March 17, 2011

#### Location

#### Renaissance Mayflower Hotel

1127 Connecticut Avenue, N.W.

Washington, D.C. 20036

Room Reservations: 202-347-3000 or

1-800-468-3571

Ask for "American College of Bankruptcy" reduced room block

Rate: Single/Double \$259.00; Cutoff date for reduced room rates: February 24, 2011

#### Foundation Board Meeting

3:00 – 4:30 p.m.

#### Distinguished Bankruptcy Law Student Reception (leadership and students only)

6:00 – 7:00 p.m.

### Friday, March 18, 2011

#### Registration

11:00 a.m. - 12:30 p.m.

2:00 – 3:45 p.m.

#### Board of Directors Meeting

8:00 a.m. – 12:00 p.m. (continental breakfast served)

#### ACB Pro Bono Committee Meeting

10:00 a.m. – 12:00 p.m.

#### ACB Oral History Interview Training Session

10:00 a.m. – 12:00 p.m.

#### Circuit Luncheons – Offsite (contact your Regent for details)

12:00 – 1:45 p.m.

#### American College of Bankruptcy Current Topic Discussion

2:00 – 3:00 p.m.

Discussion on current topics of interest affecting the Insolvency Community discussion led by Martin Bienenstock, Dewey & LeBoeuf LLP

#### International Insolvency Institute/College Panel Discussion

3:00 – 3:45 p.m.

The new International Fellows of the College will discuss some of the most important crises and successes in which they have been involved.

#### Former Chairs of the College Meeting

3:30 – 4:30 p.m. (closed meeting)

#### Induction Ceremony

U.S. Supreme Court

One First Street, N.E.

Washington, D.C. 20543

4:30 p.m.

Bus for Inductees depart for U.S. Supreme Court (Black Tie for Inductees)

Class 22 Group Photo Session

5:00 p.m.

Buses for All Fellows and Guests depart for U.S. Supreme Court (Cocktail dress for Fellows & Guests)

6:30 – 7:30 p.m.

Induction Ceremony

7:30 – 8:15 p.m.

Reception, East and West Conference Rooms, U.S. Supreme Court

8:15 p.m.

Buses depart back to Mayflower Hotel

9:00 p.m.

#### About Town Dining Event

Dinner reservations will be made at 10 different local restaurants within a 5 minute cab ride of the hotel. Sign up to attend the restaurant of your choice

(dutch treat) when you register for the weekend or at the ACB Registration Desk no later than 2:00 p.m. on Friday, March 18. Enjoy some wonderful food, make new acquaintances and catch up with old friends!

### Saturday, March 19, 2011

#### New Fellows Orientation

7:45 – 8:50 a.m.

#### Judicial Outreach Committee Meeting

8:00 – 9:00 a.m. (All Judges invited)

#### Continental Breakfast

8:00 – 9:00 a.m. (Fellows Only)

#### Education Session

9:00 – 9:15 a.m.- Introduction of

Distinguished Law Students

9:15 a.m. – 12:30 p.m. -Education Session

#### Spouse/Guest Event

9:30 a.m. – 2:00 p.m.

Art Museum Tours and Lunch.

#### Luncheon and Distinguished Service

#### Award Presentation

12:45 – 2:00 p.m.

#### ACB Educational Programs Committee Meeting

2:15 – 3:30 p.m.

#### ACB Distinguished Law Student

#### Committee Meeting

2:15 – 3:30 p.m.

#### ACB Board of Regents Meeting

2:15 – 3:30 p.m.

#### ACB Archives Committee Meeting

2:15-3:30 p.m.

#### International Insolvency Institute Meeting

2:15-3:30 p.m. (III members only)

#### ACB International Committee Meeting

3:30-4:30 p.m.

#### International Fellows Dinner (by Invitation Only-for International Fellows)

6:30 p.m. Cocktails, 7:00 p.m. Dinner 

## Frank Szczebak: A Full Life, A Dedicated Career

Hon. David W. Houston, III  
United States Bankruptcy Judge  
Northern District of Mississippi



▲ Frank Szczebak & Ed at Sundance

As many of you know, Frank Szczebak [Ed. note: who had a large part in creating our modern bankruptcy court system so admired for its efficiency] was a very private individual. Rarely would he ever "open up" and reveal information about his personal life. With the help of Kevin Gallagher, who worked with Frank for many years at the Administrative Office, I put together the following information to help us all know Frank a little better.

Frank was born December 21, 1946, in Springfield, Massachusetts. He died September 18, 2010, much too young at the age of 63. Frank was the youngest of three children. His older sister and brother passed away within the last three years from that dread disease, cancer.

Frank met his wife, Sharon, to whom he was married for 32 years, while he was working as a law clerk for a federal administrative law judge with the Department of the Interior. He worked in this job from 1976 to 1978. Although Frank and Sharon had no children, he dearly loved his niece and nephew who survive him.

Frank enlisted in the Army just after graduating from high school. He did his basic Training and then Advanced Infantry Training at Fort Benning, Georgia. Frank later graduated from Officer's Candidate School (OCS) there. Not one to pass up any training opportunities,

Frank graduated from Ranger School and then completed Special Forces Training as a Green Beret at Fort Bragg, North Carolina. He served in Viet Nam and Cambodia after being assigned to the 5<sup>th</sup> Cavalry Regiment of the 1<sup>st</sup> Cavalry Division. Frank was a platoon leader for a Recon platoon. This platoon could best be described as the "tip of the spear"—the "trailblazer" for the 1<sup>st</sup> Cav Division.

Frank was awarded numerous medals for valor, including a Purple Heart. After completing his service in Southeast Asia, Frank joined the National Guard where he served for an additional 24 years, retiring at the rank of Colonel. He used his National Guard income to help defray the costs of his college education.

Frank graduated from Defiance College in 1968 with a Bachelors of Arts degree in Economics. He then graduated from Suffolk University School of Law in Boston in 1975. Thereafter, he received a L.L.M. from George Washington University in 1976. Frank was admitted to the Massachusetts Bar and admitted to practice before the United States Supreme Court.

After an initial law clerk term with the Department of the Interior, Frank began his employment at the Administrative Office of the United States Courts as a staff attorney with the Division of Management Review, where he served from 1978 to 1980. He then served as a staff attorney with the Bankruptcy Division from 1980 through 1984, and, thereafter, for a year as an Assistant Inspector General with the Division of Management Review.

In 1985, he became Chief of the Bankruptcy Judges Division where he served faithfully for 25 years until his retirement on July 1, 2010. All total, Frank was employed with the Administrative Office for almost 33 years.

In recognition of his leadership and outstanding service, Frank was honored by two organizations that benefited from his extraordinary efforts, as well as by his employer, the Administrative Office:

- In 1988, he received the National Conference of Bankruptcy Judges Service Award

- In 1990, he received the National Conference of Bankruptcy Clerks Leadership Award
- Capping his career, in 1997, he received the Administrative Office of the United States Courts Meritorious Service Award, the highest award given by the Administrative Office on an annual basis.

In the April 2010, edition of *Core Proceedings*, Daniel Hawtof compiled a tribute to Frank. It contained letters commending Frank's loyal service from each of the Chairs of the Committee on the Administration of the Bankruptcy System (District Judge Don Walter, Circuit Judge David Thompson, District Judge Paul Magnuson, Circuit Judge Michael Melloy, Circuit Judge Marjorie Rendell, and District Judge Barbara Lynn). Also included were many letters from his friends on the bankruptcy bench.

So that you will have first-hand knowledge about Frank's wartime experiences, I want you to hear, in Frank's own words, a short submission that appeared in *Echo Recon*:

*The two deepest memories I have of Echo Recon reflect the beginning and end of my close association with the platoon. I have a tangible souvenir of each moment which I keep in a glass display case on my desk at home. My first direct contact with Recon began when, as a platoon leader in another company, we walked through an automatic ambush of claymore mines into the Recon campsite. It seems that the Battalion S-3 didn't have a clue as to where either unit was located on the ground. After overcoming the initial shock of being told that we had walked through an AA, I walked to its location with the Recon guy who had set it. Upon examination, we determined that the battery was dead. I asked to keep it as a souvenir. When I was transferred to Recon as the platoon leader, I remember that I overheard the same guy exclaim, "OH S\_ \_T!"*

*We're in for it now. It's the guy we almost blew away." I've kept the battery all through the years and have a daily reminder of how lucky I am to be here.*

*The second memory involves my swift and unexpected departure from the platoon. After slightly more than three weeks in Cambodia, we found ourselves on the outskirts of that bucolic little village then known as O rang. Shortly after awakening one day we made contact with the NVA. It was intense. We lost Salty Brown. After his body was lifted out, we were ordered to move north and east to try to reengage the enemy. Did we ever. I was hit in the leg with a frag grenade. As the fighting continued, the MEDEVAC chopper had to come into a hot landing zone. I've been forever grateful to the pilots who had the balls to land and to the two Recon guys who exposed themselves to direct fire as they carried me and tossed my body onto the chopper. When I awoke from surgery, I felt what looked like piano wire closing the wound in my leg and saw something being held to my chest with surgical tape. It turned out to be the fragment of the grenade the doctors had removed from my leg. It now sits in the display case next to the battery. Both items remind me of how precious and fragile is this thing called a life.*

These two episodes are much more graphically described in a poem, "LT," written by Robert Springer, Frank's pointman in the Recon platoon.

Frank took the reins of the Bankruptcy Judges Division at the Administrative Office following a time of enormous upheaval and forged a cohesive management team for the benefit of our bankruptcy bench. (One year earlier, in 1984, as a result of a Congressional lapse in failing to extend the Emergency Resolution, bankruptcy judges weren't sure if we were judges, consultants, or exactly what. In a word, we had literally fallen into the great abyss.) Out of that uncertainty, largely due to Frank's leadership and perseverance, the bankruptcy courts became, over time, the most recognized commercial law institutions in the United States, administering with

efficiency extraordinary numbers of cases.

Frank went to bat for us on many occasions—occasions when the odds against us were formidable. Even powerful opponents, who actually did not like us or the bankruptcy system, did not cause Frank to cower or shrink away timidly. He stood up time and time again for what he thought was right.

Echoing these comments is a reflection from Chief Bankruptcy Judge David Kennedy, Western District of Tennessee, who was a great friend of Frank's:

*Unquestionably, Frank has served as a steady, positive, and outstanding anchor in the fulfillment of his duties as Chief of the Bankruptcy Judges Division. He has been an intermediary of sorts—defending and protecting the bankruptcy system when it was not always the popular thing to do. He also, at all times, protected and looked after us. Indeed, the bankruptcy judges and the bankruptcy system could not ask for a better friend and guardian of the system.*

*In my estimation, Frank is just one of those special human beings that comes along much too infrequently in life. Over the years, I have found Frank to be impressively effective and quietly courageous. He is not self-absorbed or self-indulgent. He never looked for trophies or public recognition. Suffice to say, his efforts on our behalf have been broad in scope and sometimes difficult. Nonetheless, Frank made a positive and impressive difference for us as well as for the bankruptcy system and the country. I always will be forever grateful for all that he quietly and courageously did for us.*

Circuit Judge Marjorie "Midge" Rendell of the Third Circuit Court of Appeals, a former Chair of the Committee on the Administration of the Bankruptcy System, offered a similar assessment:

*The phrase "I've got your back" was invented to describe Frank Szczebak's care and feeding of "his judges" on the Committee on the Administration of the Bankruptcy*

*System. Ever vigilant to help us avoid the many mine fields that could be encountered in the foreign theater that is Washington D.C. - from the AO to Congress, the executive branch, and back again - Frank is the consummate "staffer." But not just a "staffer," Frank is the leader of his troops, a veritable commander who leads by example, and, not surprisingly, his troops "fall in" right behind him. Is it any wonder that he is beloved by all?*

Fitting for a tribute such as this, and, in my opinion, reflective of Frank's own sentiments, is Alfred Tennyson's poem "Crossing the Bar." Please indulge me as I share it with you:

*"Crossing the Bar"*

*Sunset and evening star,  
And one clear call for me!  
And may there be no moaning of  
the bar,  
When I put out to sea,*

*But such a tide as moving seems  
asleep,  
Too full for sound and foam,  
When that which drew from out  
the boundless deep  
Turns again home.*

*Twilight and evening bell,  
And after that the dark!  
And may there be no sadness of  
farewell,  
When I embark;*

*For tho' from out our bourne of  
Time and Place  
The flood may bear me far,  
I hope to see my Pilot face to face  
When I have crossed the bar.*

I am confident that when Frank Szczebak walked down to that mysterious river of death and its cool waters dampened his feet, he could say, without reservation, looking back over his past life: "I fought the good fight. I finished my work. The bankruptcy judges and, indeed, the bankruptcy community in this nation gained new luster by what I accomplished."

Bidding you Godspeed my dear friend Frank...until we meet again. 🙏

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