

College Columns

May 2016



From the Chair

Your College is Evolving



G. Christopher Meyer, Chair

Two months ago, the College inducted its 27th Class of new Fellows at a ceremony at the Donald W. Reynolds Center for American Art and Portraiture. It was a lovely evening, befitting the stature of the College.

But much of the real business of the College takes place in the conference rooms and gatherings outside our ceremonial events. On Thursday, March 17, the College's Strategic Planning Committee had a day-long meeting with College leadership to review and discuss the Committee's second group of recommendations intended to help the College position itself for continued future success.

In 2015, the Strategic Planning Committee addressed topics including (i) governance, (ii) admissions and membership, and (iii) Fellow engagement. A number of policy changes have already been adopted in order to implement the Committee's recommendations.

This year, the Committee addressed its second set of subject areas. These included (i) branding, (ii) education, (iii) finance and fundraising and (iv) International Fellows. As in 2015, the Committee based its current recommendations on data developed in a survey of all College Fellows. Approximately 220 Fellows responded to this year's survey, providing a wealth of information and opinions on the subject areas.

Branding proved to be the most elusive area for concrete planning. There are a wide variety of views about the degree to which branding is important to the College and, if so, how and to whom we should be seeking to better promote our brand. We will be giving further thought to those questions in the months to come.

In the area of **Education**, the survey results indicated that Fellows are generally very pleased with our Circuit programs. As recommended by the Committee, we will be seeking ways to better distribute educational materials across Circuits and to assist Circuits as they seek to develop a more robust educational framework.

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Upcoming Circuit Events

May 20, 2016

8th & 10th Circuit Program

University of Missouri-Kansas
City School of Law

September 16, 2016

7th Circuit Educational Program

Chicago-Kent College of Law

For details and registration information about these and other regional events, please [click here](#). If you know of an upcoming event that is not listed, please contact Shari Bedker at 434-939-6004 or sbedker@amercol.org.



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President's Column

Marc A. Levinson, *President*



Induction Ceremony and Distinguished Service Award

The highlight of the Annual Meeting is the induction ceremony at which the incoming class of Fellows is formally admitted and welcomed to the College, and the Distinguished Service award is presented. This year's ceremony, attended by over 450 Fellows and guests, was once again held in the spacious and beautiful atrium of the Donald W. Reynolds Center for American Art and Portraiture in Washington, DC.

The event began with a welcome extended by Michael Cook, Chair of the Board of Directors, and his introduction of Professor Alan Resnick, who in turn introduced each of the two recipients of the Distinguished Service Award. Before describing these two worthy recipients, it might be helpful to summarize the criteria established by the board of directors for the DSA:

- She must be a Fellow of the College, and must have made significant accomplishments in improving the administration of justice in the insolvency field;

- The recipient must have provided distinguished service consistently rendered over a considerable period of time or a single outstanding achievement in a particular year;

- Excluding academics and judges, her accomplishments must arise from voluntary activities rather than for services

rendered to a client as a paid professional; and

- The recipient must distinguish herself or her institution in a manner and in matters consistent with the goals and purposes of the College.

Both Henry Sommer and Professor Jay Westbrook, the 2016 DSA co-recipients, have exceeded each of these lofty requirements. Henry is the country's preeminent voice for consumer debtors, having devoted his 40+ year career in Philadelphia to helping the poor. He currently serves as the Supervising Attorney at the pro bono Consumer Bankruptcy Assistance Project of Philadelphia. Jay has been a member of the University of Texas Law School faculty for over 35 years. In addition to being one of the most popular professors there, he is widely recognized as an expert in international insolvency as well as in consumer and business insolvency law. He is the co-author of a popular textbook with Senator Elizabeth Warren. I am proud to be a member of an organization that counts Jay and Henry among its members.

Following the inspiring remarks from Alan, Jay and Henry, I addressed the attendees in my capacity as the outgoing Chair of the Board of Regents. Thereafter, each new Fellow was called to the stage by the President of the College, Chris Meyer. Each of the 31 members of Class 27 is a truly outstanding bankruptcy professional deserving of membership in the College. The members of Class 27 reside in Canada, Greece and 19 states. They range in age from 42 to 68; ten of the 31 are women (32%).

The inductees include two bankruptcy judges, 24 attorneys, *continued on page 5*

From the Chair

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In addition, we plan to explore ideas to freshen and diversify the format of the educational programs at the Annual Meeting. We will be working with the Scholar in Residence to put those new ideas into motion.

Perhaps not surprisingly, the **Finance** area produced the largest number of recommendations for change. We are moving forward to expand our reduced dues categories to include government employees and employees of nonprofit enterprises. We also will be initiating an opportunity for Fellows to request a reduction in dues "for cause," with requests to be reviewed by the Chair and the President of the College.

We also will be amending the College bylaws to make adjustments in the criteria for qualification as an Emeritus Fellow. Currently, any Fellow may seek Emeritus status if he or she has reached the age of 75 or has ceased to engage in the active practice of their profession. The proposed amendment would provide that Emeritus status is available to those who meet two of the following three criteria: (i) 75 or more years of age, (ii) ceased active practice of such person's profession, and (iii) have paid dues as a regular Fellow for 10 or more years. Also, Emeritus Fellows will now pay nominal dues at a reduced rate of \$100 per year.

Further, we will be adjusting

the fees for the Induction ceremony to encourage greater participation by the families of Inductees. Current procedures provide for the inductee and one guest to attend without cost, and set reduced rates for certain younger attendees. The principal proposed change will be to permit all additional members of the inductee's immediate family to attend at a 50% rate, while still allowing for one free guest and reductions for younger attendees.

Finally, we will be exploring the cautious diversification of a portion of the College's investments beyond the current practice of investing only in government insured obligations. The goal will be to obtain some increase in investment return, while continuing to employ a conservative investment policy.

On the **International Fellows** front, we will be pursuing ways to better engage our International Fellows, both in terms of supporting their participation at our annual meeting and also providing improved opportunities for meetings outside the United States. We also will be amending the Bylaws to provide for input on nominee selections by the International Nominating Committee to be obtained from those Fellows serving on the International Committee. This would provide a process similar to the input required by the Bylaws from Circuit Fellows on the recommendations of their Circuit Admissions Councils.

So, as you can see, the College is moving forward, evolving in response to your views as Fellows and to adapt its policies to better serve your interests. We all owe a debt of gratitude to the Strategic Planning Committee for its two-year effort to think constructively about improvements in our policies and practices. We remain eager to listen to any suggestions regarding how to make our wonderful College even more successful.



Did You Know?

The Resources tab on the College website contains a wealth of information: videos, publications, event materials, international insolvency resources, and even past issues of the College Columns. We are constantly adding new materials -- [click here](#) to see what's available.



Class 28

Nominations

Richard E. Mikels,
Chair, Board of Regents



Nomination packages have been circulated to all Fellows, and the completed packages for Class 28 candidates are due on June 6, 2016. I'm pleased that we are on track for choosing the next class of Fellows. I hope and trust that you are considering submitting packages for worthy candidates. Filling out the packages is not an easy task, but the hard work of Fellows in the past always has proven very worthwhile – as evidenced by the remarkable qualities of our Fellows. The packages should be returned to the Regents for the various Circuits, the Chair of the Judicial Nominating Committee, or the Chair of the International Fellows Nominating Committee, as appropriate for the particular candidate. The approximately 100 members of the Circuit admissions councils and the two nominating committees will commence the arduous and essential task of reviewing the nomination materials and vetting the candidates. They will be reaching out to many of the other approximately 700 active status Fellows and to many of the emeritus status Fellows seeking input about the potential nominees. This process is the lifeblood of the College, and is an essential component in maintaining and

safeguarding the organization's accomplishments and its place in the insolvency world.

The demanding criteria for selection of Fellows in Article II, Section 3, of the bylaws are worth repeating, particularly for those considering nominating a candidate to become a Fellow. It reads: "Membership shall be restricted by invitation to honor those individuals who 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; (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; (iii) a commitment to fostering and furthering the objectives of the College; (iv) sustained, exceptionally high quality professional services to clients, bar, bench, and public; and (v) significant evidence of scholarship, teaching, lecturing, and/or distinguished published writings on bankruptcy practice, philosophy, improvements and reforms which demonstrates a consistent contribution to the enhancement of bankruptcy literature, education, practice and process." Note the breadth of the criteria including

excellence in the candidate's profession, longevity as insolvency professional, and giving back through activities like educating, writing and speaking about our field. The nomination form requires the nominator and the two sponsors to certify, among other things, that the candidate "...maintain[s] the highest ethical and professional standards."

The various letters of recommendation should address character and the other criteria as well, but the best way for us to confirm that a candidate satisfies the College's high standards is through one-on-one discussions with the nominators, sponsors and other Fellows. Any such discussions are, of course, confidential, and you may ask the Fellow conducting the due diligence to report the results without including your name or otherwise identifying you. Whether or not you wish to remain anonymous, the discussions within the admissions council or nominating committee will remain confidential. Delivering a negative review may be unpleasant, but upholding the standards established by the bylaws more than justifies any discomfort.

The circuit admission councils and nominating committees will make their decisions by August 19, 2016, and will send me the nomination packages of their recommended candidates no later than August 26, 2016. A second round of due diligence

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Class 28 Nominations

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begins shortly thereafter, with each member of the Board of Regents conducting due diligence on 3 or 4 candidates from outside home circuits of those Regents. While this process is time consuming and almost invariably confirms the vetting done by the circuit admission councils and nominating committees, it serves as an important check and balance. So you ought to be prepared for another round of phone calls, and once again should be candid in your evaluations. All of this work will be more than justified when we induct our 28th class on March 10, 2017 at our annual meeting in Washington.

Speaking on behalf of the Regents, the Chairs of the two nominating committees and all the members of the admissions councils and nominating committees, I thank you in advance for your participation in this important process, which will conclude at the meeting of the Board of Regents in San Francisco on October 26, 2016. Your participation has helped make the College the outstanding organization that it continues to be. ¶

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President's Column

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three financial advisors, a law professor and a bankruptcy court clerk. They will do us proud.

The educational programs put together by Scholar in Residence, Professor Bruce Markell, were outstanding. They covered such topics as current developments (including equitable mootness and complex chapter 11 hot topics), issues raised by the restructuring of multinational corporations, consumer bankruptcy issues and the ever-popular views from the bench panel and Q&A. Please contact Bruce with ideas for topics for next year's Annual Meeting.

Participation in College Committees and Events

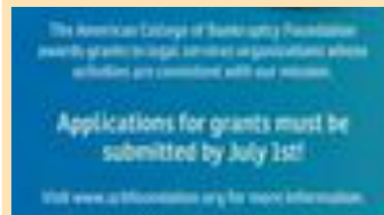
Your experience in the College will be as meaningful as you want it to be. The easiest and best way to become engaged is to join a committee or committees and to attend events (above and beyond the Annual Meeting and the luncheon and meetings held in connection with NCBJ). That was the theme of a meeting of the new Fellows and College leaders that began at 7:30 a.m. (7:30 a.m.!) the day after the induction ceremony. The new Fellows were asked to indicate their committee preferences, following up on a similar request made a few months earlier by Debra Grassgreen, Chair of the Member Participation Committee. The inductees were enthusiastic about becoming involved, and Debra and other officers will be following up with committee chairs about placing the volunteers. Note that joining committees is not limited to

new Fellows. We encourage all Fellows to step up by contacting Debra, Chris or me with an expression of your interest in serving. Understand that we cannot guarantee that you'll be placed on the committee of your choice, but we can guarantee that we will make every effort to get you involved in College activities and programs. ¶



Attending an event with local bar or legal services agencies?

The Pro Bono Committee has developed a business card which can be used to help spread the word about our pro bono grant program. If you would like to have some available to use, please contact the ACB main office at 434-939-6004 or email [Shari Bedker, sbedker@amercol.org](mailto:sbedker@amercol.org).



Foundation Reports Record Year in 2015

Mark D. Bloom, Chair,
ACB Foundation



Of all the columns I get to write for this publication as Foundation Chair, it is always this one that I enjoy most

as I report on the Foundation achievements for the prior year. And so I am particularly delighted and thankful to report that 2015 was another record year for the Foundation, with donations of **\$274,017.92**.

While this amount exceeded our target by 8%, the results are even more remarkable when viewed in the context of how far the Foundation and Pro Bono Committee have come in just the past few years. In 2011 total donations to the Foundation came to \$137,000, meaning that we have **doubled** our fundraising in only four short years! Indeed, 2015 also set a record for participation, as 65% of our Fellows included the Foundation in their charitable giving for that year.

Through the generosity of all who joined in our fundraising effort and the generous support of an annual stipend from the College, the Foundation's Pro Bono Committee was able to fund **\$320,000** in grants of up to \$10,000 to 34 programs supporting pro bono bankruptcy legal services in 17 different states and the District

of Columbia. To put this amount in context as well, as recently as 2007 the Pro Bono Committee had a budget of \$70,000 but literally could not give all that money away, procuring worthy grant requests of only \$53,000. So the simple arithmetic here is that in eight short years we have increased our financial support for pro bono programs by **six times**, from \$53,000 in 2007 to \$320,000 in 2015.

As we celebrate this remarkable growth we are grateful to each and every one of the Fellows who contributed to the Foundation, to the Chairs of the Circuit Campaigns and their fundraising teams who blanketed the Fellows within their Circuits with requests and reminders, and especially to our outgoing Treasurer Tom Lumsden, who established individual targets and goals for each Circuit and then spent countless hours in December in daily contact with the Campaign Chairs to help meet those targets.

Regrettably Tom's second two-year term as our Foundation Treasurer concluded in March. We thank him enormously for his service to the Foundation as he embarks on his next mission as Treasurer of the College, and are excited to welcome Marti Kopacz as his successor. We also have not let Tom completely off the hook, as he has agreed for at least the next year to chair our newly-formed **Best Practices Committee** that each year will review the Circuit Campaigns to determine what ideas and

approaches have been effective in each Circuit and impart those best practices to the next year's Campaign Chairs.

The Foundation Board also has established a **Development Committee** to be chaired by Richard Carmody, who has long been active on the Pro Bono Committee and will continue his service on the Board as its first Senior Director. The Development Committee has established three initial task forces to focus on initiatives intended to develop new and enhanced sources of revenue for the Foundation: Major Gifts, an outreach program intended to solicit donations from corporations, civic and charitable trusts and other sources outside the College; Creditor Trusts, an effort to increase the designation of the Foundation as recipient of surplus or unclaimed funds in Chapter 11 cases and liquidating trusts; and Legacy Gifts, to focus on the longer-term estate planning of our Fellows to consider the Foundation in their wills and trusts, and obtain the tax advantage of directing mandatory redemptions from qualified IRAs and other retirement accounts to the Foundation.

Volunteers needed! Both Richard and Tom are anxious to populate these new Committees with Fellows who can bring ideas and enthusiasm to the pursuit of their goals. Whether you've supported the Foundation in the past or been waiting for an opportunity that

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Foundation Reports

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really motivates you, now would be a great time to reach out to one of them to serve on the Best Practices or Development Committees.

Finally, in a similar effort to engage more of our Fellows in the challenging and rewarding work of the Foundation we have obtained approval from the Board of the College to add as many as five members to the Foundation Board of Directors. In creating these new slots we look not only to bring new volunteers on board as first-time Directors, but also to continue the service of certain of our more experienced Fellows who have "termed out" as members of the Board but now are eligible to serve an additional term in the newly-created position of Senior Director. We welcome Richard Carmody as our first Senior Director, and will report on the filling of the other four seats with new Directors in the next edition of College Columns.

For now, a truly heartfelt thanks to all for making 2015 a record year for the Foundation. And hey, don't forget to sign up to support the Foundation as your designated charity on AmazonSmile! If you've not done that yet, here's the link: smile.amazon.com. 



Heartfelt Thanks

District 10 Pro Bono Project, Inc. ("D10") is one of the ACB Foundation's 2015 pro bono grantees. Located in Bloomington, Indiana, D10 serves Clay, Greene, Hendricks, Lawrence, Monroe, Morgan, Owen, and Putnam counties. Their clients are at 125% or less of federal poverty levels. D10 sent us the following stories as part of their grant report. For those who wonder where Foundation donations go and if what we do makes a difference, we share the following D10 client profiles...

Alma's husband fled the country, leaving her to pay their joint mortgage. In her 50s, Alma went to culinary school, but her plans were derailed when an injury put her in the hospital. Tests done ancillary to the injury showed she had advanced diabetes. Alma had no insurance, so until this hospitalization she did not realize she was ill. Because of untreated diabetes, her vision is 20/200 in both eyes, and she now receives disability for blindness. Alma lost the 100-year-old house where she'd raised her children, and was left with an \$85,000+ deficiency balance.

Alma is collection proof, but because of her blindness she risks missing a lawsuit or court hearing, possibly being jailed for contempt of court. Her condition also worsens with stress, so a bankruptcy is best for her physical health. In addition to the bankruptcy, D10 helped her pull credit reports,

read the entire petition to her before she signed, and gave her a ride to and from the creditors' meeting.

* * *

Betty and John had just enough to live on with Betty's job and John's social security, their children grown and their mobile home paid for. Betty got cancer, forcing her to quit her job and incur large medical bills. The couple lived on credit cards in Betty's name until her Social Security Disability, Medicare and Medicaid began. D10 helped Betty file bankruptcy singly. Betty had life-endangering surgery a week after her creditors' meeting. Without a bankruptcy using the tenants of the entirety exemption, her death would have left her widowed husband with judgment liens high enough to have eaten all equity in the trailer and rendered him homeless.

Betty pulled through her surgery and all her debts were discharged. D10 law students helped Betty, who is in her 60s and computer illiterate, do her counseling and pull her credit reports. Because of her poor health, D10 met with her in her home county courthouse for appointments and to do the counseling.

* * *

Carl struggled with alcoholism, and after a series of drunken driving convictions and jail, he lost everything: his job, his wife, and his house. The only property he claimed on his bankruptcy was his phone and the scooter he used because his driver's license had been revoked. He was living with

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Heartfelt Thanks

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his sister and had two years of sobriety, but employers, upon seeing his debt-ridden credit report, refused to hire him. Carl had attempted to file bankruptcy before coming to D10, but the attorney took his fee and never finished the bankruptcy.

D10 helped him complete his online counseling and liaised with his prior attorney, who would not supply the electronic file but provided the paper file. Carl has maintained his sobriety, got his last conviction reduced, and is on his way to getting his life back.

* * *

Della is a 60-something widow who was downsized from her job after adopting one of her grandchildren, whose parents have addictions. Della also has a hearing problem and does not feel comfortable using the internet. D10 went through the counseling with her. During the bankruptcy the engine of her car, secured by a loan Della was expecting to reaffirm, died. The bankruptcy discharged the car loan, and a D10 law student bugged the lien holder until they gave Della title to the car, allowing her to sell the car for a few hundred dollars. She is now working on adopting another grandchild.

* * * * *



Michael L. Cook Extraordinary Grant

On March 19, 2016 the American College of Bankruptcy Foundation announced that it has established its first extraordinary grant in honor of Michael L. Cook, whose two-year term as Chair of the American College of Bankruptcy concluded that weekend.

Mr. Cook, a New York-based partner in the law firm of Schulte, Roth & Zabel, served as Chair and President of the College and Chair of its Board of Regents during the period from 2010-2016, and as Chair of the Pro Bono Committee from 2008-2010. "During both his many years of exemplary service to the College and his long and distinguished career, Mike has been a tireless advocate, visionary leader and relentless fund-raiser on behalf of programs that provide pro bono legal services throughout the United States," said G. Christopher Meyer, who succeeds Mr. Cook as Chair of the College.

"Under Mike's leadership of the College, the past several years have seen unprecedented growth for the Foundation," said Foundation Chair Mark D. Bloom. "It was only fitting that we recognize Mike's exceptional influence by creating our first-ever extraordinary grant in his name. The 'Michael L. Cook Extraordinary Grant' will be awarded from time to time to a legal services organization that

offers an innovative and exemplary approach to a previously under-served area of need."

The American College of Bankruptcy Foundation is believed to be the nation's largest provider of funding and resources to legal services organizations offering pro bono bankruptcy services to consumer debtors. The Foundation maintains an active website for donations and grant requests, located at www.americancollegeofbankruptcy.com/foundation.



Mark D. Bloom (left) and G. Christopher Meyer (right) present Michael L. Cook (center) with a framed Extraordinary Grant resolution



G. Christopher Meyer (left) presents Michael L. Cook (right) for his years of service to the College




2016 Induction of Class 27 Ceremony

Cecily A. Dumas, Co-Editor



Fellows were inducted into the College on March 18, 2016, at the Donald W. Reynolds Center for American Art and Portraiture, Smithsonian American Art Museum, Washington, D.C. in a ceremony attended by members of their families, colleagues and hundreds of well-wishers. Thirty of the thirty-one Fellows of Class 27 were inducted, as well as two previously-admitted Fellows. Class 27 is comprised of two judges, 24 attorneys, three financial advisors, a law professor and a bankruptcy court clerk. Marc A. Levinson, Chair of the Board of Regents, noted the outstanding professional accomplishments of the new Fellows. These individuals have participated in some of the most significant bankruptcy cases of recent years, and have made important contributions to bankruptcy law and practice through their speaking, writing and other activities. Each of the inductees also demonstrated strong commitment to

community service and promoting access to legal services. Christopher Meyer, President of the College, introduced the inductees. The induction was followed by a reception in the lovely courtyard of the Center. 

Ninth Circuit Fellows Hold First Weekend Retreat in Tucson, Arizona

On the evening of Friday, January 22, 2016, as the colorful Tucson sunset filled the sky, over 60 Fellows and guests gathered at a kickoff Margarita reception to open the first-ever Ninth Circuit weekend retreat at the lovely Hacienda del Sol Guest Ranch Resort. The established goals for the retreat included providing Fellows with networking, social and educational opportunities.

Socializing and networking included access to the relaxing "Tracy-Hepburn" Hospitality Suite with Fellows and their guests, a Western BBQ/Steak Dinner, a Wine Tasting event made possible by Class No. 1 Fellow and Sierra Bonita Vineyards Vintner, Gerald K. Smith, and a Gala Closing Dinner featuring toast/tributes to the two Arizona Fellows inducted in Class One – Lowell E. Rothschild and Gerry Smith, along with live jazz and the musical stylings of vocalist Hon. Sheri Bluebond.

The topics covered by the outstanding educational

panels included Avoidance of Professional Liability, Equitable Mootness, Current Supreme Court and Ninth Circuit cases, and Make-Whole and Rate-Cap provisions. The highly interactive panels were organized and presented by 9th Circuit Fellows, and resulted in lively discussions.

College Leadership in attendance included Marc Levinson, Jeff Davidson, and Susan Freeman. Dillon Jackson, another Class 1 inductee, also attended. The members of the Planning Committee (Steve Berger, Pamela Webster, Susan Boswell and Diana Carey, as well as Hon. Charles G. Case II in absentia) were grateful to the attendees, guests, speakers and generous event sponsors that made the event a relaxing and rewarding weekend for all, and expressed their hearty thank you to the staff of their respective firms and to Tucson Fellow Michael McGrath for his assistance with the terrific venue. 



Tucson leadership



The National Bankruptcy Archives


Adam L. Rosen
Chair, Archives Committee



The Archives Committee continues its work in preserving the legacy of those who

have had a significant, positive effect on our practice. For example, Judge Steven Rhodes' oral history has been taken, and Judge Midge Rendell's is scheduled. The Committee also is working to improve the Archives' website hosted by the University of Pennsylvania Law Library to make it more accessible to scholars, students and lawyers. Consistent with the College's mission, the Archive Committee is striving to increase the visibility of the College and the National Archives. Brace yourself, the College now has a Twitter account: @AmColBankruptcy. And, be sure to check out Archive Committee member Melissa Jacoby's Twitter account: @melissabjacoby.

Part of our history is the life and work of Leonard M. Rosen. In 2003, Leonard was honored with the College's Distinguished Service Award. He passed away in 2014, and his influence and legacy endure. What follows are excerpts from a 1994 oral history taken by Randall Newsome, and a 2013

discussion at the St. John's University School of Law. The oral history is available at <https://www.law.upenn.edu/library/archives>. 

* * *

Leonard M. Rosen on beginning Wachtell Lipton, Hiring Harvey Miller, and the 1979 Chrysler Work-Out

Beginnings

I was born in the Bronx, New York, went to William Allerton High School, and then City College of New York. I graduated in 1951 as an accounting major. I was a subway commuter during college. I then went to NYU Law School from '51 to '54 and did well academically having made the law review.

After graduation I was drafted into the Army and served basically in the Washington DC area, it was an audit agency, which was an agency that audited the transactions with the Army; it was a good job. Traveling out of Washington, we covered Virginia, and Maryland -- basically contractors involved in ships in Norfolk, and contractors involved in animal poison gas and stuff like that in Frederick, Maryland. I traveled, lived in Baltimore, and came home weekends, it was good.

Even though I graduated from law school in 1954, I took the bar exam in 1956 after returning from the Army. I started looking for a job in 1956. Being Jewish and coming out of NYU, it was not a great setup and so even though I was third or fourth in the class, had a pretty good record, I had interviews with about three Wall Street firms, and

one or two Jewish firms, I did not get an offer from any of them. Wall Street firms were still not used to NYU and they weren't used to having too many Jewish lawyers -- they had a couple of them. And then the Jewish firms were German Jewish firms and my background was Russian Jewish and that made a difference back in those days. It doesn't anymore, but it did in those days.

The prominent German Jewish firms were Paul Weiss, and Proskauer Rose. I did get interviewed by one of them, but I didn't get an offer. Maybe it was just due to being me, but I had a good academic record, that's all I can tell you.

I knew Marty Lipton from the law review and he had a part-time job when he was going to law school at NYU with a firm in New York -- Seligson, Morris & Neuberger. Marty was clerking for Judge Weinfeld at the time and Marty said "why don't you go to this firm" and I went there. Among my memorabilia is a postcard that came from David Sykes, who was a partner in that firm inviting me to come to an interview.

Charles Seligson was the dean of the bankruptcy bar at the time. He was the co-author of Collier on Bankruptcy, was a prominent bankruptcy practitioner, taught litigation as well as bankruptcy law at NYU, and was a very bright man. Lincoln Morris was sort of a corporate genius, great personality, he wanted to be an actor, he was an actor as a lawyer, great with clients...

To view this article in its entirety, please [click here](#).

Ninety is the New Seventy

A Senior Fellow Committee Book
Review by Michael L. Cook

Hubris, by Alistair Horne
(Harper Collins 2015) 344
pages.



Alistair Horne, the British historian and author of 25 books on military history over the past 50 years, has produced a gem in his ninetieth year: Hubris, subtitled "The Tragedy of War in the Twentieth Century." The book was my introduction to Horne's strong, clear prose; his sound judgments on human nature; and his devastating wit. Only in the author's final "acknowledgements" did I learn that Horne was 90 when he wrote the book after recovering "from the dark abyss of a stroke."

Horne describes six twentieth century battles to show the effect of military overconfidence on the course of world history -- Tsushima (1905) (Japanese sinking of the Russian fleet); Nomonhan (1939) (Russia's stopping Japan in Mongolia); Moscow (1941) (Hitler's overreaching after his invasion of Russia); Midway (1942) (the Japanese naval loss six months after Pearl Harbor); Korea (MacArthur's fatal march beyond the Thirty-Eighth

Parallel); and Dien Bien Phu (1950-1954) (the disastrous French loss to North Vietnam). Defining hubris as military "overreach," he shows "how very little the great warlords ever learn from the mistakes ... of their predecessors." He shows, too, the "racist distortion" and lack of "good sense" that caused the Russians to have "contempt for the little yellow man"; the "Japanese tendency to relegate the Chinese to the rank of [subhuman], much as Hitler regarded the barbarian Slovak hordes during" his Russian invasion. Even before Pearl Harbor Americans convinced themselves "that the Japanese couldn't fly because of their poor eyesight." In the end, Horne tries to provide an answer as to why successful military leaders should be closely monitored.

Horne described the Russian Tsar Alexander II during the 1905 Russo-Japanese War as "unerring in his ability to make the wrong choice" when he picked an admiral to lead the Russian Fleet. Describing Stalin's "hatchetman during the [1930s] purges" who killed at least 185 generals, Horne called him "an old party hack,... described by those that knew him as a 'bag of [excrement]'". As for General MacArthur, he was, "as one of his commanders once remarked, 'senior to everyone but God.'" When the "patrician and fastidious" Secretary of State Dean Acheson declined to join President Truman at his October 15, 1950 meeting with

MacArthur on Wake Island, he explained "with exquisite diplomatic style, that, [because] General MacArthur had many of the attributes of a foreign sovereign ... and was quite as difficult as any, it did not seem wise to recognize him as one."

This is a terrific book. Horne's superb grasp of human nature graphically shows how success can lead to disaster.





Fellow News

A section for newsworthy awards and moves by Fellows. If you have news about yourself or a colleague, please send announcements to Shari Bedker at sbedker@amercol.org for inclusion in the next issue of the College Columns, published in June and December each year. Fellow News can also be found on the ACB website on the [homepage](#) and under the [News & Events](#) tab.

Robert A. Byrd (who practices in Biloxi, MS), **Jan M. Hayden** (who practices in New Orleans, LA) and **Debbie B. Langehennig** (who practices in Austin, TX) were presented with the 2016 Michelle Mendez Serviam Award, which honors the life and service of Michelle Mendez, and the many selfless contributions she made during her life which continue to benefit fellow bankruptcy professionals in the 5th Circuit.

Richard P. Carmody, a leading bankruptcy law attorney with the law firm of Adams and Reese, has been named the inaugural Adams and Reese Senior Pro Bono Fellow in a new fellowship program recently launched by the firm. The new program offers senior attorneys the opportunity to effect change by devoting a significant portion of their working hours to pro bono ventures while continuing to serve clientele through traditional practice. For the 2016 fellowship program, Carmody will work with National Appleseed and its network of 17 social justice centers in the U.S. and Mexico.

The **Honorable Roberta A. Colton** was sworn in as the newest bankruptcy judge of the United States Bankruptcy

Court for the Middle District of Florida, Orlando Division, on April 1, 2016. Judge Colton was appointed by the United States Court of Appeals for the Eighth Circuit to a 14-year term as a United States Bankruptcy Judge for the District of South Dakota with a designation to the Middle District of Florida under an approved Bankruptcy Judges Vacancy Pilot Program.

The 11th annual Columbia Alumni Leaders Weekend took place October 9–10, 2015 on campus. Sponsored by the Columbia Alumni Association and featuring interactive sessions, an Alumni Leaders Luncheon and the annual Alumni Medalists Gala, the event brought together volunteers from all Columbia schools. Dean James J. Valentini presented **Michael Cook** '65 the 2015 President's Cup, for leadership during his 50th reunion.

HealthSouth Corp. (NYSE: HLS) has hired **Patrick Darby** as executive vice president, general counsel and corporate secretary. In his new role, Darby will manage the company's legal and real estate departments, help oversee HealthSouth's recent expansion efforts, coordinate all legal activities associated with future capital structure

initiatives, and coordinate regulatory and compliance matters of the company.

Joseph Hage Aaronson LLC announced that the **Hon. Robert E. Gerber**, United States Bankruptcy Judge (Retired), has joined the firm as Of Counsel upon his retirement from the federal bench. Judge Gerber will offer services in bankruptcy and commercial arbitration, mediation, fiduciary work and consulting.

Dorsey & Whitney LLP announced that **Peggy Hunt**, a partner in the Firm's Salt Lake City office and Monica Clark, a partner in the Minneapolis office have been named Co-Chairs of the Bankruptcy & Restructuring Practice Group.

Michael H. Reed, special counsel in the Philadelphia office of Pepper Hamilton, was honored with the A. Leon Higginbotham Jr. Lifetime Achievement Award during the 28th Annual Pennsylvania Bar Association (PBA) Minority Attorney Conference on March 17-18, 2016.

Womble Carlyle is proud to announce that bankruptcy attorney **Jason Watson** has joined the firm as a partner in the Atlanta office.


2016 Foundation Donations

As of April 29, 2016, 128 Fellows have donated nearly \$77,000 to the American College of Bankruptcy Foundation. The current list of contributors can be found below. As we always hope for 100% participation by our Fellows, please consider helping us to surpass our 2016 goal of \$225,000. You may make a Foundation donation at any time—simply visit www.amercol.org to access the online donation form. Thank you for your support!

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As of April 29, 2016



Please join us in San Francisco on Wednesday, October 26th for the 2016 Fall All-Fellows Luncheon.

Accommodations are available at the Marriott Marquis Hotel. For reservations, you may contact the hotel at 1-415-896-1600 and ask for the NCBJ block of rooms. The College does not have a separate block of rooms.

Click [here](#) to register for the event and for more information. We hope to see you in San Francisco!

In Memoriam

Charles C. Crumley
March 17, 2016

Hon. Dean M. Gandy
April 14, 2016

Hon. Paul Mannes
January 20, 2016

Hon. William L. Norton, Jr.
May 8, 2016



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