



COLLEGE COLUMNS

A MAGAZINE FOR AMERICAN COLLEGE OF BANKRUPTCY FELLOWS | MAY 2024

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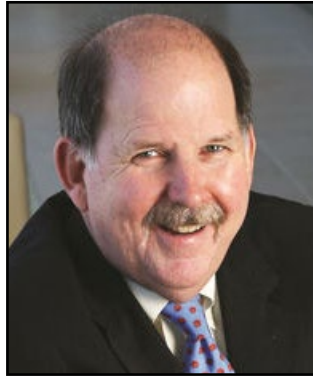
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Michelle Foster

From the Chair

The Greatest Generation... of Bankruptcy Professionals

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



Fresh off our Annual Meeting in Washington, D.C. and an opportunity to attend the Ninth Circuit Fellows Retreat in Half Moon Bay, California last weekend, I turn to my first Column as College Chair. *First*, a fond farewell to Shari Bedker, our beloved Executive Director who is retiring from the College in June. We will miss you and recognize your fine contributions to the College over twenty-eight years.

Enjoy the Cruise! *Second*, a huge thank you to Melissa Kibler, our Immediate Past Chair. For all fellows, you made the College “our house” and it is a very, very, very fine house. *Third*, a big shout out to our newly installed officers, directors and committee chairs. The vitality of the College starts with the vibrant engagement of our fellows in the affairs of the College. We could not build the College we dream of without your effort and dedication.

In considering the great efforts of our new officers, directors and committee chairs, I started thinking about how they got here. It occurred to me that not only does it come from within but it also comes from our mentors in leadership, service, scholarship and professionalism in the College: our senior fellows. And, our Senior Fellows Committee, co-chaired by Richard Carmody and Bob Gerber, has been collecting “origin” stories from some of our more seasoned fellows (licensed 1983 and before) about how or why they became bankruptcy lawyers. So far, the Senior Fellows Committee has collected a little over 115 stories with a goal of 150 stories.

While I’ve gotcha, I want to share a sampling of those stories with you. You will see that our senior fellows represent the greatest generation of bankruptcy professionals. While they may not have fought a bankruptcy war (although some are Vietnam war vets) or died for the valiant cause of bankruptcy, they laid the foundation of a functioning bankruptcy practice for everyone in the College and deserve our respect and admiration. There is also a commonality with many of the stories. Most



never took bankruptcy in law school but were pressed into the bankruptcy practice because there was an urgent need for bankruptcy lawyers at the time and the expertise or specialty simply did not exist in their locale. (For some of the stories I made minor edits for space limitation but you will get the gist.)

I turn first to the origin story of *Judge Margaret Mann* in San Diego:

“I never took a bankruptcy class in law school and no attorneys in my firm practiced bankruptcy but, I was engaged to a bankruptcy judge’s law clerk. When the first recession after the enactment of the Bankruptcy Code hit in 1982, our real estate clients were desperate for bankruptcy advice. I was the closest thing to an expert at the firm since my husband could at least tell me where to look for answers to our clients. I worked hard at educating myself. The law was so new at that time that younger attorneys had a chance to distinguish themselves.”

The origin story of *Camille Hope*, the Chapter 13 Trustee in Macon, Georgia is equally compelling.

“My husband and I moved to Macon after graduating from Boston University Law School in 1977. I was a staff attorney with the Middle District of Georgia Legal Services office. In 1981, Judge Robert F. Hershner was new to the bankruptcy bench and had hired a new law clerk. Soon thereafter, the local Chapter 13 Trustee died in a car accident, and I applied to be the Chapter 13 Trustee although I had not taken a bankruptcy course in law school and had only filed one bankruptcy case, a chapter 7 case in my four and a half years with legal services. To prepare for my interview, I spent hours in the Mercer law library studying the old Act and the new Code. I read a law review article titled *Chapter 13 Trustee, No Mere Disbursing Agent*, explaining the expanded role of the Chapter 13 Trustee. I always believed that the knowledge I learned from that article was responsible for my selection by Judge Hershner to be the Chapter 13 Trustee. At the beginning of my trustee career, the new bankruptcy judge, the new law clerk and new Chapter 13 Trustee met regularly as a team to discuss issues to discuss issues and the most ideal and practical processes.”

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Welcomes and Farewells

Best Moments from the 2024 Annual Meeting

*Patricia Redmond, Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A.
President, American College of Bankruptcy*



As I prepared for my last meeting as Chair of the Board of Regents of the College, and the incoming challenges as President, I contemplated the excitement of new events and our deep

gratitude to those to whom we would say farewell.

The College was back in Washington, D.C. for a second year and the attendance by fellows was again in excess of 300. The College welcomed 31 new fellows, and for the first time, Distinguished Law Students from each of the eleven circuits. The plans and logistics for the meeting, overseen by Shari Bedker and Jenny Cudahy, were in place and every detail covered. The buzz throughout the meeting was the reality of Shari Bedker's retirement after her service to the College for over a quarter of a century and her major contributions to our prosperity and success.

It was, for sure, a weekend of "firsts" and "lasts". The committees held meetings and showcased their efforts over the past year through programs and networking events.

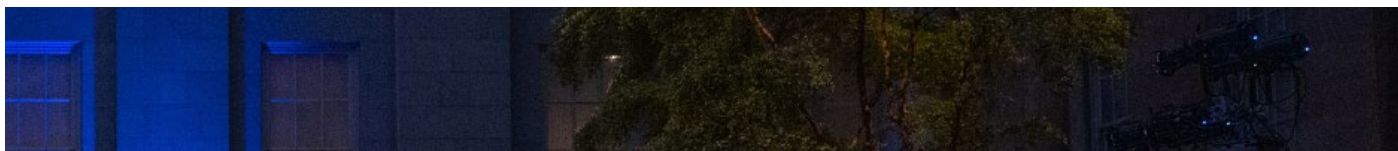
We Welcomed

The energy of the Annual Meeting and the College were evident from the Thursday evening President's Reception hosted by incoming Chair Charlie Beckham. Charlie

recognized the eighteen international fellows attending the weekend events. The International Committee chaired by Robbin Itkin and Robert van Galen had planned a variety of educational programs and networking events including an interactive program on Saturday afternoon with Professor Douglas Baird to attract fellows from around the world. The result was the largest attendance by international fellows in the history of the College.

Charlie also recognized the eleven Distinguished Law Students. For the first time, all of the circuits selected a distinguished law student. Chair Lisa Futrell managed the process of selection seamlessly, and all fellows had the opportunity throughout the weekend to meet and spend time with these outstanding young people.

Charlie welcomed our 31 new fellows - 27 from Class 35, and four from previous classes. This group reflects the College's commitment to DEI, with diverse new fellows comprising over 40% of the class, and the College's commitment to geographic outreach with fellows for the first time from places such as Buffalo and Pensacola. Our new fellows arrived on Thursday evening, already informed and educated with respect to the College, its mission, structure and opportunities. Many thanks to Judge Lisa Beckerman and the Freshman Fellows Committee for gathering the new fellows before the Annual Meeting.



We Planned for the Future

Friday started with an early morning Board of Directors' meeting led by Chair, Melissa Kibler. The Board is responsible for the governance of the College and is comprised of directors from the circuits and the committee chairpersons. [This link](#) is the list of the current officers, Board of Directors and committee chairpersons.

Melissa recognized the directors and committee chairs who were attending their first meeting, and those whose terms were ending at the close of the Annual Meeting. During her Chair's Report, Melissa paused the normal order of business to honor Shari who had served the College as Executive Director for 28 years and had been the "rock" that allowed the College to grow and become the strong organization it is today.

At the Board Meeting, the Committee Chairs provided written and/or oral reports. The theme among committees is collaboration and coordination. For example, the International Committee is looking forward to a joint event with one or more circuits during the coming year to increase integration and involvement of international fellows with their US counterparts.

In addition, the Visibility Committee is launching the newly designed website in late spring/early summer 2024 and seeks input from all fellows and committees to make sure the website is user-friendly and up-to-date.

Another example is the Education Committee and its circuit level representatives who are developing multi-circuit events to provide education and networking opportunities for the fellows.

During the weekend, Charlie announced the formation of an Ad Hoc committee to study the venue for the 2026 Annual Meeting. As many fellows will remember,

the College had moved the Annual Meeting from Washington, D.C. to San Diego and Denver in the past and is looking to evaluate a potential venue for 2026.

We Were Educated

Rich Levin, scholar in residence, once again, curated for us a terrific education program on various areas of substantive law and practice.

The first program was entitled, *Mindfulness in Practice: Why DEI remains relevant in the College*. This program was tailored, not to a generic DEI mission, but rather to the mission adopted by the College and our fellows in their particular circumstances.

That program was followed by *My Path To Become A Bankruptcy Professional* with luminaries such as Michael Cook and Mary Grace Diehl talking about their path into bankruptcy and their journey throughout their careers.

Saturday morning brought another excellent group of educational programs. First, was *Views from the Appellant Bench* with Judges Thomas L. Ambro and Jeffrey P. Hopkins focusing on how to be an effective advocate. Second, was a program sponsored by the International Committee entitled *Enforcement of Foreign Judgments in Chapter 15 from the Experts Perspective* featuring Judge Martin Glenn, retired Judge Chris Sontchi, Robbin Itkin and Professor Irit Mevorach detailing the latest cases and approaches in Chapter 15.

The last program of the morning was *A Fresh Start: Conversation with Senator Warren's Staff on Reimagining Consumer Bankruptcy*, which presented, among other things, a look at the pending legislation proposed by Senator Warren.

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From the Foundation

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



As I sit down to write this month's Columns article, it occurs to me that I have nothing but good news to share with the College. From another record-breaking year of donations to a record-breaking level of grants, to attending this Spring meeting in Washington DC during the peak of a stunning cherry blossom season, the Foundation had a great end to 2023 and began 2024 with wonderful

results under its belt and a renewed commitment to keep on trucking! So let me fill you in.

Each year, the Foundation Board sets out to raise the money needed to fund the grants that Norm Pernick and his Grants Committee hand out each year. This year we kicked off our fundraising campaign on November 1, 2023, by celebrating "20 Years of Impactful Giving". We try to stretch a bit beyond where we were the year before and we are happy to report we were able to do that again. The 2023 campaign raised a total of \$476,654. These results exceeded our 2022 total of \$459,178.15, by 4%, and our 2021 total \$412,554 (the previous record) by \$64,000 or 15%. We also exceeded our announced stretch goal of \$475,000.

I personally must thank every member of the fundraising team for this result. During our fundraising season ending with the ringing in the New Year, Jenny Cudahy, our amazing staff member, keeps the team composed of the board members and various volunteers from each circuit in line and informed weekly about our progress. It is hard to single out any one or two of the directors for their efforts, but I do have to thank Vince Lazar who moved from circuit to circuit as needed to help - we couldn't have done what we did without his help. I especially want to thank the volunteers Chris Candon, John Monaghan, Chad Dale, Katie Coleman, Annette Jarvis, and of course the "Eveready Battery of Fund Raising" Richard Carmody. They stepped in and helped our board exceed its goals once again. Most of all, we need to thank the fellows who participate year in and year out. Overall, 89% of contributing fellows matched or exceeded their prior-year donations in 2023 (This

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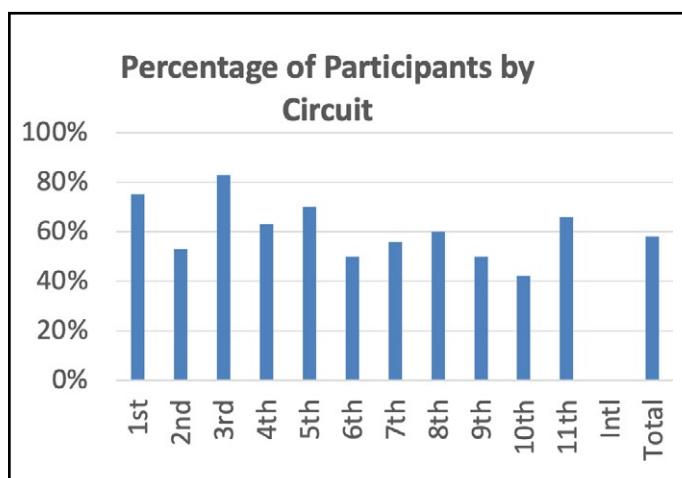
Shari A. Bedker





was an increase from 2022, when 85% of contributing fellows matched or exceeded their prior-year donations in 2022). And we were able to exceed our fundraising goals despite having a slightly lower rate of participation, which is a function of emeritus fellows that have left the practice.

The Third Circuit continues to amaze us by bringing in donations from 83% of their fellows, including Emeritus donors. The First Circuit was not far behind, with a 75% donation rate. We should also highlight the creativity of our Circuit fundraisers. The 11th Circuit launched a “Make an 1111b Campaign” which resulted in 33 fellows (over half of their contributions) donating \$1111. The Fifth Circuit marked year two of their “Five for the 5th Circuit” campaign. The 10th circuit did a final year push to push past its goal due to the hard work of its leaders. Four-Figure Club donations of \$1,000 or more increased once again. Sixty eight percent of fellows in the 2nd Circuit donated \$1,000 or more, which resulted in \$101,500 in donations. Fifty-three percent of donors in the 11th Circuit were four-figure donors as well. Below is a chart showing participation by circuit and as you can see, most either made their goals or missed by a hair!



Now collecting the money is only part of the story. While Norm in his report will fill you in on the details, the Foundation and College Boards approved the grant funding proposed by the Committee of \$518,024 in pro bono grants (an increase of \$61,437 over 2022) to 44 organizations and \$66,675 in DEI initiative grants. But that committee is not one to rest on its laurels, they are already hard at work preparing for this year’s grants. All of us at the Foundation Board urge each of you to help the Grants Committee give your money away. Please identify organizations in your community that have worthy projects to fund and share [our grants page](#) with them. Our pro bono grants application period is open now and closes on May 15th this year. Remember we award grants up to \$15,000 per year with one especially noteworthy program receiving the Cook Award for \$20,000. And we award DEI grants in various amounts on a rolling basis year-round.

The spring meeting is when we say goodbye to some of our hardworking board members and welcome new members. This year we bid farewell to Jeanne Darcey, Bill Wallander, Frank Childress, David Warfield, Prof. Elizabeth Tashjian, Isabel Balboa, Pat Nash, and our resident poet laureate, Scott Victor, who motivated all of us but especially his circuit with his stirring prose! Each of these directors helped us grow into our mission throughout their terms and we are forever grateful. We have joining us Christopher M. Candon, Christine E. Devine, Laura Davis Jones, Warren A. Usatine, Travis Torrence, Julie B. Teicher, Felicia Gerber Perlman, Caroline A. Reckler, and Eric L. Johnson. Marjorie Kaufman has agreed to join us in a new role as treasurer for this term. I know that each of them will help us

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From the Grants and Pro Bono Committee

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



I am very proud and excited to acknowledge the tremendous work of the 40+ members of the Grants and Pro Bono Committee (the “Committee”) over the past year.

Support for access to justice is an important part of the mission of the Foundation and the College, and that mission is executed by the Committee. On behalf of the Committee and our grantees, I thank the College, the Foundation, the DEI Committee and the fellows, whose support and generosity make the grants possible. You have made the College and the Foundation the largest private funder of pro bono programs in the Country, and you have enabled us to provide a lifeline of assistance to the most vulnerable and diverse populations our grantees serve.

Pro Bono Grants

In 2023, the College and Foundation awarded \$518,024 (an increase of \$61,437 over 2022) to 44 organizations, funding programs in 25 states plus the District of Columbia. Our grantees come from across the country, in cities large and small, as well as in rural areas. We fund programs designed to maximize the reach of our grantees by increasing volunteers and expanding and leveraging resources. Applications include requests to fund (i) pro bono clinics and volunteer attorney trainings to recruit additional volunteers, or expand the reach of volunteer attorneys, (ii) self help desks and

pro se clinics to assist those individuals who must navigate the process on their own, (iii) development of training or informational videos to reach pro bono attorneys or potential clients, (iv) software and hardware upgrades to enable remote connections to clients, and (v) community education and outreach, to provide individuals with needed information on debt and bankruptcy relief.

The following are two examples of programs funded with the 2023 grants:

- *Legal Aid Society of San Diego* launched San Diego’s Bankruptcy Self-Help Center in 2016 and its Bankruptcy Clinic in 2017 (“the Clinic”). LASSD continues to be the only organization in San Diego providing these services. Their services not only benefit the public, but they also benefit private attorneys, trustees and judges in San Diego who all regularly refer debtors and creditors to the Clinic. By ensuring that proper individuals get accurate information about their general options and the bankruptcy process, the Clinic helps the court system run more smoothly and efficiently, which benefits all involved. Last year, using ACBF funds, LASSD was able to make it vastly easier for clients to attend virtual 341a hearings. In the past, some of their clients found it difficult to participate in Zoom-based 341a hearings because they did not have access to a private location with secure and reliable internet, or they did not understand how to use the technology. In response to this problem, LASSD used ACBF funds to purchase equipment that made it possible for them to use Zoom in their offices for their hearings. This allowed them to provide technical guidance while



also ensuring that their clients would have an interruption-free space. They also made significant progress on their goal to assist more individuals with discharging student loans through bankruptcy.

- *The D.C. Bar Pro Bono Center* presented a fall bankruptcy training series for pro bono attorneys in September and October 2023. The training was offered in a hybrid format with two pre-recorded sessions and one live, in-person session to close the series. All training sessions ranged from 90-120 minutes and participants received access to additional informational videos and materials, such as a bankruptcy law handbook. This hybrid training format built on their success in providing bankruptcy education to volunteers virtually since March 2020 and during the COVID-19 pandemic. Pro Bono Center staff have created or updated video recordings of two training modules which were distributed to registrants in advance. They then offered a 120-minute live session in-person, which included a panel of experts and question and answer session. A recording of the live session was sent to participants afterward. Attendees appreciate the flexibility of being able to watch pre-recorded materials at their own pace and then receive substantive, in-depth responses to their questions during the live session.

I would like to continue the tradition of sharing with you a few stories from the grantees describing the powerful impact of our grants:

- *Public Counsel, Los Angeles, CA:* Jaime was struggling to keep current with her monthly expenses after having her claim of exemption denied and having her wages ordered garnished at \$400 each month. Jaime came to the Bankruptcy Court looking to file a bankruptcy case to stop the wage garnishment. The bankruptcy court clerk

[View the 2023 DEI Grantees Here](#)

[View the 2023 Grantees Here](#)

referred her to PC’s walk-in bankruptcy clinic that same day. Thanks to the strength of their relationships with pro bono attorneys, they placed Jaime with a pro bono attorney within one hour of contact and the pro bono attorney filed the bankruptcy case the next day. The wage garnishment ended, and Jaime obtained a discharge of all of her debts and a fresh start in 2023.

- *PBRC Consumer Protection Project (CPP), Baltimore, MD:* In June 2023, CPP represented a client who came to court in Prince George’s County to resolve her debt despite numerous extenuating circumstances. Ms. Smith is 62 years old and confined to a wheelchair as a result of Multiple Sclerosis, which was also causing her to go blind. CPP later learned that her husband was in the hospital recovering from a stroke, that the couple’s only income was a small amount of social security, and that they had recently been evicted for failure to pay rent. At some point they had opened up a Bank of America credit card to help with expenses, and that credit card bill had grown to about \$10,000. After learning about Ms. Smith’s situation, the CPP staff attorney spoke with the creditor’s attorney, who was present in the courtroom for the Resolution Conference docket. She explained Ms. Smith’s situation and the attorney agreed to a Hardship Dismissal, which is appropriate in extenuating circumstances such as those experienced by Ms. Smith. Ms. Smith was ecstatic when she heard the news. She burst

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Shari Bedker – Our Gratitude and Farewell

*Melissa S. Kibler, Accordion
Immediate Past Chair, American College of Bankruptcy*



This summer, Shari Bedker will be retiring after 28 years with the College, 16 as its Executive Director. We – as fellows and as an institution – will miss her greatly.

Shari has truly been the backbone of the College, and it is hard to imagine managing this association without her. But in trademark form, Shari put in place comprehensive transition plans that included identifying her very capable replacement, CC Schnapp, and training her as a part-time staff member over the past two years. CC will be supported by Jenny Cudahy and the rest of the team, so we know that we won't miss a beat at the College and Foundation. (And just to make sure, Shari will continue to play a contract role to support our finance and accounting needs, and of course will be there to answer any questions.)

Few of us knew her experienced background. Shari has a bachelor's degree in accounting and a master's degree in taxation, both from George Mason University. She is a licensed Certified Public Accountant in the Commonwealth of Virginia. Out of college, Shari worked as a budget analyst and operating accountant for the General Services Agency, the National Archives, and the Office of Naval Research.

Shari joined Armstrong & Associates (A&A), the College's management company, in 1996 and became the Executive Director on May 1, 2008. While we like to think that the

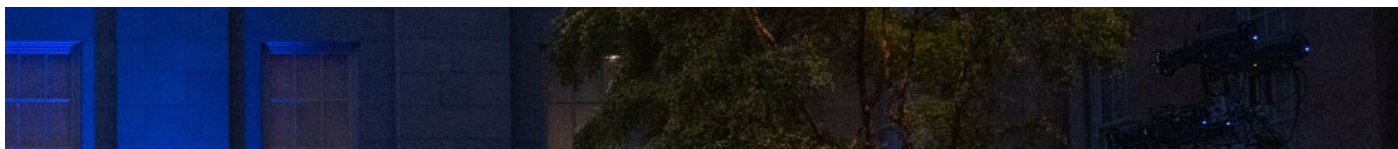
College is her favorite, Shari and her team also provide essential administrative support for the National Bankruptcy Conference (NBC), the International Insolvency Institute (III), the International Women's Insolvency & Restructuring Confederation (IWIRC) and the Federal Magistrate Judges Association.

Recall that the College was founded in 1989. This means that Shari has been part of the fabric of our institution for the vast majority of its existence. There is little that the College and Foundation have done that we can't credit Shari with supporting.

When we take a "look back," we remember that there were 201 fellows in the College in 1996. Since then, Shari has overseen the induction of 924 fellows in 28 classes. Few fellows today have not been welcomed to the College by Shari, and all have been the beneficiaries of the care, diligence and good humor with which she has supported us as fellows.

Shari has worked with 13 Chairs and countless volunteer leaders. She and her staff adapt to continually changing leadership styles and priorities and put up with our crazy day jobs that don't always align with our volunteer commitments. We as fellows rely on the staff for a great deal. They show incredible patience and somehow always make sure things get done, and do so with grace, humility and a smile.

Shari has planned many annual meetings in DC, as well as going "off campus" to San Diego, Denver and Indianapolis and, of course, our annual luncheons at NCBJ. She has hobnobbed with the titans of industry and welcomed 114 distinguished students.



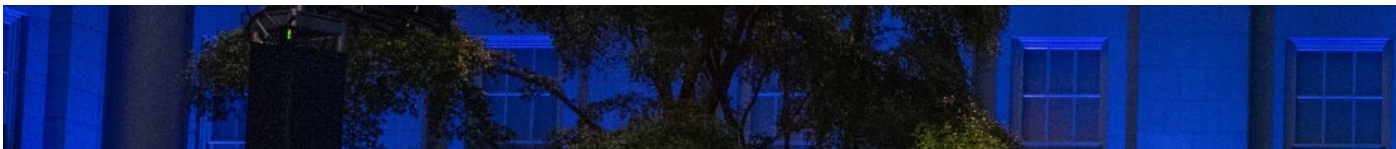
She was present at the Foundation's inception and helped raise money to fund over \$5 million in grants going to over 630 grantee organizations and to build an impressive quasi-endowment. And so much more ...

Despite being incredibly dedicated to her work, Shari has nevertheless found time to volunteer extensively. She has served as treasurer for several different organizations, including Knollwood Community Church, Kings Park Concert Band, All-Night Grad Party at Robinson High School and LinkAcross. She was also a Girl Scout Leader for eight years and worked with C.A.R.E. to set up a relationship with the Girl Scout Council of the nation's capital to provide financial literacy programs. For fun, Shari plays the clarinet with a local community band and enjoys spending time on her 21 acres of

paradise in Central Virginia with her family.

We were delighted to be able to recognize Shari's contributions at our annual meeting in March. We were joined at the final luncheon – in a surprise to Shari – by her husband Larry, her mother "Nana," her daughter Michelle (who also works for A&A), her son-in-law Ben, her granddaughter Vanessa and her son Matt. Most fun was the presentation of a commemorative video in Shari's honor which was hosted by many of our past and current leaders.

It is difficult to find words adequate to express how grateful we are for all that Shari has done – the College and Foundation would not be where they are today without her. It has been a pleasure and a privilege to work with you, Shari, and we wish you the very best in retirement! 🏡



Royal Yet Relevant!

*Jennifer Hagle, Sidley Austin LLP
Chair, Board of Regents*



One of my favorite parts of the annual induction celebration is seeing the beaming families of the inductees, especially the children and grandchildren, each so proud of their Mom/Dad/Grandma/

Grandpa -- but not totally understanding what all of the hullabaloo is really about. As but one example, I was told by one Fellow that his son analogized the event to the bankruptcy "Hall of Fame". I loved that -- so I decided to ask some of the other kids what they thought the honor really meant. I was told the College is like the bankruptcy "A-Team" and the bankruptcy "Elite." But my favorite was one daughter who said her mom was part of bankruptcy "Royalty -- like a Princess" (evening gown and all)!

Well, I have to agree that the College really is something like bankruptcy "royalty" -- and we should certainly celebrate our collective successes during that special induction weekend every year. However, as anyone who has binged "The Crown" can tell you, the "real" Royals are unfortunately at risk of becoming irrelevant. And so it occurred to me, how do we collectively insure that the College remains royal -- yet relevant -- in a fast-paced, ever-changing profession bombarded by everything from virtual technology to social media to AI?

Fortunately, there are many ways that the College is and will continue to remain relevant--as long as we fellows continue to

meet the challenge by committing to the following core values and goals.

Diversity -- No institution can truly remain relevant unless it reflects the changing faces of the communities within which we work, live and play. Over the past several years, while continuing to embrace the standards that truly distinguish us as "royalty", the College has challenged all of us to intentionally cast a broader net to identify prospective fellows so that diversity within the College will continue to expand. As a direct result of these efforts, Class XXXV is one of the most diverse (43%) and young (defined as under 50, 34%) ever to be inducted.

Education -- One of the core values of the College is to identify educational programs for sponsorship and develop programs designed to further its educational purpose. There is no better way to stay relevant than to continue to attract the best and brightest students out of law school and recruit them into the bankruptcy practice -- and then continue to advance their knowledge base and networking opportunities through interesting and engaging educational programming. Additionally, the Distinguished Law Student Committee is a key component to building the pipeline of future fellows -- and it is no coincidence that the number and impressive quality of applicants has multiplied exponentially over the past several years.

Public Service/Pro Bono Work -- Nowhere is the College's relevance better reflected than with respect to its expansive pro bono efforts. The Pro Bono Committee works tirelessly



to identify clinical and other community programs devoted to providing debt counseling and other legal services to low-income individuals and families. Through the award of significant grants, the College makes its mark every day in addressing the needs of underserved communities requiring assistance and advocacy related to financial distress.

Mentoring – It is undeniable that the world is more complicated, fast-paced and stressful than ever. Competing demands on our professional time have multiplied with firms and clients expecting 24/7 availability, immediate feedback, increasing chargeable hours and relentless client/practice development demands. Now more than ever, we need each other as a source of support, whether it's a referral, talking through a complex legal issue or merely to vent. The College has made significant strides in the past several years to encourage mentoring of each other and the next generation, whether through serving on Committees or participating in the Freshman Fellows Program, intended to ensure that fellows feel included and integrated into the College and its many activities from the get-go.

Next Steps – And so, keeping these values in mind, we begin the process of “curating” Class XXXVI, culminating with our Regent meeting scheduled in conjunction with the NCBJ in Seattle on September 18, where the Regents will carefully vet and select the next Class. Note that the nomination deadline is early this year – June 15. Please think about who the next exceptional and qualified bankruptcy lawyer or jurist is that you know will meaningfully contribute to the College's future relevancy. As always,



we are looking for “those professionals whose sustained performances in the practice of their profession exemplify the highest standards of professionalism among bankruptcy specialists”. Professionals of the highest level of character, integrity, professional expertise and leadership with a commitment to fostering the College's goals of diversity, equity and inclusion. Professionals who are looking to actively contribute to the goals and values that historically have made the College the great institution that it is today and will continue to make the College relevant and important in the future.

In closing, I would be remiss in not acknowledging the fantastic job that past and current leadership have done to keep the College relevant. As your newly minted Chair of the Board of Regents, I want to give a special shout-out to my predecessor Trish Redmond, who set the gold standard for this position. As Trish told me, “I have the best job in the College” – and I am looking forward to working with all of you as we embark on nominating, vetting and ultimately selecting what is sure to be the best class of fellows yet! ¶



Shari's Next Adventure

*Shari A. Bedker, CPA
Executive Director, American College of Bankruptcy*

Dear Fellows,

At the risk of really dating myself, I started working with the College in 1996 and the first induction ceremony I attended and helped with was Class 8 in 1997 when Ray Shapiro was Chair and Neal Batson was President. I was immediately impressed with the dedication and passion all the fellows I met had for their profession.

Over the next 28 years, I have met and worked with the "luminaries" in the profession as well as very smart, dedicated attorneys, financial advisors, judges and academics who supported and encouraged all the College and its Foundation have done by rolling up their sleeves and working tirelessly for the bankruptcy profession as a whole - educating and supporting younger members, working for the industry to be inclusive and in the words of Prof. Larry King in 2001, "giving back" to the community and the profession as it has given to each of you.

I was incredibly honored and VERY surprised at the presentation of the touching video and the surprise attendance of my family at the luncheon in March. There was definitely some ugly crying on my part, especially when seeing many of the past Chairs of the College on the screen. Every leader in the College brings their own style and focus but the overall goal is always moving and growing as an organization which made my job so much fun.

Many people have asked what I will be doing in retirement after July 31, 2024. For 3 years, I will continue to review financial information and be an advisor as needed to my successor, Alexandra "CC" Schnapp, who will be taking over as College and



Foundation Executive Director on July 1, 2024. I currently have 3 fantastic, energetic granddaughters and by the time I retire, will be adding a grandson to the mix, so I will have 4 grandchildren ages 4-newborn to hang out with! I have played clarinet with a community band and recently started playing in a community orchestra as well, so I hope to have time to actually practice and build on my musical skills. Likewise with my hobbies of photography and golf, I plan on getting out from behind my computer to get outside a lot more. My husband Larry and I will be traveling without the pressure of having to keep 100-500 people happy and organized. I have also been asked by the College leadership to do an oral history so I have asked my long-time friend, Hon. Janet Bostwick, to do that with me, and we will be working on that this fall, so it will be fun to revisit and share some of the College's history with all of you through that interview.

I thank the College and Foundation for the privilege of being a part of the journey of the College's evolution and very much look forward to what our newest Fellows who were inducted in March 2024 in Class 35 will bring over the next 30 years. —Shari 🍷



Doing the Splits

When a Legislative Solution to Resolve a Circuit Split Creates a New Circuit Split

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



The effect of conversion of a Chapter 13 case to a Chapter 7 case has created confusion where there has been an increase in equity in a debtor's residence during the pendency of the Chapter 13 case. The issue becomes whether this increased equity is property of the estate upon conversion or property of the debtor. The circuit split stems from the interpretation of Section 348(f), which was enacted in 1994 to resolve a prior circuit split on whether interests acquired post-petition but pre-conversion are property of the converted estate or of the debtor. In the application of Section 348(f) to post-petition, pre-conversion appreciation, the circuits evidence

disagreement over the plain meaning of the text and related provisions of the Bankruptcy Code, but also acknowledge disagreements among the courts over the importance of some very persuasive legislative history accompanying the enactment of that section.

In looking at this issue, we start with a classic case broadly defining property of the estate in *In re Potter*, 228 B.R. 422 (B.A.P. 8th Cir. 1999). In *Potter*, the issue was whether a contingent remainder in property owned by the debtor's grandfather, then aged 91, was property of the estate. The debtor had filed a Chapter 13 and then converted it four months later to a Chapter 7 and amended his schedules to list this contingent interest at a zero value as of the date of the Chapter 13 filing because there was no right to the value in the remainder on the date of filing. While it is unclear why the Chapter 7 case took so long to administer - nearly four years after conversion - the Chapter 7 trustee moved to close the case with permission to reopen the case upon the realization of this contingent asset. In deciding that property of the estate under Section 541 includes contingent assets and the "entire asset, including any changes in its value which might occur after the date of filing," this opinion sets up the debate on appreciation that is at the core of this circuit split. *Id.* at 424.

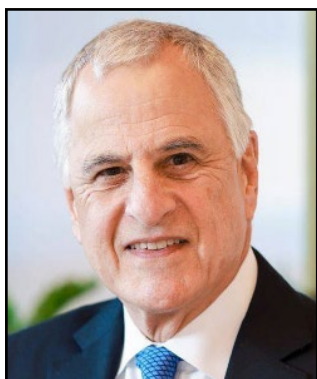
The Tenth Circuit, in addressing the issue of post-petition, pre-conversion equity in a debtor's home, carefully considered the text without relying on the legislative history of Section 348(f) as had the lower courts. It concluded that a sale of a home during a Chapter 13 case and before conversion to a Chapter 7, where the sale captured significant post-petition appreciation in value, resulted in that value being property of the debtors, and not property of the estate, in the Chapter 7 case. It noted that, "Congress resolved this pre-Bankruptcy Reform Act circuit split by enacting 11 U.S.C. § 348(f) in 1994." *In re Barrera*, 22 F.4th 1217, 1220 (10th Cir. 2022). This section provided that, "property of the estate in the converted case shall consist of the property of the estate, as of

[continued on page 20](#)



Our March Annual Meeting in Review

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



Innovation and diversity formed the core of the College's educational programs this year. The program at the annual meeting in March covered business, consumer and international matters, as well

as bankruptcy history and the College's DEI initiatives. We continued to present speakers from all parts of the country and represented diverse groups of lawyers, judges and academics working in diverse areas of bankruptcy law and practice.

The programs began with the College's DEI consultant Dr. Arin N. Reeves moderating a panel of former College Chair Mark D. Bloom (Florida), Michael St. Patrick Baxter (Washington, D.C.), Jack Butler (Illinois), Jan Hayden (Louisiana), discussing the College's different approach to DEI, focusing on awareness and thoughtfulness, to recruit a diverse membership. It was followed by a lighter-themed panel, moderated by American Bankruptcy Institute's Editor at Large and author of *Rochelle's Daily Wire*, Bill Rochelle, to discuss with some bankruptcy old-timers—Michael Cook (New York), Hon. Mary Grace Deihl (Ret.) (Georgia), Susan Freeman (Arizona), and R. Patrick Vance (Louisiana) talking about what led them to become bankruptcy lawyers and the mentors that guided them to that path. This panel, which was sponsored by the College's Senior Fellow's Committee, was an outgrowth of the Committee's project to

collect stories of fellows who started their practice before 1983 about how they found their way into bankruptcy practice. For more information about how to contribute your own story, contact the Committee's Chair, Richard Carmody, at Richard.Carmody@arlaw.com.

Saturday morning continued with three different kinds of panels, starting with *Views from the Appellate Bench*, designed to be of interest to both consumer and business practitioners. Three appellate judges spoke about how to strengthen your briefing and oral argument when you are before an appellate panel. They were Hon. Thomas L. Ambro (3d Cir. Delaware), Hon. Michael J. Melloy (8th Cir. Iowa), and Hon. Jeffery P. Hopkins (S.D. Ohio), a former bankruptcy judge recently appointed to the district court.

Next up was a program presented by the College's International Committee, addressing *Enforcement Of Foreign Judgments In Chapter 15, From The Experts' Perspective*. Committee Co-Chair Robbin L. Itkin (California) moderated a discussion with Hon. Martin L. Glenn (New York), Prof. Irit Mevorach (England), and Hon. Christopher S. Sontchi (Singapore International Commercial Court, Delaware) discussed what it takes to obtain enforcement in the U.S. of foreign judgments and orders in foreign insolvency proceedings.

Finally, Anna Hevia, counsel to former professor and College Fellow Senator Elizabeth Warren (D. Mass.), presented *A Fresh Start? A Conversation with Senator Warren's Staff on a Reimagining of Consumer*



Bankruptcy, discussing two bills of great interest to College fellows that Senator Warren has introduced. The first, S. 2472 (117th Cong. 2021), known as the “Stop shielding Assets from Corporate Known Liability by Eliminating non-debtor Releases Act” or the “SACKLER Act”, would severely limit third-party releases in chapter 11 cases, an issue that is currently before the Supreme Court in *Harrington v. Purdue Pharma L.P.*, case no. 22-110. Fellow Daniel C. Cohn (Massachusetts) commented on the bill while also describing the College’s amicus brief to the Supreme Court in the *Purdue* case, which Dan helped to write. Anna then discussed Sen. Warren’s

Consumer Bankruptcy Reform Act of 2022, S. 4980 (117th Cong. 2022), which would radically alter consumer bankruptcy law. Prof. Angela Littwin (Texas) and new Fellow and Co-Director of Advocacy at the National Consumer Law Center (Georgia) critiqued the bill, while opening a line of communication between College fellows and Senator Warren’s office for future communications on this significant legislation.

In all, the programs were well-received and of interest to the fellows in attendance.

We hope you will join us next September for our mid-year meeting in Seattle, Washington. 🏛️





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

Now, I'm taking you to Cedar Rapids, Iowa and the story of *Eric Lam*:

"The Clinical Professor at law school recommended that I seek a judicial clerkship for the summer of 1981 after my second year in law school. She said it was late in the process and the only vacant position was with the Bankruptcy Court. I had not taken a bankruptcy class and I did not know how to spell the word 'Bankruptcy.' In any event, I presented myself at the Chambers of Judge William W. Thinnes of the Northern District of Iowa (he was President of NCBJ at the time). He was extremely gracious, helpful, and kind, and hired me for the summer. West had just begun the Bankruptcy Reporter and Volume 7 came out in the summer of 1981. After graduation and clerking for the Iowa Supreme Court, I returned to work as a law clerk for Judge Thinnes. While clerking for Judge Thinnes, through pure fortuity, a local meat packing plant filed Chapter 11. I was blessed with the opportunity to witness knowledgeable practitioners, like Ron Peterson, come to town to showcase their talent and work. From there, I have practiced bankruptcy law ever since."

I also want to take you to the story of *Jim Lodoen* in Minneapolis.

"I grew up on a ranch in North Dakota. I graduated from North Dakota State University with an agricultural economics and animal science degree in 1982. I intended to be a rancher and a farmer. As I wrapped up my degree in 1982, it was the beginning of the farm crisis so I decided I should go to law school and bide my time until things improved on the ranch. In law school I took a bankruptcy class and did role playing as a debtor's counsel in a farm case. I felt I was finally able to put my animal science degree to work. My

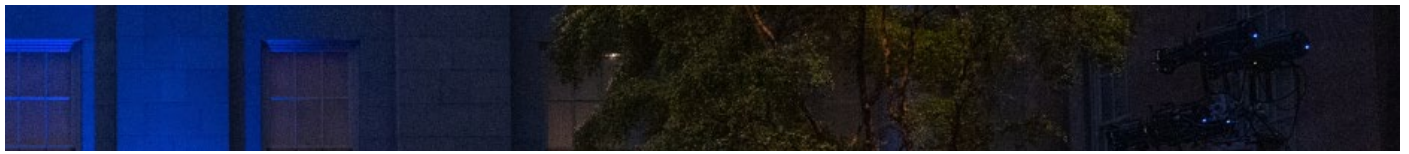
third year I interviewed with Judge Hill, the bankruptcy judge in North Dakota. He offered me the job as law clerk. Judge Hill was handling mostly farm cases and he thought my agricultural background would help. It was a busy two years as the absolute priority rule took hold, land values dropped a percent a month, and we needed to figure out 1111(b). *Ahlers* provided hope until the Supreme Court reversed the Eighth Circuit, and finally Chapter 12 arrived. After my clerkship I decided not to return to the farm and I interviewed with firms in Kansas City and Minneapolis. They wanted me to do farm creditor work. I said no---I did not want to be adverse to farmers and I wanted a debtor practice. I found one in Lindquist & Vennum."

And finally, I'm taking you down to Birmingham, Alabama and the story of *Richard Carmody* who has served the College in many roles and now facilitates the collection of these remarkable stories.

"I decided to go to law school after eight years in the Army Field Artillery. During my second year in law school, I landed a summer clerkship with Akerman in Orlando in 1974. It was the height of the Arab Oil Embargo. Disney World had opened two years before and Akerman represented the Disney land company which held the ground lease on all the adjacent hotels. About one hotel per month was filing for bankruptcy when I arrived. From that summer I noticed that most traditional law firms at the time did not have experienced bankruptcy lawyers. I saw bankruptcy law as a way I could be my own boss sooner. I became the first lawyer at a traditional Birmingham firm appearing in bankruptcy court."

Each of our senior fellows who have contributed stories had a unique path to

[continued on page 19](#)



From the Chair continued from page 18

their career and membership in the College. Each was a pioneer that has led us along the way with their guiding light of scholarship, service and professionalism. The collection of the complete stories and the origin stories

of many, many other senior fellows will be posted on the College website soon. Thanks to Richard, Bob and all of the members of the Senior Fellows Committee for showing us the way! ¶

President's Message continued from page 5

We Celebrated

On Friday evening at the National Historic Landmark Building that houses the Center for American Art and Portraiture, we bestowed the Distinguished Service Award on Jamie Sprayregen for his lifetime of service and commitment to the excellence of our profession. Jamie accepted the honor with gratitude and elegance.

In addition, throughout the weekend we also celebrated the outstanding work of the Foundation and Pro Bono Committee. These two groups implement the fund raising and grant review processes of the College, and help define who we are as a dynamic, action-oriented organization, giving back and

paying it forward in the insolvency space. Many thanks to Jan Hayden, Vince Lazar and Norm Pernick for their commitment to the College and this mission.

We Socialized

From the circuit luncheons, to the new fellows' breakfast, to the post-induction dinners, we spent time with cherished friends and made some new ones. It was a very special weekend for everyone.

I look forward to seeing everyone at one of our summer programs or in September in Seattle.

Be well, and have a wonderful summer. ¶

From the Foundation continued from page 7

build on the work the fellows have done for the last twenty years!

And as I bid you adieu until we hopefully see each other at the fall meeting in Seattle,

I simply can't miss the opportunity to ask you to step up yet again to fund our work. So if you want to beat the fall rush, please sign onto [our donation page](#) and start giving today for our 2024 campaign! ¶



[The Splits from page 15](#)

the date of filing of the petition, that remains in the possession of or is under the control of the debtor on the date of conversion.” 11 U.S.C. § 348(f)(1)(A). Importantly, it noted the exception in Section 348(f) that, if the conversion is in “bad faith,” “the property of the estate in the converted case shall consist of the property of the estate as of the date of conversion.” *Id.* at 1221. The Tenth Circuit noted that the intent of this provision is that Chapter 13 debtors “who try a repayment plan, but ultimately fail, are generally no worse off upon a good-faith conversion than if they had originally filed under Chapter 7,” which encourages Chapter 13 filings. *Id.* It then noted, “Notwithstanding Congress’s apparent attempt to clarify the proper makeup of a converted estate with the enactment of 11 U.S.C. § 348(f), court have since split on whether property interests acquired post-petition, but pre-conversion are property of the converted estate or of the debtor.” *Id.* In referencing the lower court’s conclusion that the post-petition, pre-conversion increase in equity was property of the debtor, the circuit recognized that, “[t]he [bankruptcy] court reasoned that 11 U.S.C. § 348 (f)(1)(A) is ambiguous as to what constitutes ‘property,’ but based on the legislative history of the statute, it means the property of the estate as it existed on the Chapter 13 petition date, with all its attributes, including the amount of equity *that existed on that date.*” *Id.* at 1222 (emphasis in original).

While affirming the lower courts, the Tenth Circuit refused to rely on the legislative history. Instead, the Tenth Circuit distinguished “proceeds” from “all legal and equitable interests” under Section 541 and concluded that, “[b]ased on the plain language of § 348(f)(1)(A), then, the sale

proceeds—a property interest distinct from the physical house from which they were derived—do not enter the converted Chapter 7 estate.” *Id.* at 1223. The Circuit reasoned that since the proceeds did not exist as of the Chapter 13 filing, they were not property that remained in the possession or control of the debtor as required under Section 348(f)(1)(A). Further, as this was a situation where there was a confirmed Chapter 13 plan that then failed before conversion, the Tenth Circuit noted that, under Section 1327(b), when the plan was confirmed, it “vests all of the property of the estate in the debtor.” *Id.* Thus, when the home was sold, it was property of the debtor, and not property of the estate. The Circuit noted that while it reached the same conclusion as the courts below, “they did so by asserting the statutory language is ambiguous and pivoting to the legislative history.” *Id.* at 1224. While it reviewed the legislative history, which supported its conclusion, the Tenth Circuit found it could rely on the plain language of the statute and did not need to rely on the legislative history. Recognizing the policy issue of validating debtors selling property before conversion, the court referred to the protection in Section 348(f)(2) which protects against abuse if the conversion is in bad faith. The Tenth Circuit concluded: “The most faithful reading of the statutory text supports the conclusion that the proceeds from the sale of the Debtor’s house belongs to the Debtors, not the Chapter 7 estate.” *Id.* at 1226.

The Ninth Circuit decided this issue the opposite way a year later in *In re Castleman*, 75 F.4th 1052 (9th Cir. 2023). In this case, the Chapter 13 plan was confirmed, but after 20 months, a temporary job loss and the contraction of Parkinson’s disease by one of the debtors, the debtors could no

[continued on page 21](#)



[The Splits from page 20](#)

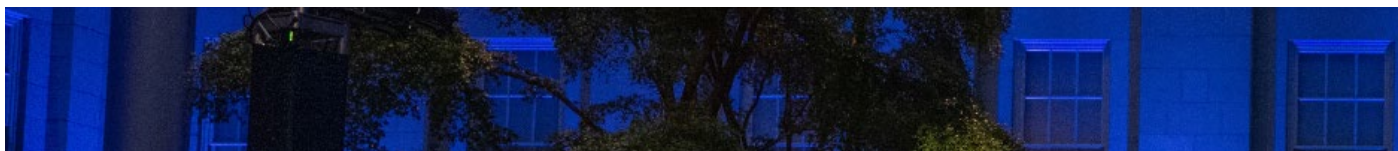
longer make their payments under the plan and converted the case to a Chapter 7 case. During the Chapter 13 case, the debtor's home had appreciated by an estimated \$200,000, and it was this value that came into question upon conversion. The Ninth Circuit concluded "that the plain language of § 348(f)(1)(A), coupled with this circuit's previous interpretation of § 541(a), compel the conclusion that any appreciation in the property value and corresponding increase in equity belongs to the estate upon conversion." *Id.* at 1055. Looking first at the expansive definition of property of the estate under Section 541 and the interpretation of this section in prior case law, the Ninth Circuit stated: "In this circuit, we have likewise concluded that the broad scope of § 541(a), and especially § 541(a) (6), means that post-petition 'appreciation [i]nures to the bankruptcy estate, not the debtor.'" *Id.* at 1056. The Court adds: "There is no textual support for concluding that § 541(a) has a different meaning upon conversion from Chapter 13." *Id.* Acknowledging that other courts have come to a different conclusion based on the legislative history, the Ninth Circuit noted that "because we conclude the language of § 348(f), when read in conjunction with the remainder of the Bankruptcy Code, is not ambiguous, we do not look to legislative history for guidance." *Id.* at 1057.

The Ninth Circuit also rejected reliance on "the implicit operation of § 1327(b)" which vests property in the debtor upon confirmation of a Chapter 13 plan, finding the lack of a cross reference in either Section 541 or 348(f) to this section fatal. *Id.* There is a comprehensive dissenting opinion written in this case, however, finding that the conclusion of creating a circuit split and punishing the debtors for their good

faith efforts to try to pay creditors through a Chapter 13 plan "is not the best reading of the Bankruptcy Code or our precedents." *Id.* at 1058. The dissent noted that "[b]y limiting the converted estate to the property a debtor had at the time of the initial petition, § 348(f) 'put[s] the debtor where he would have been, had he filed in Chapter 7 initially.'" *Id.* at 1059 (internal citation omitted).

The dissent criticizes the majority opinion which it says, "sacrifices the text of the bankruptcy statutes on the altar of simplicity." *Id.* at 1060. The dissent acknowledges that the majority's determination that appreciation becomes part of the estate in a Chapter 7 case, which is also true in a Chapter 13 case, is a simple interpretation of Section 348(f) without reading it in the context of the statute as a whole. Agreeing with the reasoning and result of the Tenth Circuit, the dissent cites to Section 1327(b) which vests all property of the estate in the debtor upon confirmation of a Chapter 13 plan and acknowledges the length of Chapter 13 plans as opposed to the quick liquidation process of Chapter 7 as a difference that invites an inequitable result not consistent with the Bankruptcy Code. The dissent argues that the appreciation of the home should be property of the debtors. The dissent also takes a careful look at the legislative history, which it finds clear on this interpretation, and chides the majority for its failure to consider this statutory intent because of its conclusion on this "heavily divided" issue that the text is unambiguous. *Id.* at 1063. The dissent notes that even the trustee at oral argument conceded that the statute "is poorly drafted" and "there is no way to reconcile" the text of § 348(f) with § 541(a). *Id.* While acknowledging that legislative history is often unhelpful in

[continued on page 22](#)



[The Splits from page 21](#)

statutory construction, the dissent stated that, “here, it is consistent with the text of the Bankruptcy Code, directly relevant to the case at hand, and unequivocally confirms that appreciation in the value of the [debtors’] home should not become part of the converted estate.” *Id.* at 1064.

Finally, in the Eighth Circuit, where this discussion began, the Circuit Court directly addressed this issue in *In re Goetz*, 95 F.4th 584 (8th Cir. 2024). In this case, at the time a Chapter 13 was filed, there was no equity in the debtor’s home. However, almost two years later, when the case was converted, the home had appreciated by \$75,000, and the mortgage had been paid down by a small amount, leaving equity for creditors. Making the point that the debtor would not be liable for any decreases in equity during the Chapter 13 case as persuasive that the debtor should likewise not benefit from any increases in equity, the Eighth Circuit rejected the “complete snapshot rule” of evaluating property of the estate as of the date of filing and also found “unpersuasive” the debtor’s appeal to the legislative history of Section 348(f)(1). *Id.* at 591. The Court said: “No amount of legislative history can defeat the plain text of the Code.” *Id.* The Court likewise rejected the argument that “proceeds” of property of the estate must

exist as of the filing to be included in the later Chapter 7 estate, as the Tenth Circuit had decided, circling back to Potter’s point that even future, contingent interests existing as of the time of filing are property of the estate. The Eighth Circuit distinguishes the Tenth Circuit’s decision in *Barrera* because, unlike in the case before them, the debtors sold their home after confirmation of their Chapter 13 plan, but before conversion.

So where does this leave the law on this point? It matters not only which circuit the debtor files in, but suggests several issues that must be considered by debtor’s counsel, including whether a Chapter 13 is the best avenue if there is no current equity in the debtor’s home, and whether if a plan is confirmed and the value of the home appreciates, the home should be sold while in Chapter 13, if it looks unlikely that the plan can be fully consummated. What is troubling in all the Circuit decisions, even the Tenth Circuit decision, is, as noted in the Ninth Circuit dissent, where the legislative history is very clear in response to a similar circuit split Congress was trying to correct, what level of ambiguity in the language of the statute is necessary to consider Congressional intent. We hope - perhaps vainly - that Congress will be more careful in the language it uses in weighing in on similar circuit splits in the future. ¶

[Pro Bono from page 9](#)

into tears and even hugged the PBRC staff. She still had a long road to financial and housing stability, but the resolution of this debt was a huge relief and offered a first step toward a better situation.

- *Legal Aid Society of San Diego*: Debtor came to LASSD while she was living in a safe-housing facility after fleeing an abusive relationship. She had a large amount of debt

for a young person, much of it attributable to prior bad relationships and difficulty in understanding financial matters due to a mental disability. These issues were compounded by having a limited income consisting solely of SSDI. LASSD prepared a Chapter 7 bankruptcy petition and successfully guided her through the case.

[continued on page 23](#)



[Pro Bono from page 22](#)

By the time of her discharge, the Debtor had secured new rental housing and had started a new job. Debtor left LASSD with a clean slate, ready to start her new life.

- *Legal Aid Society of Cincinnati Volunteer Lawyers Project*: “Ms. F”, a single African American female with a steady job at a local public school system. She lives in an urban neighborhood in Cincinnati. She came to Legal Aid because her wages were being garnished. Due to the garnishment, she was unable to find housing on her own and had to live with her mother. The bankruptcy discharge stopped the garnishment. In addition, the LASCV attorney was able to get a creditor to return over \$1,000 in wages to Ms. F. that had been garnished in the 90 days prior to the filing of the petition.

2023 DEI Grants

In 2022 the Foundation and the Committee took on a more active role in implementing the College’s DEI initiatives. The Committee has been working closely with the leadership of the DEI Committee and the Foundation to expand the Foundation’s grant function to include programs designed to implement those goals. The Committee recommended approval of 6 grant requests totaling \$66,675 for DEI initiatives. These recommendations were approved by the DEI Committee and the Foundation Board. The grantees are located in Washington State, New York, Michigan, Louisiana and Massachusetts. Here are 2 of the programs that were funded this year:

- *The Federal Bar Association for the Eastern District of Michigan Bankruptcy Court Internship Program*: The FBA seeks to promote diversity and inclusion within the Eastern District of Michigan and has made it part of its mission to work with the

community to build a pipeline of diverse talent in the legal profession. They believe that one way to attract diverse individuals to the practice of bankruptcy law is by offering internships to students with the United States Bankruptcy Court for the Eastern District of Michigan. This includes internships with bankruptcy judges and with the Clerk of Court’s office. In 2022, the Bankruptcy Committee applied for and received a \$7,500 grant from the American College of Bankruptcy Foundation to fund: (i) two law clerk internships (for diverse law students) with the United States Bankruptcy Court for the Eastern District of Michigan, and (ii) one internship (for a diverse undergraduate student) with the Clerk of Court’s office. It is the Bankruptcy Committee’s desire to offer these internships again in 2024.

- *Cents Program, Seattle Washington* received a grant to produce an educational video for high school students so they can make an informed decision about their postsecondary education or training and minimize student loan debt. The video will be designed to reach students of color and they will be involved in the design and distribution of the video.

Let’s Get Those Applications In!

If you are aware of a worthy pro bono program (particularly if they are not a current grant recipient), please encourage them to submit an application on or before May 15. Likewise, if you are aware of a worthy DEI program, please encourage them to apply also. We have a rolling deadline this year for DEI applications. Thank you again for your generosity and for enabling us to be able to make a difference in so many lives. 🙏



THE FOUNDATION PROUDLY SUPPORTS THE FOLLOWING 2023 GRANTEEES:

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VETERANS
LEGAL SERVICES



2ND CIRCUIT



3RD CIRCUIT



4TH CIRCUIT



5TH CIRCUIT





6TH CIRCUIT



7TH CIRCUIT



8TH CIRCUIT



9TH CIRCUIT

California Western
Community Law Project



LEGAL ACCESS
ALAMEDA



10TH CIRCUIT



THE JUSTICE CENTER

11TH CIRCUIT



Dade Legal Aid
Put Something Back





THE FOUNDATION PROUDLY SUPPORTS THE FOLLOWING 2023 DEI GRANTEES:

1ST CIRCUIT



2ND CIRCUIT



5TH CIRCUIT



6TH CIRCUIT



9TH CIRCUIT



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Focus on Fellows

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

Professor Ralph Brubaker will be the recipient for the Commercial Law League of America 2024 Lawrence P. King Award. [Read more here.](#)

Kelley Cornish joined Selendy Gay as a partner.

Douglas M. Foley became a certified mediator and member of the National Association of Certified Mediators (NACM).

Karen Gross co-authored a forthcoming book titled *Mending Education* (Teachers College Press Sept. 2024) that completes a trilogy that includes *Breakaway Learners* (2017) and *Trauma Doesn't Stop at the School Door* (2020). The new book focuses on what we call Pandemic Positives, things we learned during the Pandemic that can improve education. [Learn more here.](#)

Melissa Jacoby's book, [Unjust Debts](#), will be published on June 11, 2024 by The New Press. A list of in-person and virtual events can be found [here](#). She will be a visiting professor at Harvard Law School in Fall 2024.

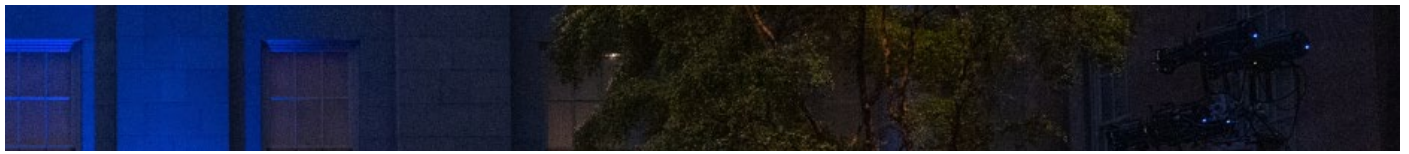
Henry Kevane was recently appointed the Chair of the Business Bankruptcy Committee of the American Bar Association for a three-year term from 2023–2026.

Lawrence J. Kotler, Esq. is the recipient of the 2024 David T. Sykes Award. The Sykes award is presented to a member of the bankruptcy bar who embodies the qualities which David T. Sykes exemplified, including excellence and integrity as a bankruptcy attorney, unsurpassed professionalism, mentoring younger professionals, courtesy to and respect for all, upholding the reputation of the local bankruptcy bar, and his unwavering dedication to the bankruptcy community and the less fortunate in Philadelphia.

David Kuney was an editor and commentator for the recently published [Purdue Papers](#). This is a searchable digital file of virtually every pleading filed at the Supreme Court in connection with the Purdue Pharma bankruptcy.

Douglas L. Lutz has been appointed as a United States Bankruptcy Judge for the Eastern District of Kentucky.

Samir Parikh has agreed to join Wake Forest University School of Law in North Carolina as a professor of law. The Yale Law Journal Forum recently published his new essay, *Opaque Capital and Mass-Tort Financing*. Further, Cornell Law Review has selected Samir to be the lead organizer for its 2024 symposium on mass torts, which will take place on September, 20, 2024.



Christoph Paulus is a new co-editor of the classic European Insolvency Regulation commentary.

Thomas J. Salerno has been named to Forbes' inaugural America's Top Lawyers list, one of 200 attorneys in the country selected by the Forbes' editorial team.

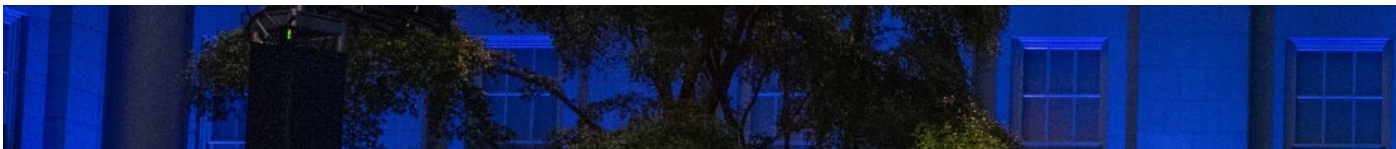
Professor Steven L. Schwarcz spoke at a lecture at a special colloquium, co-sponsored by the Paris Commercial Court, the French Turnaround Association ("ARE"), and the University of Paris-Dauphine. The colloquium compares cram down under the EU Restructuring Directive (relative priority) and Chapter 11 (absolute priority), based on my co-authored article, *Corporate Restructuring under Relative and Absolute Priority Default Rules: A Comparative Assessment*, 2021 University of Illinois Law Review 1. His article *Bankruptcy-Remote Structuring: Reallocating Risk Through Law*, 97 American Bankruptcy Law Journal 1 (2023), received the American College of Commercial Finance Lawyers 2024 Grant Gilmore Award, "honoring the top scholarly article related to commercial finance." He also has two forthcoming articles which include [*The Legal Anomaly of Non-Recourse Financing*](#), American Bankruptcy Law Journal and [*Physics Informs Law: Analyzing Legal Issues that Turn on the Scale of Observation*](#), 85 Ohio State Law Journal.

Travis Torrence was promoted to U.S. Head of Legal at Shell, where he now leads the U.S. Legal function, which is comprised of over 150 employees. Travis is also Shell USA, Inc.'s Vice President-Legal and sits on its board of directors.

Nancy J. Whaley, Standing Chapter 12 and 13 Trustee in the Northern District of Georgia, was appointed by Chief Justice Roberts to the Advisory Committee on Bankruptcy Rules effective October 1, 2023. She will serve a 3 year term and has been appointed to the Consumer Subcommittee and Forms Subcommittee.

The University of Texas School of Law won the Duberstein National Moot Court competition last month. The team is coached by fellows **Deborah Langehennig** and **Jay Ong**. Their faculty advisor is Fellow **Jay Westbrook**.





Upcoming Events

Class 36 Nominations Due June 15, 2024

Nominations for Class 36 are due on June 15, 2024. Use the form below to nominate. You must be logged in to access the form.

[Nomination Form](#)

Annual All Fellows Luncheon in Seattle, WA September 18, 2024

The College will host its annual All Fellows Luncheon as well as board and committee meetings immediately before NCBJ in Seattle, WA.

[Learn More Here](#)

Class 36 Induction Ceremony and Events March 21, 2025

We are back in Washington, D.C. for the Induction of the 36th Class! The ceremony will be held at the Smithsonian Portrait Gallery Atrium.

[Learn More Here](#)



Email the Editors

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

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We value your input. Thank you!

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