

Federal Bar Association Event

SDNY BK Judges

District Court Rm. 850

Thank you Bill and Ira for coordinating and recognizing the work of the court. And thank you Chief Judge Preska for your kind remarks.

It is an honor to serve this court. The chief judge said it best about what this court does and what it means to the bankruptcy community, national and international financial markets; the legal precedent and the remarkable accomplishments demonstrate that the bankruptcy judges of the Southern District take seriously their mandate to “administer justice without respect to persons and do equal right to the poor and to the rich...”

Hopefully, most of you see this in your day-to-day practice in front of the bankruptcy bench. What you may not see or know is how close we are and how much we care and respect one another.

As Jim and Allan step down, they will be missed at the court. They are both amazing thoughtful judges. Between them they have made an impact on worldwide insolvency jurisprudence,

not only through their opinions but their myriad of speaking engagements and writings. They will always be a part of the SDNY family – we know their spouses and care about their children and grandchildren. They will just wear different professional hats. We expect them, as Arthur has since he retired two years ago, to stay close to us, to continue to be a part of the bankruptcy community, to celebrate our achievements, to follow our actions, to comment on them and help explain the court operations to others through the lens of a judge. So the court family does not get smaller when they move on – it gets larger because we will add two new colleagues to the family. Who those two individuals will be remains open. The time to apply ends in early February. The circuit has begun the process of appointing the committee to act on those applications. We hope with their historical due diligence and with all due speed the circuit will add these new members to the bench.

We are a court family. Today is the first time we have been together in a public setting since the loss of Burt Lifland. It was a shock to lose Burt. He was like the energizer bunny. For over 30 years, began each case and matter with unprecedented energy and enthusiasm. He developed an early “Universality” approach to cross-border insolvency proceedings and recognized foreign courts, not exactly like our own, but courts whose laws adhere to appropriate due process as viable insolvency jurisdictions. We (the nation and the world) have made additions to the code: Chapter 15, Section 524 (g) establishing a procedure for dealing

with future personal injury claimants through the establishment of a trust, 1113, addressing collective bargaining agreements, and 1114, additional protections for retired employees insurance; all through the work of Burt Lifland.

Of course, my first memories of Burt are during his long tenure as Chief when Burt, who loved new innovations, would come forward with an idea that was often brilliant and cutting edge: electronic filing, mediation, fee guidelines; and on and on. And he wanted them now, not in next week or the week after. For example, he had heard about court annexed mediation – no one in the country had adopted a program. Just so happened the bankruptcy court for the District of Oregon had one in the works and had begun the process of putting the guidelines together – with their permission and, the Oregon judges still tease about this, we took their ideas, made them ours and had them implemented long before Oregon could get them in print! Thanks to Burt.

Burt was a dedicated jurist. It was common to find a judge in his chambers seeking guidance on a particular matter. He never had an unkind word for or about his colleagues. He cherished the camaraderie of his fellow judges. He honored and respected their work, as we did his. He will be deeply missed.