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Judicial Round-and-Round

Hon. Robert D. Berger

U.S. Bankruptcy Court (D. Kan.) | Kansas City

Hon. Bonnie L. Clair

U.S. Bankruptcy Court (E.D. Mo.) | St. Louis

Hon. Thad J. Collins

U.S. Bankruptcy Court (N.D. Iowa) | Cedar Rapids

Hon. Shon K. Hastings

U.S. Bankruptcy Court (D. N.D.) | Fargo

Hon. Mitchell L. Herren

U.S. Bankruptcy Court (D. Kan.) | Wichita

Hon. Terrence L. Michael

U.S. Bankruptcy Court (N.D. Okla.) | Tulsa

Hon. Cynthia A. Norton

U.S. Bankruptcy Court (W.D. Mo.) | Kansas City

Hon. Bianca M. Rucker

U.S. Bankruptcy Court (W.D. & E.D. Ark.) | Fayetteville

Hon. Dale L. Somers

U.S. Bankruptcy Court (D. Kan.) | Topeka

Hon. Kesha L. Tanabe

U.S. Bankruptcy Court (D. Minn.) | St. Paul

Hon. Brian C. Walsh

U.S. Bankruptcy Court (E.D. Mo.) | St. Louis



Fact Scenario # 1

Corporation is facing significant asbestos related claims and suits. Multiple suits went to trial, one of which resulted in a verdict being rendered against Corporation in state court. Judgment creditor sought the appointment of a state-court receiver post-judgment. State court appointed a receiver to oversee the Corporation and its assets. The order appointing the receiver was silent on whether the Corporation's board of directors continued to exist and whether the receiver had exclusive authority to commence a bankruptcy action for the Corporation.

One week after the order appointing the receiver was entered by the state court, the board of directors of the Corporation (without the knowledge or consent of the receiver) unanimously approved the commencement of a Chapter 11 bankruptcy for the Corporation, which was commenced the next day. Several days later, the receiver filed in the bankruptcy court a motion to dismiss the bankruptcy on the grounds that the filing was not authorized. Corporation opposed the motion to dismiss.



Fact Scenario # 2

Company in the professional services industry is in severe financial distress. It is looking to sell substantially all its assets, which consist primarily of limited FF&E, customer/ contacts lists and good will. Because the company is a services company, it has little in the way of hard assets and currently has very limited accounts receivable.

The Company's efforts to sell its assets fail, and the Company files Chapter 7 bankruptcy. The Chapter 7 trustee monetizes the FF&E and the accounts receivable in a commercially reasonable manner for nominal sums, leaving less than \$25,000 available for unsecured creditors after considering costs of administration of the estate. The trustee's investigation reveals there are no "garden variety" avoidance actions such as routine preference actions. However, the trustee believes that there are potentially significant actions against the former officers and directors (some of whom are owners) of the company for breach of fiduciary duty, paying dividends to themselves when the company was insolvent, not making informed decisions regarding financial statements and similar claims.

Unfortunately, the trustee is a solo practitioner, and she does not have the resources to undertake this litigation herself. The trustee interviews potential firms to take the matter on a contingent fee, but because there are not sufficient assets to pay expected costs of litigation, including significant expert witness work, was not able to engage a firm on a contingent basis. As a result, she sought bankruptcy court authority to sell the causes of action free and clear under Section 363(f).



Fact Scenario # 3

Unlucky Dog LLC ("Debtor") operated a number of bars in the Kansas City metro area. However, Debtor has continued to struggle after the pandemic, and has lost its customer base to newer establishments. Debtor rented its locations from multiple landlords. As of the petition date, Debtor was involved in two separate pieces of litigation: (1) a suit for an assault that occurred on the premises, which the Debtor's liability insurance paying the defense cost and (2) a dispute with the parking management for not remitting net parking revenues. Historically, the debtor had collected parking revenue, paid certain authorized expenses, paid itself a management fee, and then paid the rent revenue to the parking management company.

The Debtor stopped operating September 1, 2024, but maintained its bank account, and on October 1, 2024, decided to seek relief under the Bankruptcy Code and elected to proceed under subchapter V of Chapter 11. Shortly after the petition date, the Debtor moved to reject the leases, effective as of the petition date. The Debtor's schedules did not list the lease rejection claims but listed other claims totaling \$2,500,000. The landlords filed rejection damages claims in the aggregate amount of \$750,000.



Fact Scenario # 4

Taylor Slow ("Debtor") is a struggling local musician. She also struggles with debt and has filed (and had dismissed) two separate bankruptcy proceedings within the prior twelve months. On attempt number three, she filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code. Her assets include a \$200,000 home, a \$20,000 Toyota Corolla, and other personal property. Her home is secured by a mortgage by Regional Bank in the amount of \$175,000, and she is underwater on her car with a loan from Local Credit Union of \$25,000. She claimed a \$15,000 homestead exemption and a \$3,000 vehicle exemption under Missouri law.

After getting her plan confirmed, Debtor struggled with making the plan payments and moved to convert to Chapter 7. The court granted her unopposed motion to convert, and a Chapter 7 trustee was appointed. Since the time of Debtor's filing, the value of her house has increased to \$260,000, and the mortgage had been paid down to \$172,000. After the trustee contacted the debtor to arrange for a time for his broker to inspect the property, the Debtor got spooked and filed a motion to compel abandonment of the property. In her motion, Debtor argued that the property was of inconsequential value given that as of the petition date there would not have been sufficient funds available to distribute to creditors after payment of the mortgage, the homestead exemption, and closing costs associated with any sale. At the same time, Local Credit Union, its address being mistyped on the creditors matrix and never actually receiving notice of the bankruptcy, seized Debtor's car.

1. Receiver authority to file Bankruptcy

Background Facts (sample fictitious case):

Corporation is facing significant asbestos related claims and suits. Multiple suits went to trial, one of which resulted in a verdict being rendered against Corporation in state court. Judgment creditor sought the appointment of a state-court receiver post-judgment. State court appointed a receiver to oversee the Corporation and its assets. The order appointing the receiver was silent on whether the Corporation's board of directors continued to exist and whether the receiver had exclusive authority to commence a bankruptcy action for the Corporation. One week after the order appointing the receiver was entered by the state court, the board of directors of the Corporation (without the knowledge or consent of the receiver) unanimously approved the commencement of a Chapter 11 bankruptcy for the Corporation, which was commenced the next day. Several days later, the receiver filed in the bankruptcy court a motion to dismiss the bankruptcy on the grounds that the filing was not authorized. Corporation opposed the motion to dismiss.

Issue Presented:

Does placing a debtor's assets (or the company) into receivership preclude the debtor from subsequently filing bankruptcy? Did the applicable receivership order displace the Board or divested it of its ability to file for bankruptcy under state law?

Talking Points:

It is well-settled that applicable state law determines whether a bankruptcy filing was authorized. See *Price v. Gurney*, 324 U.S. 100, 106, 65 S. Ct. 513, 516 (1945) (holding that those "who purport to act on behalf of the corporation" must have "been granted authority by local law to institute the proceedings"); *In re Sino Clean Energy, Inc.*, 901 F.3d 1139, 1142 (9th Cir. 2018) ("[S]tate law dictates which persons may file a bankruptcy petition on behalf of a debtor corporation."); *In re ComScape Telecommunications, Inc.*, 423 B.R. 816, 829–32 (Bankr. S.D. Ohio 2010) (collecting cases and stating that "bankruptcy courts generally look to state law to determine who is authorized to file a voluntary petition for a corporation, partnership or other kind of organizational entity"). Section 543 of the Bankruptcy Code compels the turnover of property of the estate held by a receiver. See also 11 U.S.C. § 101(11)(C) (defining a receiver as a custodian "that is appointed or authorized to take charge of property of the debtor . . . for the benefit of the debtor's creditors"); *Sovereign Bank v. Schwab*, 414 F.3d 450, 454 (3d Cir. 2005). Generally, absent state receivership law or the receivership order providing sole authority for the receiver to file bankruptcy, the company's board would usually retain the authority to file bankruptcy. Note: This blurb summarizes and paraphrases Dkt. # 210 of Judge Kaplan's ruling entered on June 23, 2023 in the *In re Whitaker, Clark & Daniels, Inc., et al.* bankruptcy proceedings, Bankr. Case No. 23-13575 (Bankr. D.N.J.).

2. Sale of avoidance actions

Background Facts (sample fictitious case):

Company in the professional services industry is in severe financial distress. It is looking to sell substantially all its assets, which consist primarily of limited FF&E, customer/contacts lists and good will. Because the company is a services company, it has little in the way of hard assets and currently has very limited accounts receivable. The Company's efforts to sell its assets fail, and the Company files Chapter 7 bankruptcy. The Chapter 7 trustee monetizes the FF&E and the accounts receivable in a commercially reasonable manner for nominal sums, leaving less than \$25,000 available for unsecured creditors after considering costs of administration of the estate. The trustee's investigation reveals there are no "garden variety" avoidance actions such as routine preference actions. However, the trustee believes that there are potentially significant actions against the former officers and directors (some of whom are owners) of the company for breach of fiduciary duty, paying dividends to themselves when the company was insolvent, not making informed decisions regarding financial statements and similar claims. Unfortunately, the trustee is a solo practitioner, and she does not have the resources to undertake this litigation herself. The trustee interviews potential firms to take the matter on a contingent fee, but because there are not sufficient assets to pay expected costs of litigation, including significant expert witness work, was not able to engage a firm on a contingent basis. As a result, she sought bankruptcy court authority to sell the causes of action free and clear under Section 363(f).

Issue Presented:

Can a Chapter 7 trustee can sell avoidance actions?

Talking Points:

In one recent case, the Eighth Circuit began its analysis with § 541(a)(1), which includes all legal or equitable interests of the debtor as property of the estate. The court noted that many parties, including trustees and creditors, may have standing to bring avoidance action, but such actions ultimately benefit the estate. Precedent supports broadly construing property of the estate, to include even the debtor's inchoate or contingent interests in avoidable transfers held prior to filing. The court read § 541(a) broadly to include avoidance actions. The Court held that a § 363(f) sale of avoidance actions does not violate the trustee's fiduciary duty or negate the purpose of avoidance actions. The court observed that the trustee's fiduciary duty is to create maximum value for the benefit of the bankruptcy estate, and the Trustee here was doing just that. *Pitman Farms v. ARKK Food Co., LLC* (In re Simply Essentials, LLC), 78 F.4th 1006 (8th Cir. 2023).

3. Subchapter V SBRA eligibility

Background Facts (borrowed from a fact pattern from a prior CLE attached).

Unlucky Dog, LLC (“Debtor”) operated a number of bars in the Kansas City metro area. However, Debtor has continued to struggle after the pandemic, and has lost its customer base to newer establishments. Debtor rented its locations from multiple landlords. As of the petition date, Debtor was involved in two separate pieces of litigation: (1) a suit for an assault that occurred on the premises, which the Debtor’s liability insurance paying the defense cost and (2) a dispute with the parking management for not remitting net parking revenues. Historically, the debtor had collected parking revenue, paid certain authorized expenses, paid itself a management fee, and then paid the rent revenue to the parking management company.

The Debtor stopped operating September 1, 2024, but maintained its bank account, and on October 1, 2024, decided to seek relief under the Bankruptcy Code and elected to proceed under subchapter V of Chapter 11. Shortly after the petition date, the Debtor moved to reject the leases, effective as of the petition date. The Debtor’s schedules did not list the lease rejection claims but listed other claims totaling \$2,500,000. The landlords filed rejection damages claims in the aggregate amount of \$750,000.

Issues Presented:

- (1) Is the Debtor engaged in commercial or business activities within the meaning of the Bankruptcy Code such that the debtor is eligible to proceed as a subchapter V debtor?
- (2) Are the claims with the parking management company contingent and liquidated such that they count towards the subchapter V debt limit?
- (3) Are the lease rejection claims noncontingent and liquidated such that they count towards the subchapter V debt limit?

Talking Points:

- (1) After the sunset of the 2022 amendment, the term “debtor” under Section 1182(1) means a small business debtor. A small business debtor “means a person engaged in commercial or business activity . . . that has aggregate noncontingent liquidated secured and unsecured debts as of the filing of the petition or the date of the order for relief in an amount not more than \$3,024,725 [originally \$2,00,000, adjusted effective April 1, 2022] (excluding debts owed to 1 or more affiliates or insiders) not less than 50 percent of which arose from the commercial or business activities of the debtor . . .” 11 U.S.C. 101(51D).

The terms “engaged in commercial or business activity” is not defined. “The plain meaning of ‘engaged in’ means to be actively and currently involved.” *In re Thurmon*,

625 B.R. 417, 422 (Bankr. W.D. Mo. 2020). The Eighth Circuit has considered whether a debtor qualifies as a “family farmer” by consider whether there is an active operation. *Id.* at 422-23. In *Thurmon*, the debtors owned 70% of an LLC that operated two pharmacies. The LLC closed its pharmacies, sold most of its business assets, and had no intent to resume operations. Four months after the LLC closing, the debtors filed a subchapter V bankruptcy. At the time, the LLC still owned some accounts receivable and two cars. The court found that the debtors were not engaged in commercial or business activities “because they had in fact sold the business with no intent to return to it and were otherwise no active or involved in any commercial or business activities” and were therefore not eligible to proceed under subchapter V.

Other courts have taken a broader approach, with some finding that winding down a business could be sufficient business operations. *See In re RS Air, LLC*, (B.A.P. 9th Cir. 2022) (describing cases); *In re Vertical Mac Const., LLC*, 2021 WL 3668037, at *3 (Bankr. M.D. Fla. July 23, 2021) (finding that debtor mainlining bank accounts, working with insurance adjusters to resolve claims, and working to sell assets were commercial business activities); *In re Port Arthur Steam Energy, LP*, 629 B.R. 233, 237 (Bankr. S.D. Tex. 2021) (finding that “actively pursuing litigation against a third party, seeking to collect on outstanding accounts receivable, selling an asset, preserving asset value and having managers oversee the company while an independent contractor maintained the [debtor’s] facility are all commercial and business activities.”).

- (2) A debt is liquidated if it is easily ascertainable, meaning that the “process of determining the claim is fixed, certain, or otherwise determined by a specific standard.” *In re Adams*, 373 B.R. 116, 119-20 (B.A.P. 10th Cir. 2007) (discussing whether a debt was liquidated for purposes of chapter 13 eligibility). “The key factor for determining whether a debt is liquidated or unliquidated is whether the debt is subject to a simple mathematical computation or ascertainable by reference to an agreement.” *Id.* at 120.

A debt is non-contingent “where all events that cause liability to arise occur pre-petition. It is only where some future event must transpire before liability arises that a debt is contingent.” *Id.* at 120-21.

Since the dispute with the parking management company are based on a contract, that debt likely counts toward the debt limit as being liquidated and noncontingent, even though it is disputed.

- (3) Courts have reached different conclusions on whether lease rejection damages are contingent. In *Parking Management*, the court held that the claims were contingent as of the petition date because the claims were contingent until the court approved the rejections. *In re Parking Management, Inc.*, 620 B.R. 544, 553-54 (Bankr. D. Md. 2020); *see also In re Zhang Medical P.C.*, 655 B.R. 403, 411-13 (Bankr. S.D.N.Y. 2023) (finding that lease rejection damages were contingent and unliquidated as of the petition date when the lease was not rejected on the petition date). But in *In re Macedon*

Consulting, Inc., the court found that future rent payments were contingent and nonliquidated, as the liability arose pre-petition when the leases were executed. *In re Macedon Consulting, Inc.*, 652 B.R. 480, 485-86 (Bankr. E.D. Va. 2023).

4. Postpetition appreciation and increased equity and automatic stay for repeat filers

Background Facts

Taylor Slow (“Debtor”) is a struggling local musician. She also struggles with debt and has filed (and had dismissed) two separate bankruptcy proceedings within the prior twelve months. On attempt number three, she filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code. Her assets include a \$200,000 home, a \$20,000 Toyota Corolla, and other personal property. Her home is secured by a mortgage by Regional Bank in the amount of \$175,000, and she is underwater on her car with a loan from Local Credit Union of \$25,000. She claimed a \$15,000 homestead exemption and a \$3,000 vehicle exemption under Missouri law.

After getting her plan confirmed, Debtor struggled with making the plan payments and moved to convert to Chapter 7. The court granted her unopposed motion to convert, and a Chapter 7 trustee was appointed. Since the time of Debtor’s filing, the value of her house has increased to \$260,000, and the mortgage had been paid down to \$172,000. After the trustee contacted the debtor to arrange for a time for his broker to inspect the property, the Debtor got spooked and filed a motion to compel abandonment of the property. In her motion, Debtor argued that the property was of inconsequential value given that as of the petition date there would not have been sufficient funds available to distribute to creditors after payment of the mortgage, the homestead exemption, and closing costs associated with any sale. At the same time, Local Credit Union, its address being mistyped on the creditors matrix and never actually receiving notice of the bankruptcy, seized Debtor’s car.

Issues Presented:

- (1) Can the debtor compel the trustee to abandon the house?
- (2) Can the debtor obtain sanctions against Local Credit Union for violating the automatic stay?

Talking Points:

Section 541 defines property of the estate, but the estate is altered upon conversion under § 348: "property of the estate in the converted case shall consist of property of the estate, as of 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). On the petition date, the debtor's residence became property of the bankruptcy estate and the

debtor possessed the property until the conversion date, qualifying the residence as property of the Chapter 7 estate. Because § 348 fails to distinguish appreciation as a separate asset from the property itself, postpetition market appreciation and increased equity are properly included as property of the estate at conversion. All property of the estate at the time of the original filing is revested in the estate upon conversion provided the debtor maintains possession or control. 11 U.S.C. § 348(f)(1)(A). Lastly, because § 554(b) is worded in the present tense, the appropriate time at which to value property sought to be abandoned is the time the abandonment motion was filed. *Goetz v. Weber (In re Goetz)*, 651 B.R. 292 (B.A.P. 8th Cir. 2023), *aff'd*, 95 F.4th 584 (8th Cir. 2024). *Davies v. Daugherty (In re Davies)*, 651 B.R. 482 (B.A.P. 8th Cir. 2023). When a debtor has two or more bankruptcy cases pending but dismissed in the previous year, § 362(c)(4) does not provide for an automatic stay for a subsequent case. Rather, a Debtor must timely file a motion to impose the stay under § 362(c)(4)(B).

Faculty

Hon. Robert D. Berger is a U.S. Bankruptcy Judge for the District of Kansas in Kansas City, appointed on Oct. 16, 2003, and reappointed on Oct. 16, 2017. Prior to his appointment, Judge Berger practiced law as a bankruptcy and insolvency specialist representing debtors and creditors, and was among the first group of attorneys in Kansas and Missouri to be certified by the American Board of Certification in both consumer and business bankruptcy law. Judge Berger is a member of ABI and the National Conference of Bankruptcy Judges, and a founding member of the Kansas Chapter of the Federal Bar Association. He also is a chapter author for *Collier on Bankruptcy*, *Collier Bankruptcy Practice Guide*, *Kansas Bankruptcy Handbook* and *Practitioner's Guide to Kansas Family Law*. Judge Berger is a frequent lecturer and he has authored articles for various publications, including *The Washburn Law Journal*, the *ABI Journal* and the *Journal of the Kansas Bar Association*. He received his B.A. in history and political science from the University of Kansas in 1983 and his J.D. from Washburn University School of Law in 1986.

Hon. Bonnie L. Clair is Chief Bankruptcy Judge of the U.S. Bankruptcy Court for the Eastern District of Missouri in St. Louis. Prior to her initial appointment in 2020, she spent many years in private practice at Summers Compton Wells LLC representing both creditors and debtors in bankruptcy, commercial, and consumer finance matters; she previously had piloted the field attorney program at Norwest Financial, Inc. (now Wells Fargo Financial, Inc.) and served in the U.S. Attorney General's Honors Program as an attorney with the Office of the U.S. Trustee in St. Louis, Mo., and Little Rock, Ark. She also served as a member of the Region X Committee for the Missouri Office of Chief Disciplinary Counsel and the Missouri Bar's Fee Dispute Resolution Committee panel. Judge Clair appeared on "Jeopardy!" in 2006 and "Who Wants to Be a Millionaire?" in 2002. She received her undergraduate degree from Duke University in 1990 and her J.D. from Washington University School of Law in 1993, where she was an articles editor for the *Journal of Urban and Contemporary Law* (now the *Journal of Law and Policy*), a national competitor in the New York City Bar Moot Court competition and a law clerk for the Civil Division of the U.S. Attorney's Office for the Eastern District of Missouri.

Hon. Thad J. Collins is the Chief Bankruptcy Judge for the Northern District of Iowa in Cedar Rapids, appointed on March 29, 2010. Previously, he clerked for Hon. Michael J. Melloy as Chief Bankruptcy Judge for the Northern District of Iowa and as Chief U.S. District Judge for the Northern District of Iowa, and for Hon. David R. Hansen, U.S. Eighth Circuit Court Judge. He was also an associate with Leonard, Street and Deinard in Minneapolis and a partner with Pickens, Barnes & Abernathy in Cedar Rapids. Judge Collins is a member of the American, Iowa and Linn County Bar Associations, as well as the Dean Mason Ladd Inn of Court. He received his J.D. from the University of Iowa College of Law in 1990.

Hon. Shon K. Hastings is Chief U.S. Bankruptcy Judge for the District of North Dakota in Fargo, appointed in September 2011. She is also designated to preside over bankruptcy cases in the Districts of South Dakota and Minnesota. From 2014-21, she was assigned bankruptcy cases in the District of Nebraska. Judge Hastings serves as a mediator for civil cases in the U.S. District Court for the

District of North Dakota and bankruptcy cases in the District of Minnesota. She also has mediated bankruptcy cases in the Northern and Southern Districts of Iowa. In January 2022, she was appointed to the Bankruptcy Appellate Panel of the Eighth Circuit. She began serving as Chief Judge of the Eighth Circuit Bankruptcy Appellate Panel on Jan. 25, 2024. Prior to her appointment, Judge Hastings served as a federal judicial law clerk for two years, associate attorney for Bowman and Brook LLP in Minneapolis for several years and Assistant U.S. Attorney in Fargo for almost 14 years. She received her undergraduate degree and J.D. from the University of North Dakota.

Hon. Mitchell L. Herren is a U.S. Bankruptcy Judge for the District of Kansas in Wichita, appointed in July 2020. His 33 years prior to the bench included practice with a litigation firm in Kansas City, serving as in-house litigation counsel for a large energy company, then returning to private practice for 18 years with a Wichita-based firm, where he served for seven years as managing member and represented clients ranging from individuals to large companies, with a focus on commercial litigation. Judge Herren is a Fellow of the Litigation Counsel of America and the American Bar Foundation. He received his J.D. from the University of Missouri at Kansas City School of Law.

Hon. Terrence L. Michael is Chief Judge for the U.S. Bankruptcy Court for the Northern District of Oklahoma in Tulsa and a member of the Bankruptcy Appellate Panel of the Tenth Circuit. He has authored more than 170 published opinions, as well as articles in the *Tulsa Law Review*, *Texas Tech Law Review* and *Creighton Law Review*. Upon graduation from law school, Judge Michael joined the firm of Baird, Holm, McEachen, Pedersen, Hamann & Strasheim in Omaha, Neb., where he was a member of the firm's bankruptcy and creditors' rights practice group. His practice included all types of bankruptcy matters and general civil litigation. While at Baird, Holm, Judge Michael chaired the Bankruptcy Section of the Nebraska State Bar Association and was a member of the local rules committee responsible for drafting local rules in chapter 12 cases. He also authored and presented numerous papers at various continuing legal education seminars. Judge Michael has taught courses for the American Banker's Association School of Agri-Finance and Metro Technical Community College. On June 9, 1997, he began his career as a bankruptcy judge, and on June 7, 2000, he was appointed to the Bankruptcy Appellate Panel of the Tenth Circuit, a position he still holds. As a member of the BAP, Judge Michael chaired the committee charged with revising the local rules of that court. He has authored more than 170 opinions, is an associate editor of the *American Bankruptcy Law Journal* and an adjunct professor of law at the University of Tulsa, and has served as a speaker at various seminars presented by the Federal Judicial Center, the Eighth Circuit Judicial Conference, the Tenth Circuit Judicial Conference, ABI, the Nebraska State Bar Association, the Oklahoma Bar Association, the Tulsa County Bar Association, the West Texas Bar Association and the Southwest Regional Turnaround Management Association. Judge Michael is a member of the National Conference of Bankruptcy Judges, having served on various committees and the Board of Governors. He received the President's Award for Distinguished Service to the Conference in 2018. Judge Michael is an emeritus member of the Council Oak/Johnson-Sontag American Inn of Court, which awarded him the John A. Athens Leadership Award in 2004, and the Nebraska State Bar Association. He was part of a multi-state select choir, which sang in Carnegie Hall in 1999, and recorded his first studio album in collaboration with Oklahoma Music Hall of Fame member and Grammy winner David Teegarden in 2018. Judge Michael received his B.A. *magna cum laude* in history from Doane College in 1980 and his J.D. from the University of Southern California's Gould School of Law in 1983.

Hon. Cynthia A. Norton is a U.S. Bankruptcy Judge for the Western District of Missouri in Kansas City. Prior to her appointment on Feb. 1, 2013, she was a founding partner of Grimes & Rebein, LC in Lenexa, Kan., where she focused on consumer and business bankruptcy, creditors' rights, commercial workouts and related fields. She also clerked for Hon. John E. Rees of the Kansas Court of Appeals and Hon. James A. Pusateri of the U.S. Bankruptcy Court in Topeka, Kan., and was previously an associate with Stinson, Mag & Fizzell, an associate and then partner with Lewis, Rice & Fingers, and Of Counsel with Levy & Craig, and established her own law firm in 1995. She has published an annual column reviewing Eighth Circuit bankruptcy cases of interest for *Norton's Bankruptcy Law Advisor* and has authored numerous articles, book chapters and seminar papers on bankruptcy-related topics, is a Fellow in the American College of Bankruptcy and a member of various bankruptcy organizations. She also is the recipient of the Michael R. Roser Excellence in Bankruptcy Award and the Robert L. Gernon Award for Outstanding Contribution to CLE, as well as the NCBJ Excellence in Education Award. Judge Norton received her B.A. in French and art history Phi Beta Kappa and *summa cum laude* from Kansas University in 1981, and her J.D. from the Kansas University Law School in 1984, where she was associate editor of its law review.

Hon. Bianca M. Rucker is a U.S. Bankruptcy Judge for the Eastern and Western Districts of Arkansas in Fayetteville, appointed on April 26, 2021. Prior to her judicial appointment, she was a chapter 7 panel bankruptcy trustee and attorney representing creditors and debtors in consumer and business bankruptcy matters at Rucker Law PLLC, in Fayetteville. Before working as a trustee, Judge Rucker was a partner at Wright, Lindsey & Jennings, LLP (WLJ), where her practice focused on bankruptcy, commercial litigation and insurance defense. She also served as a staff attorney to Hon. Richard D. Taylor (2006-07) and Hon. Ben T. Barry (2007-11) of the U.S. Bankruptcy Court for the Eastern and Western Districts of Arkansas. Judge Rucker has served as president of the Northwest Arkansas Debtor and Creditor Bar Association, and she is an adjunct professor at the University of Arkansas School of Law, where she teaches alcohol beverage law. She received her B.A. in political science in 2003 from the University of Arkansas at Little Rock and her J.D. with honors in 2006 from the William H. Bowen School of Law.

Hon. Dale L. Somers is Chief U.S. Bankruptcy Judge for the District of Kansas in Topeka, initially appointed in September 2003. He hears cases in Topeka, Kansas City and Wichita. Previously, he was in private practice for 32 years and a partner in the law firms of Eidson, Lewis, Porter & Haynes and Wright, Henson, Somers, Sebelius, Clark & Baker. Judge Somers was appointed to the Bankruptcy Appellate Panel for the U.S. Court of Appeals for the Tenth Circuit in March 2010. He served as a member of the Judicial Resources Committee of the Judicial Conference of the United States. Judge Somers served on the Board of Governors for the Kansas Bar Association from 1988-98 and as president from 1995-96. He is a Fellow of the of the American College of Bankruptcy and of the American Bar Association. Judge Somers received his undergraduate degree from Kansas State University in 1968 and his J.D. from the University of Kansas School of Law in 1971.

Hon. Keshia L. Tanabe is a U.S. Bankruptcy Judge for the District of Minnesota in St. Paul, appointed on Jan. 7, 2022, and the first Asian-American woman on the federal bench in Minnesota. She previously was a bankruptcy attorney with Tanabe Law in Minneapolis and is licensed in North Dakota, Minnesota and New York. Judge Tanabe started her career as an assistant attorney general in New York. Prior to starting her own firm, she was a partner at ASK LLP, Maslon LLP and Faegre

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Baker Daniels. Additionally, she was a subchapter V trustee in Region 12 and taught bankruptcy law at the University of St. Thomas School of Law. Judge Tanabe is a board-certified business bankruptcy specialist, a former member of the Bankruptcy Practice Committee for the District of Minnesota and a former co-editor in chief of the *MSBA Bankruptcy Bulletin*. She is a frequent lecturer on bankruptcy topics nationwide, and she is a member of several legal and community organizations, including the Japanese American Citizens League, International Women's Insolvency & Restructuring Confederation, Minnesota Asian Pacific American Bar Association and Minnesota Lavender Bar Association. She also served as a Special Projects Leader for ABI's Bankruptcy Litigation Committee. Judge Tanabe is a graduate of the University of St. Thomas and the London School of Economics, and she received her J.D. in 2005 from Cardozo School of Law.

Hon. Brian C. Walsh is a U.S. Bankruptcy Judge for the Eastern District of Missouri in St. Louis, appointed in January 2023. Before taking the bench, he practiced for more than 25 years in Atlanta and St. Louis, principally in bankruptcy, restructuring and related fields. Judge Walsh is a Fellow of the American College of Bankruptcy and began his legal career in Kansas City clerking for Judge Pasco Bowman of the U.S. Court of Appeals for the Eighth Circuit. He received his undergraduate degree from Duke University and his J.D. from Harvard Law School.