

American College of Bankruptcy
Distinguished Service Award
Recipient Remarks by
Elizabeth L. Perris

March 16, 2018

Thank you Barb for those most kind remarks.

Becoming a member of the College in its initial class of the first class in 1990 I have had a front row seat in watching the college grow and become the vibrant institution that it is today. I know from having been a Regent in the early days of the college, a Regent-at-Large later, and finally serving on the Judicial Nominating Committee, that each of the members of the 29th class, which is being inducted tonight meets the highest standards of their profession and is dedicated to giving a lot to their community and profession. It is the willingness to volunteer and contribute that really distinguishes members of the college. Please let me add my “Congratulations” to those that you will receive tonight.

Being told that I was to receive the Distinguished Service Award was a total surprise. There have been many outstanding recipients before me. While I consider many of them to be the giants of the insolvency field and I am not a giant although I have been involved in several cutting edge cases including the first Archdiocese to file and several city bankruptcies. What I have in common with those who came before me, and what distinguishes all the members of the College, I is a willingness to say “yes” to

volunteering to make our insolvency field be of as much utility as it can be. I have to say that I have learned a lot from my volunteering and gotten a chance to meet wonderful colleagues, as well as contributing to the field. I'll illustrate with a few examples.

I've done a lot of teaching - of US and foreign judges and trustees, law students, and lawyers. From my foreign experience I had a chance to step back and think about how insolvency and our economic system fit together. When I was in Slovenia in 1996 the national TV station came to interview me at the conclusion of the week. The reporter said that they had only one question and they wanted me to answer it in 90 seconds or less. The question was - how in the US do you punish management of companies that fail? I was a bit taken aback. The nature of risk is that a certain number of entrepreneurial enterprises will fail. If we punish risk too much, people will not take risks. The market, through pricing and demanded rates of return, decides what risks to take. It was at that moment that I decided that I believed in capitalism with the limitations that we have imposed.

Teaching judges has been one of my rewarding avocations. Thinking about what you do and why you do it is a challenge; explaining it to others is even more challenging. One of the things that struck me was how we had a national statute and rules, but the way that it was practiced varied a lot around the country. Education was a way people could come together and learn from one another so that we would not have to reinvent the wheel. For example, it was during a class for new judges that I learned about how a

telephonic bridge line could be used to create a virtual courtroom that was efficient, but recognized the fact that many of the cases we deal with involve great distances and not a lot of money.

Teaching law students was different. I was a couple of weeks into my first class when a student came up to me afterwards to ask if a particular topic I had covered would be on the test. He told me I was going way to fast if I intended to test on the topics I was covering. It was then that I learned that law students, unlike lawyers, and judges, feel the need to focus on policy and an entire field, need to learn what you are teaching them, and are not very concerned about procedure. I suppose they need to leave something for lawyers and judges to learn about in continuing legal education programs.

One other example will have to suffice for tonight. I spent almost 6 years working on the modernization of the bankruptcy forms. During that project, which spanned 2008-2014, I learned a lot about technology. I'll never forget one of the judges, who created the project, lecturing us that our concerns about privacy were misguided. We in the judiciary continue to be concerned about privacy and the internet. While the information on most bankruptcy filings has always been public, there was a certain level of privacy that came from the requirement that people get information by examining forms at the clerk's office. Once data mining and the internet came into being and were perfected, the judiciary had its hands full making sure that information on bankruptcy forms were used for bankruptcy purposes.

During the forms modernization project, I also thought a lot about how technology is changing our lives, some for the better and some for the worse. We can do a lot at our desks and through our mobile devices that we couldn't do before or had to do through paper filings. But technology is quite rigid and many of us turned into round-the-clock workers since we have employer provided phones and tablets. We get to spend more time struggling with our technology and doing things for ourselves that others used to do for us. While technology is here to stay, we need to make it a force to improve our lives and the bankruptcy system, not a cause of rigidity and another hurdle.

The College has become a force for good in the lives of poor debtors through the incredible pro bono support provided by the Foundation, in the quality education and other activities it provides its members and to the larger insolvency community.

I want to acknowledge to contribution of my spouse, Beverly Schnabel, who died this fall. She always encouraged me to take on my many volunteer tasks and appreciated my contributions. Most of us have a partner at our side who encourages us and tolerates the incredible demands our willingness to go above and beyond demands and we appreciate your contributions.

Thank you to the College and its Fellows for the wonderful time we have spent together and all that we have collectively contributed. I am honored by this award.