

MODERN BANKRUPTCY COURTS IN OKLAHOMA

The Honorable Sarah A. Hall and April B. Eberle*

Oklahoma's 77 counties are divided into three federal judicial districts, the Eastern, Northern and Western Districts. Thus, to appreciate the history of modern bankruptcy courts in Oklahoma, one must look at the history of the bankruptcy court in each federal district.

I. Eastern District of Oklahoma

A. Building – U.S. Post Office and Courthouse

The U.S. Post Office and Courthouse located at 105 W. 4th Street in Okmulgee, Oklahoma, is the home of the United States Bankruptcy Court for the Eastern District of Oklahoma. Construction began on the building, designed by supervising architect James A Wetmore with the Department of Treasury, in 1931 and was completed in 1933. The Courthouse, designed in an Art Deco style, was originally built for use as a courtroom for the United States District Court for the Eastern District of Oklahoma and was so used until 1940. The Courthouse was abandoned for use by the District Court in 1940 in favor of using the courtrooms available in Muskogee, Oklahoma.

The Courthouse saw little activity from 1940 until 1965 when a part-time bankruptcy referee from Okmulgee was appointed. Since 1965, the Courthouse has been home to the Eastern District Bankruptcy Court as well as containing an operating post office on the first floor. A major renovation was undertaken during the 1980s to enhance security and better utilize court space. A second renovation took place during the 1990s and returned the courtroom to its original beauty while bringing it up-to-date technologically.

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B. Referee and Judges

1. George B. English (1965 – 1983)

George R. English was born in Westville, Oklahoma, in 1912. He obtained his law degree from the University of Oklahoma College of Law. English was admitted to practice in all Oklahoma state and federal courts in 1938.

Prior to his appointment as a bankruptcy referee, English served as a county judge and county attorney. In 1965, English was appointed a part time bankruptcy referee in the Eastern District of Oklahoma and later became a bankruptcy judge. As his position was only part-time, English continued to maintain his thriving law practice in an office adjacent to the Courthouse, focusing on probate, banking and oil and gas. He retired from the bench in 1983. English was a member of the Oklahoma Bar Association and the American Bar Association. He was also a member of the Oklahoma Board of Bar Examiners.

2. James R. Ryan (1983 – 1993)

James R. Ryan was born in Oklahoma City, Oklahoma, in 1935, and grew up in Drumright, Oklahoma. After graduating from Drumright High School in 1953, Ryan joined the United States Navy where he served in the Airborne Early Warning Unit. His service with the Navy continued until he was discharged in 1959 as an Air Controlman First Class.

Thereafter, Ryan attended Oklahoma State University and graduated in 1967. He then attended the University of Tulsa College of Law, graduating in 1970. Ryan established a law practice in Okmulgee, Oklahoma, in July of 1971. His practice developed such that he specialized in the fields of oil and gas, real estate and commercial law. Ryan also practiced

bankruptcy law and served as a bankruptcy trustee. He was a member of the Oklahoma Bar Association and the Tulsa County Bar Association.

In 1983, Ryan was appointed as a part-time bankruptcy judge in the Eastern District. With the dramatic growth of filed bankruptcy cases following the economic downturn in 1983, Ryan's position was converted to a full-time bankruptcy judge in 1986. Ryan served as a bankruptcy judge until his untimely death on July 6, 1993.

Judge Ryan was known for his demand of perfection from court staff and attorneys. His demanding reputation could be tempered when needed as seen in the Peoples Savings and Investments, Inc. case. That case involved an uninsured debtor who was unable to return funds to investors, many who were elderly and stood to lose their life's savings. Out of consideration for those investors, Judge Ryan left the bench and joined them in the gallery to explain what would happen.

3. Judge Tom R. Cornish (1994 to present)

Tom R. Cornish, a third generation Oklahoma lawyer, was born in Fort Worth, Texas, in August of 1944. Cornish's grandfather, Melven Cornish, moved to McAlester as a young lawyer prior to statehood, and his father also practiced law in McAlester. Cornish attended Oklahoma State University, graduating in 1967.** Thereafter, he received his Juris Doctorate from the University of Oklahoma College of Law in 1968 and his Master's of Law from the University of Virginia in 1982.

** Judge Cornish attended college for three years at Oklahoma Sate University, and his first year of law school at the University of Oklahoma counted as his last year at Oklahoma State University. Judge Cornish applied for his undergraduate diploma from Oklahoma State University in 1967, which is the year the diploma was issued.

Prior to serving on the federal bench, Cornish engaged in private law practice in McAlester and Oklahoma City, with an emphasis in commercial litigation. He was admitted to practice before all federal courts in Oklahoma and the United States Supreme Court. Cornish served as a judge on the Oklahoma Court of Criminal Appeals, the court of last resort in Oklahoma for criminal appeals, from 1977 to 1984. Cornish was the youngest judge ever appointed to a court of last resort in Oklahoma.

In 1994, Cornish was appointed the United States Bankruptcy Judge for the Eastern District of Oklahoma. He was reappointed for a second fourteen (14) year term in 2008. Additionally, Cornish has been a member of the Tenth Circuit Bankruptcy Appellate Panel since its founding in 1996 and has served as its chief judge.

Cornish has been active in several professional and community organizations including the Oklahoma Bar Association and the National Conference of Bankruptcy Judges and has had various leadership roles therein. He has served on a variety of public commissions and authorities, such as the Oklahoma Court on the Judiciary, Chairman of the Governor's Commission on Reform of State Government, Chairman of the Oklahoma Development Finance Authority, the Juvenile Delinquency Committee of the Oklahoma Crime Commission, the Board of Governors of the Oklahoma Bar Association, and the Board of Directors and Board of Trustees of St. Gregory's University in Shawnee, Oklahoma.

Cornish has traveled extensively, visiting all seven (7) continents, and incorporated his extensive travel with his legal profession when he was selected to attend the Sir Richard May Seminar on International Law and International Courts in the Hague, Netherlands. Cornish has

also presided as a visiting bankruptcy judge in the United States Bankruptcy Court for the District of Utah and for the District of New Mexico.

C. Notable Cases

Most bankruptcy petitions in the Eastern District are chapter 7 consumer cases. Judge Cornish has presided over cases involving radio and television stations, a group of rural hospitals, a trucking company, race horse tracks, municipal bankruptcies under chapter 9, and one of only a few chapter 15 international bankruptcies in the Tenth Circuit.

In re Eufaula Industrial Authority, Case No. 97-71225, USBC ED OKLA (Honorable Tom R. Cornish, Honorable Richard L. Bohanon and Honorable Terrence L. Michael) – Sometime prior to 1993, the Eufaula Industrial Authority decided to develop and construct an outdoor amphitheater and amusement park in Eufaula, Oklahoma on Lake Eufaula. The concept was to use the amphitheater (envisioned to hold 27,000 people) to turn Eufaula into another Branson, Missouri. The project was financed, in part, by a \$5 million bond issue. However, the project was beset with graft and corruption, not to mention substantial financial difficulties, forcing a chapter 9 bankruptcy filing in 1997. The first concert was not held in the amphitheater until the summer of 2007.

In re Sivec SRL, Case No. 11-80799, USBC ED OKLA (Honorable Tom R. Cornish) – This is one of the few chapter 15 cases filed within the State of Oklahoma and arose out of a contract dispute between an Italian corporation that had filed for protection under Italian bankruptcy law and an U.S. corporation over a contract executed in Oklahoma. Eventually, the dispute was touched by two federal magistrate judges, a federal district court judge, a federal district court jury, an Italian bankruptcy court and the bankruptcy court. Judge Cornish

ultimately decided issues involving setoff and recoupment in favor of the U.S. creditor and denied the Italian debtor's request for turnover.

II. Northern District

A. Building – The Federal Building

The Federal Building is located at 224 South Boulder Avenue in Tulsa, Oklahoma, and is the home of the United States Bankruptcy Court for the Northern District of Oklahoma. The building was originally constructed from 1915 to 1917, with an extension and third story added between 1930 and 1932. The architect for both the original construction and the extension was James A. Wetmore (who designed, at least in part, the two other Oklahoma bankruptcy courthouses). The Federal Building exemplifies the Neoclassical style, typical of many courthouses and public buildings constructed during the same time frame. The 1932 expansion increased the number of neoclassical columns from six (6) to thirty-two (32).

The Federal Building originally housed a post office and the United States District Court for the Eastern District of Oklahoma until the Oklahoma federal districts were reconfigured in 1925, and it became the home of the United States District Court for the Northern District of Oklahoma. When the Page Belcher Federal Building was completed in 1967, the federal courts and post office moved, and the Federal Building was remodeled and occupied by the Army Corps of Engineers. In the mid-1980s, the bankruptcy court was housed in the Carson Building at Fifth and Boulder until its later return to the Federal Building. From 1991 to 1996, the Federal Building was renovated and became the home to the United States Bankruptcy Court for the Northern District of Oklahoma, some district court judicial posts and several other federal tenants. The Federal Building was placed on the National Register of Historic Places in 2000.

B. Referees and Judges

1. Maurice F. Ellison (1941 – 1959)

Maurice F. Ellison was born in Hillsboro, Texas, in 1901, but was raised on a farm near Tulsa, Oklahoma. He attended Henry Kendall College (now known as the University of Tulsa) and earned his law degree from the University of Oklahoma College of Law in 1924. For years, Ellison was in private practice in Tulsa, Oklahoma. He also served as a member of the Board of Education for Tulsa and as an elder of College Hill Presbyterian Church.

In 1941, Ellison was appointed as a bankruptcy referee. He served in that office until he died at the age of 59 in his office while preparing for a hearing on October 4, 1959. Ellison served as the president and vice president of the National Association of Referees in Bankruptcy and as a member of the Tulsa Board of Education. He was an active member of the Tulsa County Bar Association, the Oklahoma Bar Association and the American Bar Association.

2. William E. Rutledge (1960 – 1983)

William E. Rutledge served as a United States Bankruptcy Judge for the Northern District of Oklahoma for twenty-two (22) years. He served his country in World War II. He received a Bachelor of Arts degree from the Ohio State University and then attended law school at Case Western Reserve University in Cleveland, Ohio. Rutledge was admitted to practice law in 1951. He initially served as a bankruptcy trustee in the Northern District of Oklahoma. In 1960, he became the district's bankruptcy referee and later became the district's sole bankruptcy judge. Rutledge was a member of the National Association of Referees in Bankruptcy.

Upon leaving the bench in 1983, he practiced law with Conner & Winters with an emphasis on commercial law and bankruptcy. Rutledge also served as an adjunct professor of law at the University of Tulsa School of Law.

3. Mickey D. Wilson (1983 – 1997)

Mickey D. Wilson was born in Tulsa, Oklahoma, in 1931. Wilson was a graduate of Central High School in Tulsa, Oklahoma, in 1950. He obtained a Bachelor of Science degree from the University of Tulsa in 1954 and his law degree from the University of Oklahoma in 1956. He was admitted to the Oklahoma bar in 1956.

After law school, Wilson served as an Assistant County Attorney for Tulsa County Oklahoma from 1956 - 1957. He then joined the United States Air Force, where he served from 1957 to 1960. Wilson also served as the presiding judge for the Temporary Court of Appeals, State of Oklahoma, for a one (1) year term.

Wilson was first appointed as a bankruptcy judge for the Northern District of Oklahoma in 1983 and was subsequently reappointed to a full fourteen (14) year term in May 1987. He served as chief bankruptcy judge for the Northern District during his tenure. Wilson was a member of the Tulsa County Bar Association, the Oklahoma Bar Association, the National Conference of Bankruptcy Judges and the Commercial Law League.

4. Judge Stephen J. Covey (1987 – 1996)

Stephen J. Covey was born in Peoria, Illinois, in 1929. His father, Edwin L. Covey, was the former Chief of the Bankruptcy Division of the Administrative Office of the United States Courts, a former bankruptcy referee and former president of the National Association of Referees in Bankruptcy. Covey pursued his undergraduate studies at Western Maryland College and

obtained his law degree from the University of Illinois Law School in 1953. Covey practiced with the law firm of Covey and Covey in Peoria from 1953 until 1959.

In 1959, Covey was appointed a bankruptcy referee in the Southern District of Illinois and served in that capacity until 1974. Thereafter, he served as a circuit judge for the State of Illinois in Peoria from 1974 to 1987. In 1987, Covey was appointed a United States Bankruptcy Judge for the Northern District of Oklahoma, a position he held until his retirement in 1996. He served as chief bankruptcy judge of the Northern District. Covey was a member of the National Association of Referees in Bankruptcy and the Commercial Law League.

5. Dana L. Rasure (1997 to present)

Dana L. Rasure was born in 1952 in Goodland, Kansas. She attended Washburn University and received her Bachelor of Arts degree in Economics (summa cum laude) in 1973. Rasure then went on to earn her Juris Doctorate from the University Michigan School of Law in 1977. Rasure was in private practice in Tulsa, Oklahoma from 1977-1997 prior to her appointment to the bench. Her legal practice was focused on commercial litigation, bankruptcy and banking law.

In 1997, Rasure was appointed a United States Bankruptcy Judge for the Northern District of Oklahoma. She was reappointed for a second fourteen (14) year term in 2011. She served as chief bankruptcy judge from 1997 - 1999, 2001 - 2003 and 2006 - 2010. Rasure has served as a panel member of the Tenth Circuit Bankruptcy Appellate Panel.

Rasure is currently a member of the Judicial Conference Committee on Judicial Security. In the past, she has served as the Tenth Circuit representative on the Bankruptcy Judges Advisory Group of the Administrative Office of the United States Courts and as the bankruptcy

judge representative for the Technology and Facilities Advisory Council to the Administrative Office of the United States Courts. She is a member of the National Conference of Bankruptcy Judges, the American Bankruptcy Institute, the Judicial Conference of the Tenth Judicial Circuit, the Supreme Court Historical Society, the Oklahoma Bar Association and the Tulsa County Bar Association and the Hudson Hall Wheaton Chapter of the American Inn of Court. Rasure has held numerous leadership and committee positions in the organizations to which she belongs.

Rasure has received numerous honors during the years including the Oklahoma Bar Association Judicial Excellence Award in 2006 and the Tulsa County Bar Association's Presidential Award, the Golden Rule Award for Professionalism and the Outstanding Senior Lawyer Award.

6. Terrence L. Michael (1997 to present)

Terrence L. Michael was born in 1958 in Columbus, Nebraska. Michael attended Doane College in Crete, Nebraska, graduating with a Bachelor of Arts degree in history (magna cum laude) in 1980. Thereafter, he attended the Gould School of Law at the University of Southern California, earning a Juris Doctorate in 1983.

After law school graduation, Michael joined the Omaha, Nebraska law firm of Baird, Holm, McEachen, Pedersen, Hamann & Strasheim, where he worked in the firm's bankruptcy and creditors' rights group until his appointment to the federal bench.

In June 1997, Michael was appointed a United States Bankruptcy Judge for the Northern District of Oklahoma. He was reappointed for a second fourteen (14) year term in 2011. Michael is currently serving as chief bankruptcy judge for the Northern District, a position he previously held in 1999 - 2001 and 2003 - 2006. Michael also serves on the Tenth Circuit

Bankruptcy Appellate Panel and chaired the committee that revised the bankruptcy appellate panel's local rules. He is also an adjunct professor at the University of Tulsa School of Law. He has been a speaker for various seminars held by the Federal Judicial Center and by other associations.

Judge Michael is a member of the National Conference of Bankruptcy Judges (past chairman of the Ethics Committee), 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 a member of the Nebraska State Bar Association.

C. Notable Cases

In re Home-Stake Production Co., Case No. 73-B-922, USBC ND OKLA (Honorable Allen E. Barrow, Honorable William E. Rutledge and Honorable Mickey D. Wilson) – The Home Stake Production Co. case involved a Ponzi scheme that ensnared celebrities such as Bob Dylan, Alan Alda, Walter Matthau, Jack Benny and Phyllis Diller, all who invested in an oil drilling venture. The case began in 1973 and remained open for twenty-four (24) years. The company president, Robert S. Trippett, was found guilty of criminal charges but served only one day in jail.

In re Republic Financial Corporation, Case No. 84-01460, USBC ND OKLA (Honorable Mickey D. Wilson), In re Petra Petroleum Corporation, Case No. 85-00024, USBC ND OKLA, and In re Wesley R. McKinney, Case No. 85-00042, USB ND OKLA (Honorable Mickey D. Wilson) were all related cases. Wesley R. McKinney developed numerous business interests, including banking, insurance, construction, energy, and oil and gas. Before running into financial trouble, McKinney lived a lavish lifestyle; he owned a yacht, a \$3.6 million condo in

Tulsa and original art. As his Petra Petroleum Corporation began to flounder, McKinney began a check kiting scheme. He was later indicted on thirty (30) counts of fraud and conspiracy, arising from his \$600 million check kiting scheme. After his indictment, he fled to Europe but was later arrested in Palo Alto, California, with 28 cents in his pocket. The Republic Financial case touched over 8,000 local citizens. As a result, the meeting of creditors was held at the Tulsa Convention Center. Among various reported decisions arising out of the Republic Financial bankruptcy case, the United States Supreme Court issued the decision in Langenkamp v. Culp, 498 U.S. 42, 111 S.Ct. 330, 112 L.Ed.2d 343 (1991), holding that a creditor does not have a right to a jury trial in a preference action where the creditor has previously submitted a claim against the bankruptcy estate.

In re Hannon, Case No. 91-01263, USBC ND OKLA (Honorable Stephen J. Covey) – Hannon involved an appeal concerning whether the Bankruptcy Code required payments of interest on mortgage arrearage to oversecured creditors in chapter 13 cases, even when the underlying loan documents do not provide for interest on arrearages. In 1993, in Rake v. Wade, 508 U.S. 464, 113 S.Ct. 2187, 124 L.Ed.2d 424 (1993), the United States Supreme Court held that the Code did require payment of interest on arrearages, even where the underlying documents do not provide for interest. Congress amended the Code in 1994 to reverse the Supreme Court's decision.

In re Commercial Financial Services, Inc., , Case No. 98-05162, USBC ND OKLA (Honorable Dana Rasure) – Commercial Financial Services (CFS) and an affiliate filed voluntary bankruptcy petitions in December 1998, which cases were jointly administered. CFS was engaged in the business of acquiring portfolios of defaulted credit card receivables and small

balance consumer loans and then servicing and collecting the delinquent accounts. CFS financed its operation by transferring the receivables to limited partnerships or corporations it established and then transferring the receivables into a trust. The trust then issued notes and certificates secured by the receivables to investors who profited from the collection of the receivables. CFS faced a number of difficulties during the months preceding the bankruptcy filing: (1) an anonymous letter was sent to bond rating agencies alleging improprieties in reporting to security holders, causing a downgrade or suspension of CFS bond ratings; (2) a temporary restraining order was issued against CFS which froze \$66 million in assets; and (3) holders of \$141 million of CFS notes declared a default. The jointly administered bankruptcy cases were complex, national in scope and involved billions of dollars.

In re Arrow Trucking Company, Case No. 10-10041, USBC ND OKLA (Honorable Dana L. Rasure) – The Arrow Trucking case caused national news when the company, a 61 year old Tulsa trucking company, suddenly ceased operations on December 22, 2009, terminated its employees and left its drivers stranded across the country without work or a mandate to return to Oklahoma.

III. Western District of Oklahoma

A. Building – U.S. Post Office and Courthouse

The U.S. Post Office and Courthouse located at 215 Dean A. McGee Avenue in Oklahoma City is the home of the United States Bankruptcy Court for the Western District of Oklahoma and was the first federal building constructed in Oklahoma. The Post Office and Courthouse was designed by James Knox Taylor, the Supervising Architect for the U.S. Treasury Department, and constructed from 1903 through 1912 (with substantial delays due to insufficient

funding) in the Beaux Arts Classicism style. The building was expanded in 1919 with an addition to the west end consistent with the Beaux Arts Classicism style. A final addition to the Post Office and Courthouse was made in 1932 under the supervision of James A. Wetmore, Acting Supervising Architect for the U.S. Department of Treasury, which extended the west end of the building consistent with the Beaux Arts Classicism of the earlier portions and added a central nine story tower with Art Deco motifs which blend with the Classicism of the original building.

The Post Office and Courthouse, which no longer houses a post office but is home to several federal agencies and departments in addition to the bankruptcy court, was listed on the National Register of Historic Places in 1974. In 1992, the General Services Administration completed a significant historic renovation of the Post Office and Courthouse, which uncovered and restored two courtrooms not then in use on the second and sixth floors. The Bankruptcy Court currently uses these two courtrooms and the ceremonial courtroom on the ninth floor. Two notable non-bankruptcy cases were held in the ninth floor ceremonial courtroom. The first was the 1933 trial of George “Machine Gun” Kelly for the kidnaping of Oklahoma City oilman Charles F. Urschel, in which Kelly was found guilty and sentenced to life in prison. The second was the 1949 case of McLaurin v. Oklahoma State Regents, which resulted in the desegregation of graduate schools in Oklahoma.

B. Referees and Judges

1. Paul G. Darrough (1930 - 1961)

Paul G. Darrough was born in Oklahoma City in 1892. His family had settled in Oklahoma Territory in the Land Run of 1889. The family moved to Vinita in Indian Territory

when his father was appointed to conduct the 1900 census in Indian Territory and thereafter was appointed U.S. Marshal for Indian Territory. Darrough grew up in Vinita, Oklahoma, until his family moved to Idaho Fall, Idaho, where he graduated from high school in 1909. He briefly attended Epworth University in Oklahoma City before attending the University of Oklahoma, from which he graduated with an undergraduate degree in 1913 and a law degree in 1915. While at the University of Oklahoma, Darrough excelled academically and athletically, was president of the student body, received the Gold Letzeiser Medal as the best all-around student and was a member of Phi Beta Kappa, the Sigma Nu fraternity and the OU tennis team.

Darrough served in the U.S. Navy from 1917 to 1919. He practiced law in Hugo, Oklahoma, and Oklahoma City, Oklahoma from 1917-1980, when he ultimately retired at the age of 88. He was appointed and served as a part-time bankruptcy referee in the Western District of Oklahoma from 1930 through 1961. Darrough was very active in his church, St. Luke's Methodist Church, and community, serving on numerous civic and professional boards and committees. Darrough died on March 29, 1991, at age 99.

2. William T. Billups (1961 - 1973)

William T. Billups was appointed a bankruptcy referee in 1961 when he was 48 years old. He received his bachelor's degree from the University of Oklahoma in 1934 and his law degree from OU in 1936. While at OU, Billups was a member of Alpha Kappa Psi honorary business administration fraternity, Phi Delta Phi honorary legal fraternity and the Sigma Nu social fraternity.

Prior to his appointment, Billups practice law for 25 years. He was a former assistant county attorney for Oklahoma County and an approved Oklahoma title attorney for various

companies. He was a member of the National Conference of Bankruptcy Referees, the Oklahoma County, Oklahoma and American Bar Associations, the Lawyers Club of Oklahoma City, the Oklahoma City Chamber of Commerce and the Oklahoma City Society of Title Attorneys. Billups served as a member of the Board of Directors of the Oklahoma Bar Association, a circuit director of the National Conference of Bankruptcy Referees and as president of the Lawyers Club of Oklahoma City. Billups died while serving as federal bankruptcy referee.

3. David A. Kline (1969 - 1982)

David A. Kline was born in Keota, Oklahoma, on September 27, 1923. He served his country in the United States Navy from 1942 to 1945. He received his undergraduate degree from Oklahoma City University in 1947 and graduated with his law degree from the University of Oklahoma in 1950 where he was a member of the Order of the Coif, the Oklahoma Law Review and Phi Delta Phi honorary legal fraternity.

During his law career, Kline served as a loan officer in collections for Central National Bank in Oklahoma City, law clerk and special master for several federal judges during the 1960s and as First Assistant United States Attorney for the Western District of Oklahoma. In 1969, Kline left the United States Attorney's office to become a full time bankruptcy referee for the Western District of Oklahoma and later served as a bankruptcy judge until 1982. During his tenure on the bench, he served as a new case editor for the *American Bankruptcy Law Journal* and served as first vice president, second vice president and president of the National Conference of Bankruptcy Judges. Kline testified numerous times before Congress regarding needed bankruptcy reform during the 1970s and proved to be a driving force behind the passage of the

Bankruptcy Reform Act of 1978. Kline fought tirelessly to expand the jurisdiction of the bankruptcy courts, to give the courts the powers necessary to enforce their orders and to equip the bankruptcy courts to do their work.

Upon leaving the bench, Judge Kline entered private practice with his son, Timothy Kline, in Oklahoma City, Oklahoma. Kline also served as an adjunct professor of Law of Oklahoma City University from 1980-1984 and as a faculty member of the Federal Judicial Center from 1972-1986. He authored and consulted on several books about bankruptcy law and practice and was a member of the National Conference of Bankruptcy Judges, a fellow of the American College of Bankruptcy and served in various official capacities with Consumer Credit Counseling Service of Central Oklahoma and the Oklahoma County Legal Aid Society. He passed away on July 22, 2008.

4. Robert L. Berry (1973 - 1986)

Robert L. Berry was born in Silex, Missouri, in 1908. He moved to Oklahoma in 1914. He attended Oklahoma City public schools and graduated from Central High School. Thereafter, he obtained pre-law schooling at the University of Oklahoma and received his law degree therefrom in 1931.

Berry practiced law as a municipal counselor for the City of Oklahoma City from 1931 to 1939, and as an attorney for Phillips Petroleum Co. in the title department from 1939 to 1943. During World War II, he joined the Army artillery in 1943 and served as an assistant staff judge advocate and post judge advocate at Camp Maxey in Paris, Texas. Berry was employed as an attorney for the United States Veteran's Administration from 1946 to 1961, spending five (5) years serving in the Philippines as a supervising attorney. Berry was appointed an Assistant

United States Attorney by then U.S. Attorney General Robert Kennedy in 1961 and served in that capacity until 1969. He then was appointed as a special judge in Oklahoma County in 1969 and was elected as an associate district judge in 1970.

Berry was named a bankruptcy referee for the Western District of Oklahoma in 1973 and served until his retirement in 1986. Thereafter, Berry was “of counsel” with the Oklahoma City law firm of Phillips, McFall, McVay, Sheets, Lovelace and Juras, P.C. Berry was a member of the American, Oklahoma and Oklahoma County Bar Associations and the Federal Bar Association. He served as a vice president of the American Bar Association and president of the Oklahoma City Chapter of the Federal Bar Association.

5. Richard L. Bohanon (1982 - 2010)

Richard L. Bohanon was born February 9, 1935, in Oklahoma City. His father was United States District Court Judge Luther L. Bohanon. In 1957, Bohanon received his Bachelor of Arts degree in History from Dartmouth College where he was a member of the pre-law club and the Sigma Chi social fraternity. He received his juris doctorate from the University of Oklahoma College of Law in 1960 and later received his Masters of Law in Comparative Law from New York University in 1962. Bohanon then continued his studies at the University of Grenoble, France.

Bohanon was a law clerk for Chief Judge Alfred P. Murrah of the United States Court of Appeals for the Tenth Circuit. Thereafter, he worked for Gulf Oil as an attorney for two (2) years. In 1964, he and J. Edward Barth, formed the law firm Barth & Bohanon, which merged with Andrews Davis in 1979.

Bohanon was appointed a bankruptcy judge for the Western District of Oklahoma in 1982 and served in that capacity until his retirement in 2010. During his tenure as bankruptcy judge, he served as chief judge of the bankruptcy court, as an original member of the Tenth Circuit Bankruptcy Appellate Panel and as a visiting judge to the Eastern and Northern Districts of Oklahoma, New Mexico, Southern District of Florida, Maryland and the Southern District of New York. Bohanon appeared as a witness on bankruptcy before the House Judiciary Committee and taught judges in Mongolia. He was a prolific lecturer and teacher of the law and helped found and lead the Luther L. Bohanon Inn of Court in Oklahoma City. Bohanon also served on multiple civic and artistic boards in Oklahoma.

Judge Bohanon has the distinction of being the only known witness of both the 1995 bombing of the Alfred P. Murrah building in Oklahoma City and the 2001 terrorist attack on the World Trade Center in New York City. Judge Bohanon passed away in 2011.

6. Paul B. Lindsey (1986 - 1996)

Lindsey was born in Oklahoma City, Oklahoma, in 1931. He attended the University of Oklahoma, receiving his Bachelor of Business Administration in 1953. He then pursued his law degree at the University of Oklahoma College of Law, receiving his Juris Doctorate in 1957.

Lindsey served in the United States Navy from 1953 to 1955. In 1958, Lindsey was named as an attorney with the office of the Oklahoma Insurance Commissioner. Thereafter, he served as a legal assistant and as chief counsel to the Commissioner for the United States Securities and Exchange Commission from 1964 to 1966 in Washington D.C. He then joined the Doric Corporation in Oklahoma City as a vice president and later joined the firm of George, Kenan, Robertson and Lindsey.

In 1979, Lindsey was appointed to serve as a federal magistrate judge for the Western District of Oklahoma. Lindsey held the magistrate judge post until he was appointed a United States Bankruptcy Judge for the Western District of Oklahoma in 1986. While a bankruptcy judge, he served as chief bankruptcy judge and served as a visiting judge in Florida. Lindsey was a Master of the Holloway Inn of the America Inns of Court in Oklahoma City and was a member of the American, Oklahoma and Oklahoma County Bar Associations.

Lindsey retired from the bench in 1996. Following his retirement, Lindsey, on recall status, served as a visiting judge in the Delaware bankruptcy court for numerous years.

7. John TeSelle (1987 - 2002)

John TeSelle was born January 29, 1922, in Antigo, Wisconsin, where his father served as a prosecuting attorney and a circuit court commissioner. In 1928, the TeSelle family moved from Wisconsin to Gainesville, Florida, where TeSelle's father joined the faculty of the University of Florida College of Law.

TeSelle received his Bachelor's Degree in Mechanical Engineering from the University of Florida in 1947. While in undergraduate school during World War II, he joined the Army and served as a career officer as a pilot and mechanical engineer. During his military career, he received both his Juris Doctorate from the University of Pennsylvania and a Master's of Law from George Washington University after which he joined the JAG Corp as a patent attorney.

TeSelle was subsequently detailed to NATO and was stationed in Paris where he served as the American Army Liaison Officer for Patents. He retired from military service while a member of the faculty at the Army Judge Advocate General's School to become a member of the law faculty at the University of Tulsa, in Tulsa, Oklahoma. In 1970, TeSelle joined the faculty of

the University of Oklahoma College of Law and, consequently, taught many of the lawyers who appeared before him as a bankruptcy judge. TeSelle co-authored the Family Farmer Bankruptcy Act of 1986.

He retired as a Professor of Law *Emeritus* upon his appointment as a United States Bankruptcy Judge for the Western District of Oklahoma on October 19, 1987, and began his third career. TeSelle retired from the bankruptcy court after completion of his term of office in 2002. Judge TeSelle passed away in 2010.

8. Thomas Michael (Mike) Weaver (1998 to date)

Thomas Michael Weaver was born in Seminole, Oklahoma, in 1942. He attended the University of Oklahoma, receiving his Bachelor of Business Administration in Accounting from the University of Oklahoma in 1965. He received his law degree from the University of Oklahoma College of Law in 1968 and was a member of Order of the Coif and the Oklahoma Law Review.

Upon graduation from law school, Weaver went into private practice in Duncan, Oklahoma, until 1998, when he was appointed a United States Bankruptcy Judge for the Western District of Oklahoma. He practiced first as an associate and then as partner in the Duncan law firm of Bonney, Weaver, & Corley. Weaver's practice was a general civil practice, with a concentration in commercial law and litigation, banking, debtor/creditor relations and oil and gas.

Following his appointment, Weaver served as chief judge from 2002 to 2007. In 2012, Weaver was appointed for a second term. He was a member of the Judicial Conference Space and Facilities Committee from 2004 to 2010 and of the Tenth Circuit Space and Facilities

Committee from 2004 to present. Weaver is also a member of National Conference of Bankruptcy Judges and the Oklahoma Bar Association.

9. Judge Niles L. Jackson (2002 to date)

Niles L. Jackson was born in Memphis, Tennessee, in 1941. Jackson attended Colgate University, graduating with a Bachelor of Arts degree in 1964. After college, he served as a volunteer in the Peace Corps, worked as a writer for the Associated Press, was a news anchor, reporter and talk show host, a director of publications for Mutual Federal Savings and Loan and a public relations assistant for Cities Service Gas Company. Jackson attended law school at the Oklahoma City University School of Law, graduating in 1975. While in law school, he received three (3) American Jurisprudence awards for academic excellence.

Following law school, Jackson was executive director of the Oklahoma Nurses Association, an assistant district attorney in Perry, Oklahoma, a research assistant to several appellate judges and assistant director to the Oklahoma District Attorneys' Council. In 1984, he was appointed special Oklahoma County District Court Special Judge, a position he held until 1991 when he was elected Oklahoma County District Court Judge. In his capacity as a district court judge, Jackson served as the presiding judge and the vice presiding judge for Oklahoma County.

Jackson was appointed a United States Bankruptcy Judge for the Western District of Oklahoma in 2002, serving as chief judge from 2007 to 2012. He has been and remains a member of various professional groups, the Oklahoma Judicial Conference, the Oklahoma Trial Judges Association, the Oklahoma Bar Association, the Oklahoma County Bar Association, the National Conference of Bankruptcy Judges and the Ginsburg American Inn of Court, of which he

served as president from 1997-1998. He is currently on the Board of Governors for the National Conference of Bankruptcy Judges and a member of the Administration of Bankruptcy Committee of the Judicial Conference.

Jackson has received numerous awards for his judicial service and community service including the Marian Opala Lifetime Achievement in Law Award from the Oklahoma City University School of Law in 2011, the 2000 Neil E. Bogan Professionalism Award from the Oklahoma Bar Association and the 1996 Outstanding State Trial Judge from the Oklahoma Trial Lawyers Association.

10. Sarah Alexander Hall (2010 to present)

Sarah Alexander Hall was born in New Orleans, Louisiana, in 1964. She grew up in Houston, Texas, but has lived in Oklahoma since 1982. Hall graduated in 1986 from the University of Oklahoma with a Bachelor's degree in Business Administration (with special distinction) in Finance and was named Outstanding Student in the College of Business Administration and a Big Woman on Campus, was named to a Letzeiser Honor List and was a member of Mortar Board, Beta Gamma Sigma honor society and Chi Omega social fraternity. She then attended law school at the University of Oklahoma College of Law, receiving her law degree in 1989 with highest honors. In law school, she was a member of the Order of the Coif and a Bess Zeldich Ungerman Scholarship recipient.

Her legal career began with Mock, Schwabe, Waldo, Elder, Reeves & Bryant in Oklahoma City, Oklahoma, where she practiced law first as an associate and then as a partner from 1989 until her appointment to the bench. Hall's law practice was focused on business

litigation, bankruptcy and insolvency, debtor/creditor relations, commercial law, insurance insolvency and employment litigation.

Hall was appointed a United States Bankruptcy Judge for the Western District of Oklahoma in 2010 and is the first female bankruptcy judge in the Western District of Oklahoma and the second female bankruptcy judge in the State of Oklahoma. She is currently serving as chief bankruptcy judge.

Hall served as an associate bar examiner for the Oklahoma Bar Association from 1996 to 2010. She is currently a member of the American Bar Association (Employment Law and Business Law Sections), the Oklahoma Bar Association, and the Oklahoma County Bar Association (Bankruptcy Section President 1997-1998). She is a member of the National Conference of Bankruptcy Judges, the American Bankruptcy Institute and the Federal Bar Association. Hall is a board member of the Oklahoma Bar Association Bankruptcy and Reorganization Section, the Federal Bar Association for the Western District of Oklahoma and the Historical Society of the United States District Court for the Western District of Oklahoma. Judge Hall was named as a one of Fifty Women Making a Difference by the Journal Record in 2011.

C. Notable Cases

In the Matter of Selected Investments Corporation, Case No. 10680, USDC WD OKLA (Honorable Stephen S. Chandler, District Judge) – The Selected Investment Corporation was an Oklahoma corporation organized in 1930 for the purpose of selling securities to the general public and investing the proceeds. The corporation was a “cleverly manipulated, fraudulent scheme which operated for more than 20 years without being discovered,” using funds available

from the non-payment of state and federal income taxes to pay investors while using corporate monies and assets for the personal benefit of certain Selected Investment officers and their families. (Chandler v. O’Bryan, 445 F.2d 1045 (10th Cir. 1971)). An involuntary bankruptcy petition was filed against Select Investments in 1958; thereafter, Select Investments and its trust fund filed a joint petition for reorganization under Chapter X of the Bankruptcy Act, and the District Court approved such petition, appointed a trustee and stayed the involuntary proceeding and all other proceedings against the estate of Select Investments (including a state court receivership). A plan of reorganization was approved, and the assets were marshaled and corporate investments were consolidated for reorganization purposes. Investors were given stock in Mid-America Corporation as part of the reorganization, which was sold in 1974 and returned to investors far more than their initial investments in Selective Investments. The Honorable Luther Bohanon was one of the attorneys for the Chapter X trustee (as well as counsel for pre-bankruptcy state court receivers). Interestingly, and based on his own investigation, Judge Bohanon uncovered at a hearing in the bankruptcy case that the president of Selected Investments had withdrawn monies from the Selective Investment trust fund within ten (10) days of the Oklahoma Supreme Court opinion overturning a trial court decision against Selected Investments and granting judgment to the company for \$500,000.00. This was the proverbial “tip of the iceberg” for the Oklahoma Supreme Court bribery scandal, which unfolded over the course of the next several years and resulted in two Oklahoma Supreme Court justices resigning to avoid impeachment and another justice being impeached for their roles in the bribery scandals and criminal convictions related thereto.

In re Four Seasons Nursing Centers of America, Inc., Case Nos. BK-70-1008, 1008-A, 1008-B, 1008-C, 1008-D, 1129 and 1129-A (Judge Luther Bohanon) – Four Seasons Nursing Centers of America, Inc. was incorporated in 1967 in response to a perceived need for high quality extended care for the elderly using an innovative prototype design well received by the medical industry. Four Seasons built and operated nursing homes and child care centers; however, it was mainly interested in building the facilities and selling them to investors based on inflated financial returns. In 1970, Four Seasons came to a screeching halt when analysts determined that the facilities built by Four Seasons were low-profit margin operations. As a result, investment capital evaporated, and sales of new facilities ceased. Although a plan of reorganization was confirmed and resulted in creditors and investor receiving equity interests in the reorganized debtor, it is estimated that the Four Seasons bankruptcy cost national and international creditors and investors \$200 million. Securities litigation as well as criminal complaints also made their way through the Western District of Oklahoma as a result of the collapse.

In re Wilson Foods Corporation, Case No. Case No. 83-1034, USBC WD OKLA (Honorable Richard L. Bohanon) – Wilson Foods was an Oklahoma based company founded in the mid-1800s that was credited with such innovations as the boneless ham and was the nation's largest pork processor. When Wilson filed bankruptcy, it was saddled with large debt and high wage costs. Within days of filing, the bankruptcy court allowed Wilson Foods to avoid its collective bargaining agreements and to slash its wages for both hourly and salaried personnel prior to the rejection being approved. Wilson Foods was a precursor to the United States Supreme Court's decision in NLRB v. Bildisco & Bildisco, which effectively pre-empted labor

unions' remedies under the National Labor Relations Act against a debtor employer attempting to reorganize under chapter 11. Congress subsequently curtailed such activities with enactment of 11 U.S.C. § 1113.

In re First Penn Corp., Case No. 82-01667, USBC WD OKLA (Honorable Robert Berry and Honorable Paul B. Lindsey) – The bankruptcy case of First Penn Corp., the holding corporation for Penn Square Bank in Oklahoma City, spanned an incredible eleven years. It resulted from the collapse of Penn Square Bank, which was characterized by banking regulators as “a free-spending, free-lending energy bank that hurt investors and financial institutions in at least 35 states.”

In re C.R. Anthony Co., Case No. 91-01095, USBC WD OKLA (Honorable Paul B. Lindsey) – C.R. Anthony Company, was a chain of department stores founded in 1922 in Cushing, Oklahoma. The stores operated under the brand name of “Anthony’s.” At the time of its bankruptcy filing in 1991, filed largely in response to a national economic downturn, CR Anthony operated 182 stores in excess of ten (10) states. CR Anthony emerged from bankruptcy in 1992 after obtaining confirmation of its chapter 11 plan as a reorganized debtor with fewer stores (having closed certain unprofitable stores) and in a better position in its remaining markets.

In re Homeland Holding Corporation, Case No. 01-17869, USBC WD OKLA (Judge John TeSelle) – Homeland Stores, Inc. was formerly a division of Safeway which had been spun off as a regional supermarket chain in 1987. After struggling to compete effectively with Walmart, Homeland filed a chapter 11 bankruptcy petition in 2001. Subsequent to the filing date, Homeland implemented in strategy of down-sizing its operations from 78 to 44 stores. A

plan was confirmed on August 29, 2002. Homeland emerged from bankruptcy as a wholly owned subsidiary of Kansas City based Associated Wholesale Grocers, which was the primary supplier of product sold in the 44 Homeland stores.

In re Harold's Stores, Inc. and Harold's Stores of Texas, L.P., Case No. 08-15027, USBC WD OKLA (Judge T.M. Weaver) – Harold's Stores, Inc. was founded in Norman, Oklahoma, in 1948 and grew to an 18-state chain of traditional ladies and men's specialty apparel stores over the next 60 years. Harold's filed for a chapter 11 bankruptcy petition on November 7, 2008, and immediately began storewide going-out-of-business sales on November 8, 2008. Under the direction of the Court, the debtors (a total of 8 affiliated entities) liquidated their assets, ceased to operate all retail stores, all retail store leases were rejected, and all retail store employees were terminated. Further, corporate offices in Dallas, Texas and Norman, Oklahoma, were closed, and no employees remained as of February 28, 2009. The cases were converted to chapter 7 on March 31, 2009.

In re Millennium Multiple Employer Welfare Benefit Plan, Case No. 10-13528, USBC WD OKLA (Honorable T.M. Weaver) – The Millennium case is notable for size of the debtor, the complexity of the issues raised therein and the enormous number of “professionals” required in the bankruptcy case. Millennium was a Mississippi trust and a multiple employer welfare benefit plan, with its primary assets held in Oklahoma. Millennium provided medical, disability, long-term care, severance and death benefits to its participants, who are employees of businesses that adopted Millennium for certain of their employees. Millennium had net assets of approximately \$90 million when it filed. Millennium was designed and established to be a multiple employer welfare benefit plan in compliance with Internal Revenue Code Section

419A(f)(6). However, after operations began, the IRS issued an adverse letter ruling which resulted in and commencement of geographically diverse litigation with insurance companies and plan participants. The litigation resulted in the insurance companies taking the position that they would not allow the debtor to access its “assets,” i.e. the policies, until the litigation was resolved. As a result, bankruptcy was filed in order to facilitate an end to the litigation and allow the debtor to regain access to its assets. A liquidating plan was confirmed in June 2011. It is estimated that more than fifty (50) attorneys, many of whom were from prestigious firms across the country, made personal appearances in the various hearings in the Millennium case.