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ABC Update

BY ROBERT J. KEACH

Fagone Sworn in as District of Maine's Newest Bankruptcy Judge



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Robert Keach is chair of the Business Restructuring and Insolvency Practice Group of Bernstein Shur in Portland, Maine. Board certified in business bankruptcy law since 1994, he has served on ABC's Board of Directors and is a past ABI president, as well as co-chair of the ABI Commission to Study the Reform of Chapter 11.

Hon. **Michael A. Fagone** was sworn in as the District of Maine's newest bankruptcy judge on April 21, 2015, and began his judicial service on April 27, 2015. Judge Fagone succeeded Hon. **Louis H. Kornreich**, who retired after a distinguished career on the bench. In announcing Judge Fagone's appointment, Chief Judge Sandra L. Lynch of the First Circuit Court of Appeals noted that "the bankruptcy courts of this country are enormously important, and we are pleased to have such a talented and experienced attorney to fill the position. The people of the District of Maine will benefit from this choice." Indeed, the people of the district were also seeing one of their favorite sons ascend to the bench, as Judge Fagone's roots in Maine run very deep.

Judge Fagone grew up in South Portland, Maine, where he attended its local schools and enjoyed a distinguished academic and athletic career at South Portland High School, where, among other achievements, he was a running back for the then-perennial powerhouse Red Riots. Following high school graduation in 1989, Judge Fagone moved both his academic and football career to prestigious Amherst College in Massachusetts. Upon receipt of his B.A. from Amherst in 1993, he returned to Maine to attend the University of Maine School of Law, finishing first in his class and graduating *summa cum laude* in May 1997.

With his newly minted law degree, Judge Fagone then was honored to serve as the law clerk for Maine Supreme Court Justices Robert W. Clifford and Leigh I. Saufley (now chief justice). He also found time to work as a faculty member of the Master of Science Taxation Program at Thomas College in Waterville, Maine.

Bernstein Shur, one of Portland, Maine's largest firms, was the fortunate winner of Judge Fagone's



Hon. Michael A. Fagone

services upon the completion of his clerkship with the Maine Supreme Judicial Court. As an associate, he distinguished himself immediately in the firm's Bankruptcy and Restructuring Practice, working on some of Maine's largest chapter 11 cases. Judge Fagone and his wife, Julie, then decamped to Boston, when he joined the Bankruptcy Practice Group at Goulston & Storrs, where he continued to impress the New England bankruptcy bar with his sharp mind, great instincts and superior work ethic.

However, Maine's gravitational pull is strong, and Judge Fagone ultimately returned to Maine and Bernstein Shur in 2001, where he continued his already-well-regarded legal career. During his tenure at Bernstein Shur, he worked on the largest and most significant chapter 11 cases in the state, including the reorganizations of, among many others, Androscoggin Energy, Lincoln Pulp & Paper Co., Irving Tanning Co. and Montreal Maine & Atlantic Railway Ltd.

Judge Fagone joined ABI in 1999 and co-chaired ABI's Northeast Bankruptcy Conference and Northeast Consumer Forum. Since 2012, he has served on ABI's Board of Directors and is actively involved with Maine's division of the Credit Abuse Resistance Education (CARE) program, which provides financial literacy resources and classes to area high school and college students. He is also a member of the Maine Bar Association, New Hampshire Bar Association and the Turnaround Management Association. In addition, Judge Fagone served the Maine community as a member of the Easter Seals of Maine, of which he served as a director from 2007-12 and as chair from

2009-10. Judge Fagone was also a member of the Maine State Bar Association Committee on Revised Article 9 of the Uniform Commercial Code.

Maine tends to attract those with a love of the outdoors, and Judge Fagone is no exception. An avid runner and cyclist, he can often be found participating in a local road race or cycling event with fellow enthusiasts — that is, when he is not combining both pursuits to take on the occasional triathlon. When snow covers his adopted mountain, Shawnee Peak in Bridgton, Maine, Judge Fagone trades the bike for a snowboard and spends the winters trying to keep up on the slopes with his daughter, Isabella. He is no doubt bringing that same spirit and energy to his new post.

In a recent email to this author, Judge Fagone reported that he was “enjoying [his] new work tremendously.” While those of us proud enough to call Judge Fagone a colleague for these many years will miss him as an honored advocate and counselor, we all look forward to his many distinguished years to come on the Maine bankruptcy bench. **abi**

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