

AMERICAN BANKRUPTCY INSTITUTE JOURNAL

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ABC Update

BY KIRK B. BURKLEY

Recent Accomplishments of Some ABC-Certified Attorneys

Becoming certified by the American Board of Certification (ABC) is an accomplishment in and of itself. It comes as no surprise that ABC-certified attorneys are recognized as outstanding in other organizations. Below is a partial list of some of the recent accomplishments of some of our ABC-certified members. We congratulate these individuals, and all of those attorneys who have achieved ABC certification. *If you are planning on taking the ABC exam, you can now sign up for a new prep course being offered by ABI and ABC at abi.org/abcprep.*



Kirk B. Burkley
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Kirk Burkley, a co-managing partner with Bernstein-Burkley, PC in Pittsburgh, serves on ABC's Board of Directors and is chair of its Marketing Committee.

Business Bankruptcy Law

Ethan J. Birnberg (Lindquist & Venum LLP; Denver) was part of a team of lawyers in his firm that represented a liquidating trust and obtained a \$195,000 judgment against the Internal Revenue Service in a fraudulent transfer action. He has been an ABI member since 2008 and was recently certified in business bankruptcy law by the ABC in April 2015.

Johnathan C. Bolton (Goodsill Anderson Quinn & Stifel LLP; Honolulu) was ranked by *Chambers and Partners* 2015 as an "Up and Coming" attorney in bankruptcy and restructuring in Hawaii. He has been an ABI member since 2006.

J. Scott Bovitz (Bovitz & Spitzer; Los Angeles) serves as coordinating editor of the *ABI Journal's* Chapter 8 Humor column and faculty for the forthcoming ABC Exam Prep program. He has been an ABI member since 1990.

John R. Burns, III (Faegre Baker Daniels LLP; Fort Wayne, Ind.) completed the ABI Forty-Hour Bankruptcy Mediation Training Program at St. John's University School of Law in New York last May. An ABI member since 1997, he is looking forward to serving as a mediator in more bankruptcy cases.

Arizona is one of 12 states that limit a lender's right to collect a deficiency judgment against borrowers involving certain residential real estate. The Arizona Court of Appeals held that the state's anti-deficiency protections, assuming they apply to guarantors, are waivable and were prospectively waived in *Arizona Bank & Trust v. James R. Barrons Trust, et al.*, 2015 WL 3473027 (May 28, 2015). In a monumental decision, the court agreed with the arguments advanced by **Scott B. Cohen**, an ABI member since 1998, and Bradley D. Pack (Engelman Berger, PC; Phoenix), ruling that a guarantor can waive the anti-deficiency protections under A.R.S. § 33-814(G).

David P. Eron (Eron Law, PA; Wichita, Kan.) was selected as one of "Wichita's 40 under 40" by the *Wichita Business Journal*, as well as for business bankruptcy law by *Kansas and Missouri Super Lawyers*. He has been an ABI member since 2003 and was recently certified in business bankruptcy law by the ABC in April 2015.

Craig M. Geno (Craig M. Geno, PLLC; Ridgeland, Miss.) became a Fellow of the Mississippi Bar Foundation and of the American Bar Foundation. He has been an ABI member since 1991.

Alvin S. Goldstein and **Robert C. Furr** (Furr and Cohen, PA; Boca Raton, Fla.) were recipients of the 2015 *M&A Advisor's* 9th Annual Turnaround Awards for "Financial Services Deal of the Year" and "Professional Services (B-to-B) Deal of the Year" for the acquisition of TLO LLC to TransUnion Risk and Alternative Data Solution, a unit of TransUnion. Mr. Goldstein has been an ABI member since 1999, and Mr. Furr has been an ABI member since 1988.

Harry W. Greenfield (Buckley King LPA; Cleveland) completed a semester at Ohio

University, where he was the Robert and Rene Glidden Visiting Professor. He taught a course in the business school called “Alternative Careers for Accountants” and advised students about careers to pursue other than tax and audit, including management consultants, investment banking, turnaround management, fraud examination, valuation, litigation support and financial planning. Mr. Greenfield has been an ABI member since 1995.

Kristina M. Johnson (Jones Walker LLP; Jackson, Miss.) was inducted as a Fellow of the American College of Bankruptcy in March 2015, was inducted as a Fellow in the Litigation Counsel of America in April 2015 and authored a chapter, “Key Points When Representing Creditors in Chapter 11 Cases,” in *Creditors’ Rights in Chapter 11 Cases* (Aspatore, 2015). She has been an ABI member since 1994 and serves on the board of the ABI Southeast Bankruptcy Workshop.

Michael R. Lastowski (Duane Morris LLP; Wilmington, Del.) spoke at ABI’s Northeast Bankruptcy Conference on July 9-12 on secured claims and determining secured status, make-whole provisions, yield maintenance and credit bidding. He has been an ABI member since 1995.

Jill L. Nicholson (Foley & Lardner LLP; Chicago) was recently named as one of the “Top 100 Lawyers in Illinois” and “Top 50 Female Lawyers in Illinois.” She has been an ABI member since 1998.

Cathy L. Reece (Fennemore Craig PC; Phoenix) has been elected to the Board of Regents for the American College of Commercial Finance Lawyers. She has been an ABI member since 1986 and serves on the board of ABI’s Southwest Bankruptcy Conference.

Michael B. Schaedle (Blank Rome LLP; Philadelphia) recently became a member of the International Insolvency Institute. He has been an ABI member since 1999 and serves on the board of ABI’s Views from the Bench.

Douglas T. Tabachnik (Law Offices of Douglas T. Tabachnik, PC; Freehold, N.J.) recently sponsored the inaugural event for the Orange Circle of Restructuring Litigators, held at Syracuse University last June. The event brings together Syracuse alumni who practice in bankruptcy/restructuring, litigation and distressed investments for an evening of networking, mentorship and socializing. He has been an ABI member since 1996.

Business and Consumer Bankruptcy Law

Julianne R. Frank (Frank, White-Boyd, PA; West Palm Beach, Fla.) has merged with another practice and expanded into new practice areas as well. She has been an ABI member since 1995.

Robert C. Furr (Furr & Cohen, P.A., Boca Raton, Fla.) spoke at ABI’s Southeast Bankruptcy Workshop on July 23-26 on case updates in business and consumer law with Prof. **Michelle M. Harner** (who served as Reporter of the ABI Commission to Study the Reform of Chapter 11), and Bankruptcy Judges **Laurel Myerson Isicoff** and **John E. Waites**.

Stuart P. Gelberg (Law Office of Stuart P. Gelberg, Esq.; Garden City, N.Y.) was named a Long Island’s “Top Legal Eagles” for bankruptcy, as well as a Long Island bankruptcy “Legal Leader” by *Martindale-Hubbell*.

David P. Leibowitz (Lakelaw; Waukegan, Ill.) was appointed to ABI’s Board of Directors in April 2015. He serves as a coordinating editor for the *ABI Journal* and has been an ABI member since 1991.

Michael T. O’Halloran (Law Office of Michael T. O’Halloran; San Diego) received a California State Bar President’s Pro Bono Award for his bankruptcy representation services for the San Diego Volunteer Lawyer Program. He has been an ABI member since 1993.

David W. Ostrander (Ostrander Law Office; Northampton, Mass.) celebrated 20 years of his firm being in business in 2014. He has been an ABI member since 1997.

Consumer Bankruptcy Law

Mary Beth Ausbrooks (Rothschild & Ausbrooks, PLLC; Nashville, Tenn.) has purchased Rothschild & Ausbrooks, PLLC from **Edgar M. Rothschild, III**, who is also board certified in consumer bankruptcy law and has been an ABI member since 1990. The name will stay the same.

Mark G. Claypool (Knox McLaughlin Gornall & Sennett, PC; Erie, Pa.) was recently recognized by *Pennsylvania Super Lawyers*. An ABI member since 1996, he has been included on the list since 2011.

Laura Harris-Courage (Harris-Courage & Grady, PLLC; Liverpool, N.Y.) recently wrote *What Is the Best Way to Get Out of Debt?*, available as a free book for consumers.

Deborah A. Hughes (Serratelli, Schiffman & Brown, PC; Harrisburg, Pa.) has merged her law practice with Serratelli, Schiffman & Brown, PC after being solo for 35 years. An ABI member since 1985, she has joined the firm as the senior director of its Bankruptcy Department.

Yulily Osipov (Osipov Bigelman, PC; Southfield, Mich.) is teaching a bankruptcy course at the University of Detroit Mercy School of Law as an adjunct professor and received a Client Distinction Award from them.

Tracy L. Robinson (Law Offices of Tracy L. Robinson; Kansas City, Mo.) successfully argued before the Eighth Circuit Court of Appeals that the additional child tax credit (the refundable portion of the child tax credit) was exempt as a “public assistance benefit” under Missouri law in *Hardy v. Fink*, Case No. 14-1181. The decision was handed down on June 2, 2015. She has been an ABI member since 2014.

Dean G. Sutton (Sparta, N.J.) obtained a very favorable ruling regarding an inherited IRA not being part of the bankruptcy estate. Please refer to N.J.S.A. § 25:2-1(b), which provides that IRAs are not considered to be property of the bankruptcy estate. *In re Andolino*, 525 B.R. 588 (Bankr. D.N.J. 2015); Judge Kaplan applied that statute to inherited IRAs as well. Mr. Sutton has been an ABI member since 2014.

Ronald C. Sykstus (Bond, Botes, Sykstus, Tanner & Ezzell, PC; Huntsville, Ala.) recently published a book with his firm called *Bankruptcy: We Wrote the Book on It*. He has been an ABI member since 1998.

Creditors’ Rights Law

Jerry T. Myers (Smith Debnam Narron Drake Saintsing & Myers LLP; Raleigh, N.C.) recently passed the Virginia Bar Exam.

George E. Warner, Jr. (Warner Law LLC; Minneapolis) was named a *Super Lawyer* in creditors’ rights law.

Business Bankruptcy and Creditors' Rights Law

Gary W. Marsh (McKenna Long & Aldridge LLP; Atlanta) was inducted as a master of the Homer Drake Bankruptcy Inn of Court. He has been an ABI member since 1995.

New ABC Members

The ABC congratulates new members from the April 2015 Standards Committee Meeting. Those receiving certification in business bankruptcy law were **Shelley Koon Abel** (Rayburn, Cooper & Durham, PA; Charlotte, N.C.), an ABI member since 2005; **Donald Brady** (Blair & Brady; Rogers, Ark.), an ABI member since 2010 who is now dual-certified in business and consumer bankruptcy law; Hon. **Peter G. Cary** (U.S. Bankruptcy Court (D. Maine); Portland), an ABI member since 1997 who is now dual-certified in business and consumer bankruptcy law; **Ryan E. Davis** (Winderweedle, Haines, Ward & Woodman, PA; Orlando, Fla.), an ABI member since 2001; and **Lara Roeske Fernandez** (Trenam Kemker; Tampa, Fla.), an ABI member since 2006. Those receiving certification in consumer bankruptcy law were **Ralph A. Ferro, Jr.** (Ralph A. Ferro, Jr., Esq. Law Offices; Little Falls, N.J.), an ABI member since 2000; **Jeffrey D. Goetz** (Bradshaw, Fowler, Proctor & Fairgrave, PC; Des Moines, Iowa), an ABI member since 2000 who is now dual-certified in business and consumer bankruptcy law; **John R. Miller, Jr.** (Rayburn, Cooper & Durham, PA; Charlotte, N.C.), an ABI member since 2005; and **Sheila M. O'Sullivan** (NW Consumer Law Center; Seattle), an ABI member since 2010. **abi**

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