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ABC Update

BY PAMELA W. MCAFEE

Callaway Appointed as Newest Member of the EDNC Bench

“As a young lawyer, I learned from the outstanding senior lawyers at my firm the attributes of patience, civility, decorum, dignity, and humility, and that, combined, those attributes equal leadership,” Hon. **Joseph N. Callaway** said during his investiture as the newest U.S. bankruptcy judge for the Eastern District of North Carolina. Those of us who have practiced law in the bankruptcy courts over the years with and against Judge Callaway saw all of those qualities in him, and have appreciated those characteristics continuing to define him since he was sworn in as a bankruptcy judge on Jan. 4, 2016.

Judge Callaway was born and raised in eastern North Carolina and is proud to be a “Double Tarheel,” having received his B.A. in political science from the University of North Carolina in 1980, and his J.D. from the University of North Carolina School of Law in 1983. Prior to taking the bench, he spent his entire legal career at Battle, Winslow, Scott & Wiley, PA in Rocky Mount and Raleigh, N.C., where he represented secured creditors, banks, bankruptcy trustees, creditors’ committees, and the occasional chapter 11 debtor in bankruptcy courts in all three federal districts of North Carolina, and litigating complex commercial cases in state and federal courts throughout the state. In 1996, he was certified by both the American Board of Certification and the North Carolina Board of Legal Specialization as a specialist in business and consumer bankruptcy law.

In 1991, Judge Callaway was appointed to the panel of chapter 7 trustees of the U.S. Bankruptcy Court for the Eastern District of North Carolina, in which capacity he litigated about or liquidated everything from jet planes to genetically enhanced mice to farm implements. “Judge Callaway was known as a very proactive trust-

ee,” said **William P. Janvier** (Janvier Law Firm; Raleigh, N.C.). “When he was assigned to a case, you could be sure that he would act quickly to sell whatever needed to be sold and to sue whomever needed to be sued.”



Hon. **Joseph N. Callaway**

An ABI member since 1992, Judge Callaway succeeds the late Judge Randy D. Doub, who passed away unexpectedly in January 2015. Judge Doub and all of the other prior Eastern District of North Carolina bankruptcy judges — Thomas M. “Mickey” Moore, **A. Thomas Small**, and J. Rich Leonard — were known nationally for their

contributions to the bankruptcy bench, bar and the law itself. Judge Callaway has large shoes to fill — shoes that no one doubts he will fill ably. However, Judge Callaway’s appointment also leaves a substantial hole in the bar, and we are all waiting to see who will step into his role as the aggressive, leave-no-stone-unturned trustee who also recognizes the need for reasonable dialogue and compromise where appropriate.

Of even greater importance than his professional successes, Judge Callaway has been happily married for 29 years to Karen Callaway, who holds B.S. degrees in both design and civil engineering from North Carolina State University. They have raised two impressive sons: Tripp, a West Point graduate currently serving in the 82nd Airborne Division of the U.S. Army, and Ben, a Ph.D. candidate in materials engineering at the University of California at Santa Barbara. And at Christmas, just before Judge Callaway took the bench, Molly Brown (affectionately known as “Chambers Puppy”), the latest in a line of Labrador retrievers, joined the Callaway family. Raising and working



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with teenage boys and dogs taught Judge Callaway three things that will serve him well on the bench: “(a) be patient and see where this is headed — you might be pleasantly surprised; (b) do not fight the battles that do not matter as you cannot bend everyone to your will, nor should you (that would be boring); and (c) when you do pick the important battles, stand on principle.”

When he is not studying the law, Judge Callaway enjoys spending time at the beach, fishing, hiking and cheering for the Tarheels. **abi**

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