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ABC Update

BY CHRISTINE L. MYATT

Meet the E.D.N.C.'s Newest Judge

The late Judge Thomas M. ("Mickey") Moore never failed to remind his aspiring young bankruptcy clerk that "character is the best measure of a lawyer." His young law clerk never forgot those words during his clerkship or later in his legal practice as a successful North Carolina bankruptcy attorney and chapter 7 trustee.

On March 21, 2014, this same law clerk, Hon. **David ("Dink") M. Warren**, was formally appointed as the newest bankruptcy judge in the Eastern District of North Carolina. Donning the former robe of Judge Moore and holding Judge Moore's gavel, Judge Warren recalled those "character-building" days with Judge Moore, who had inspired him to become a judge. Judge Warren replaces Hon. **J. Rich Leonard**, who retired last summer to become dean of the Norman Adrian Wiggins School of Law at Campbell University. According to Judge Warren, he hopes to emulate both Judges Moore and Leonard by giving back to others, working to upgrade the court's technology and continuing to elevate the bankruptcy practice through education and patience.

Judge Warren attended Wake Forest University, where he received both his bachelor of arts *cum laude*, majoring in psychology in 1981, and his J.D. in 1984. While at Wake Forest, he was a member of the Kappa Alpha Order, later becoming an alumnus adviser to his chapter and mentoring and guiding young men. He eventually rose to the rank of Knight Commander (National President) (2001-03), under which he served with distinction. Among his many programs as Knight Commander was the establishment of Operation Crimson Gift, an annual program designed to encourage blood drives on college campuses that exists on more than 75 campuses nationwide. Judge Warren currently serves as a trustee of the Kappa Alpha

Order Educational Foundation, which provides support for leadership and educational programs to young men affiliated with the Order.

During law school, Judge Warren met soon-to-be-judge J. Craig Whitley of the U.S. Bankruptcy Court for the Western District of North Carolina. Judge Craig became his close friend, adviser and supporter during law school, their bankruptcy clerkships and later in private practice.

After law school, Judge Warren served as a law clerk to Judge Moore before joining Poyner Spruill LLP in Raleigh and Rocky Mount, N.C., in 1986. As an attorney and later as a partner, Judge Warren was actively engaged in the debtor/creditor area. He represented creditors in chapter 7, 11 and 13 cases, and served as a bankruptcy trustee, examiner and state court receiver. Among his representative matters are as a chapter 11 trustee for a hotel complex, a medical equipment company manufacturer with an Israeli subsidiary, and an electronic medical records company; as a chapter 11 examiner for a resort development; as counsel for secured creditors in cases involving manufacturers, real estate developers, retailers, wholesalers, distributors, food service industry, farmers and professionals; and as debtor's counsel for a large industrial manufacturer and coastal land developer, a fast food franchisee and a petroleum wholesaler. In each of these matters, Judge Warren exhibited character, compassion and integrity, even when faced with difficult decisions like having to shut down a historic hotel operation late one Friday evening as a chapter 11 trustee due to the lack of funds to continue to pay employees.

Judge Warren has been certified for more than 20 years in both business and consumer bankruptcy law by the North Carolina State Bar (1992) and



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Hon. David M. Warren

by the American Board of Certification (1993). He believes that bankruptcy certification establishes a benchmark for recognition in the debtor/creditor area and further encourages specialists to live up to their reputations as specialists in the field by attending and participating in continuing legal education.

Judge Warren is the immediate past chair of the Local Rules Committee for the U.S. Bankruptcy Court for the Eastern District of North Carolina, having served on that committee since 1996. He has also served on the panel of chapter 7 bankruptcy trustees for the Eastern District of North Carolina since 1989. Judge Warren is a former member of the National Association of Bankruptcy Trustees, the North Carolina Bar Association Bankruptcy Section (for which he served as chair from 1997-98), the North Carolina Creditors' Bar Association (for which he also served as treasurer), and the Board of Directors of the American Board of Certification. He has been an ABI member since 1994.

During his association with each of these groups, Judge Warren gave unfailingly of his time and worked tirelessly to provide leadership and education to members of the bar and the citizens of North Carolina. He served as the editor of the *North Carolina Bankruptcy Practice Manual* (5th ed., 2003) and (6th ed., 2006), and he helped spearhead the citizen educational program, "Avoiding the Creditor Pitfalls," at Nash Community College and others.

Judge Warren has been recognized in *The Best Lawyers in America* for bankruptcy and creditor/debtor rights/insolvency and reorganization law) (2013-14), *Chambers USA* as a "tier 1" attorney in bankruptcy/restructuring (2009-13), *Business North Carolina* as a "Legal Elite" in bankruptcy (2006, 2008, 2010-12, 2014) and *North Carolina Super Lawyers Magazine* for Bankruptcy (2009-14). In 2011, Judge Warren had the opportunity to host a judicial delegation from South Korea. He was selected by the U.S. Bankruptcy Administrator for the Eastern District of North Carolina to meet with a group of judges from South Korea who were visiting to study the workings of the U.S. court system. Bankruptcy proceedings are relatively new in South Korea, as the laws have only been evolving since 1962. In recent years, the country's volume has increased significantly, and the visitors were interested in evaluating best practices and increasing efficiencies.

According to Judge Warren, he welcomed the opportunity to share information on topics such as how a bankruptcy case is administered, how assets are liquidated and how he manages his cases. "The U.S. Bankruptcy Court for the Eastern District of North Carolina has been a model for many others. Bankruptcy Judge J. Rich Leonard donated weeks of work a few years ago to assist with the court system in Africa. I was fortunate to share ideas with the Hon. Mitsuhiro Enomoto of Hiroshima, Japan, last year, and I welcomed the opportunity to share ideas and procedures with the Korean delegation. The experience was certainly enriching on my end, and I hope the judges left with some useful information."

Judge Warren has certainly "measured up" to the benchmark that was set by his early mentor through his service and commitment to the bankruptcy bar, to his fraternity, and to others. **abi**

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