

Chapter 8 Humor

By J. SCOTT BOVITZ

Great Pick-Up Lines from ABI Conferences

Preface: *My wife and law partner read an early draft of this article. She “suggested” that I make a few editorial changes if I didn’t want to start sleeping on the sofa. In an effort to keep the nightly reservation for my side of the bed on the second floor, I explained to her that people from every state (and Puerto Rico!) come to ABI conferences for the educational and networking opportunities. They are serious about the business of bankruptcy.¹ But unattached bankruptcy professionals also know that ABI conferences are a great place to meet a companion who appreciates the nuances of cash-collateral motions, 11 U.S.C. § 363(f) and bankruptcy jurisdiction. So, honey, please forgive me. I have no personal knowledge of the following. This is all based on hearsay — except for the stuff about Mr. Phelan.*



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Robin E. Phelan, a former ABI president and founding partner of PHELANLAW in Dallas, was presented with ABI’s prestigious Lifetime Achievement Award during the Annual Spring Meeting this past April. He could not attend the Washington, D.C., presentation in person, so he donned an oversized, yellow, happy-face hat and recorded a “thank you” video for the ceremony. The members at my table concluded that the video was more properly characterized as a “reply” under our Federal Rules of Bankruptcy Procedure.²

If you were at the award presentation, your thoughts might have turned to Mr. Phelan’s tireless service to ABI and ABI’s many worthwhile projects. But I was thinking about the day my traditional educational panel was scheduled to start five minutes after Robin Phelan’s out-of-control, 14-hat presentation at the Central California Bankruptcy Institute. Even if you play a mean guitar, you do not want to follow an unplugged session by Eric Clapton. And you don’t ever want to follow the master legal comedian, Mr. Phelan; your own program is guaranteed to fall a little flat.³ If you have not seen Mr. Phelan in action, you can get a feel for his presentation style from recent program titles: “Disclosure? We Don’t Need No Stinking Disclosure! Rule 2014 and Conflicts of Interest”;

“Unspeakable Evil: Preference and Fraudulent Transfer Claims”; “Forrest Gump and Bankruptcy: Stupid Is as Stupid Does”; “A Magical Marriage, or Is He Just a Troll? The Divorce of Boris Badenough” (which also featured the late, great **Chip Bowles** of Bingham Greenebaum Doll LLP); “I’m Shocked — Shocked! — to Find that Unethical Conduct Is Going On in Here! A Tale of Ethics in Bankruptcy”; and “An Irishman, a Greek and an Italian Walk into a Bar, Demand that the Bartender Recognize Them and Buy Their Drinks: A discussion of Chapter 15 and Cross-Border Jurisdiction.”⁴

At the 2017 award presentation, I was also thinking about Mr. Phelan’s ability to engage anyone in a wide-ranging conversation. He “groks” people.⁵

A few months ago, I was talking with a shy bankruptcy professional at a judicial retirement function; let’s call her “Linda.” She asked me, “How can I be interesting ... just like you, Mr. Bovitz?” At first, I thought I might still have some male charms and residual good looks. But, after a few seconds, I suspected that she just wanted to learn how to start conversations with experienced bankruptcy professionals. (The first clue was the use of “Mr. Bovitz.”) I laughed and said, “You could study Jessica Hagy’s book on *How to Be Interesting*, or just channel the techniques” of Mr. Phelan.⁶

Many of our ABI members have learned to emulate Mr. Phelan’s quirky-but-comfortable engagement with strangers. At the 2017 Spring Meeting, I identified multiple techniques for breaking the ice with strangers. While Mr. Phelan will probably deny it, I’m 83 percent sure that he invented or perfected a few of these.

So, Linda, here are some techniques to start conversations with people at the next Annual Spring Meeting or one of the many other worthwhile ABI conferences.⁷ The last four techniques might help you start a romance (if so, name your first child after me).

1 I hereby grant a worldwide, perpetual, royalty-free license to ABI to use the phrase “serious about the business of bankruptcy” in ABI’s promotional materials.
2 You be the judge, so to speak. Mr. Phelan’s presentation begins around the 1:30 mark on his PowerPoint segment at abi.org/newsroom/videos/lifetime-achievement-awards (unless otherwise specified, all links in this article were last visited on May 25, 2017).
3 The Central California Bankruptcy Association (cbbankruptcy.org) puts on an outstanding annual seminar every September in Fresno, Calif.

4 For more memorable program titles, visit phelanlaw.org/selected-publications-speeches.
5 See “Grok,” Wikipedia, available at en.wikipedia.org/wiki/Grok (“Grok ... is a word coined by Robert A. Heinlein for his 1961 science-fiction novel *Stranger in a Strange Land*. While the *Oxford English Dictionary* summarizes the meaning ... as ‘to understand intuitively or by empathy, to establish rapport with’ and ‘to empathize or communicate sympathetically (with); also, to experience enjoyment,’ Heinlein’s concept is far more nuanced.”).
6 By “channel,” I mean that Linda should adopt Mr. Phelan’s style. Ms. Hagy’s work has been published in *Forbes* magazine, and her book has been reviewed by her readers at goodreads.com/book/show/17120207-how-to-be-interesting. Here is a favorite Ms. Hagy quote: “Dance. Talk. Build. Network. Play. Create. It doesn’t matter what you do, as long as you are doing it.”
7 My favorite ABI regional conference is the Southwest Bankruptcy Conference, especially when the conference is held in Las Vegas. I am mildly disappointed that the 2017 venue is San Diego, but at least I will not lose my shirt at the gaming tables every time I walk through the lobby. You can find a list of the many ABI conferences at abi.org/events, as well as a list of Los Angeles regional programs at bankruptcydog.com, sponsored by the Los Angeles Bankruptcy Forum (labankruptcyforum.org).

The Techniques

No. 1: The Soft Whistler

About 10 minutes before a break-out educational session at the next ABI conference, when the air conditioning hum is still the loudest sound in the room, try softly whistling an off-key Beatles tune. It might be more effective to whistle at half-speed and insert long pauses between the melody and the chorus. This is a good technique to meet older ABI members who still worship the good times of the 1960s. Ask them if they still own any tie-dyed shirts.

No. 2: The Big Ribbon String

Attendees at ABI conferences receive name tags with multiple ribbons. You cannot read the names on the tags from more than two feet away because of the tiny 8-point type using an illegible font invented by a former chapter 7 trustee from Tennessee. But even in the dark, you can read the big gold words on the ribbons from 100 feet away.

Over the course of the conference, ribbons fall off name tags and litter the floor. Quietly pick up and add a few of these stray ribbons to your own name tag. Ribbons that read SPEAKER, AUTHOR, DONOR and JUDGE are always impressive. Wear your ribbon-enhanced name tag everywhere, even off campus, as this is a good technique to lure the locals into conversation.

No. 3: The Historian

Read a book on ancient history. Memorize a few key facts. Be ready to offer a historic nugget to break the ice. For example, “Did you know that ruler Eight Deer Jaguar Claw (son of Five Crocodile Sun of Rain) was responsible for unifying Mixtec city states hundreds of years before the dreaded contact by the Spanish? But we know so little about this charismatic leader. A shame, don’t you think?”⁸ This is a useful technique for starting a conversation with any professional who majored in Russian literature.

No. 4: The Memorable Dresser

Dress up. I wear a fresh rose in the lapel of my suit, which is a natural conversation starter. An ABI member will sometimes ask, “Did you get married today?” I smile and say, “No, I have been wearing a rose in my suit since 1980. I see that you are from [read the small print on the ABI name tag]. My aunt once visited there and raved about the food. What is your favorite restaurant back home?”⁹

You don’t have to wear a rose, nor will you need to borrow a face mask from the Lucha Libre wrestling circuit, as Mr. Phelan does from time to time.¹⁰ Instead, just wear a fine Panama hat. I guarantee that more than one ABI member will say, “I like your hat.” You can respond,

8 For more details on “Eight Deer Jaguar Claw,” visit en.wikipedia.org/wiki/Eight_Deer_Jaguar_Claw.

9 Los Angeles is a great venue for entertainment bankruptcies. If I am ever asked about the rose in my lapel by an attractive actress with a recent Oscar on her mantle, I have rehearsed an alternative response: “No, I am wearing the rose in my lapel because this is the anniversary of the day my one true love died in a fiery car crash ... and broke my heart. [Pause here for effect.] Do you think I can ever love again?” It might be worth a shot, don’t you think?

10 “Lucha Libre,” Wikipedia, available at en.wikipedia.org/wiki/Lucha_libre (“Mexican wrestling is characterized by colorful masks, rapid sequences of holds and maneuvers [and] ‘high-flying’ maneuvers, some of which have been adopted in the United States. The wearing of masks has developed special significance, and matches are sometimes contested in which the loser must permanently remove his mask, which is a wager with a high degree of weight attached.”).

“Thank you.” Pause for a few seconds, then say, “Did you know that Panama hats are actually made in Ecuador?”¹¹ This technique is a good way to meet overworked, travel-challenged junior associates.

No. 5: The Bankruptcy Scholar

For another tried-and-true technique, master the Bankruptcy Code. Demonstrate your knowledge by writing a scholarly article for the *ABI Journal*.¹² Also, arrange a speaking engagement and/or become a certified specialist with the American Board of Certification.¹³ Demonstrating bankruptcy scholarship is a good way to meet fresh-faced associates from big-city law firms and bankruptcy groupies.

No. 6: Work in the Exhibit Hall

Sponsors make ABI conferences fun!¹⁴ If you don’t have the money to rent your own table, volunteer to work at a sponsor’s booth. As you pass out a sponsor’s swag to visitors, casually say, “A few of us will be meeting at 6 p.m. in Arroz (or any fine local restaurant) to sample craft beers. Would you like to join us?” This is a great way to meet some thirsty folks.

No. 7: The Storyteller

Mr. Phelan is a captivating storyteller who could have made a good living as a wandering minstrel, jongleur or gleeman in the Middle Ages.¹⁵ While you are not Mr. Phelan, you can develop a repertoire of three or four good stories for mini-public performances.

Base your short stories on your own life experiences and make them about two minutes in length. Practice the stories in front of a few close friends. If you can make your friends laugh, then you are ready for a performance at the lobby bar.

For example, I was present at the birth of the Egg McMuffin in Santa Barbara, Calif. I have one-, three- and six-minute versions of this important story. Be sure to try strawberry jam on your next Egg McMuffin, as I intended (before Hamburger University dropped the jam).¹⁶ This is a good technique to make new friends who laugh at your jokes.

No. 8: Bring a Sweater

ABI often contracts with historic hotels that were (probably) formerly industrial meat lockers. If you see an attendee who is shivering in the enthusiastic air conditioning, offer your sweater. This is a good way to meet a first-time ABI attendee.

11 The Panama hat is an Ecuadorian invention, although I bought mine in Panama City. See “Panama Hat,” Wikipedia, available at en.wikipedia.org/wiki/Panama_hat (“A Panama hat (toquilla straw hat) is a traditional brimmed straw hat of Ecuadorian origin.”).

12 I am always searching for topics and guest articles for the Chapter 8 Humor column. Email me at bovitz@bovitz-spitzer.com if you’d like to contribute.

13 You probably have what it takes to become a certified specialist in consumer bankruptcy, business bankruptcy or creditors’ rights. Visit abcworld.org for details. You can also take a five-part on-demand course that will prepare you to pass the test (learn more at abi.org/abcprep).

14 Thank you, ABI sponsors! For a list of these sponsors, visit an event’s landing page (abi.org/events) and click on the “Sponsors” tab. Many ABI partners also sponsor events, so check them out at abi.org/about-us/partners. If your firm would like to get involved, contact ABI Marketing Manager **Sharisa Sloan** at ssloan@abi.org for more information.

15 See “Minstrels,” available at lordsandladies.org/minstrels.htm (“The role of the Minstrel often required many different skills including Juggling; Acrobatics; Dancing; Fire eating; Conjuring; Playing Musical Instruments; Reciting poems; Singing; Buffoonery which led to roles as jesters; Animal trainers.... Jongleurs were the assistants of minstrels ... itinerant entertainers of the Middle Ages in France and Norman England. Another type of performer of even lower rank than the minstrels were the gleemen, a travelling entertainer.”).

16 Yes, McDonald’s runs a Hamburger University, available at corporate.mcdonalds.com/mcd/corporate_careers/training_and_development/hamburger_university.html.

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Advanced techniques (for the ABI lovelorn): If you are single and ready to move beyond normal conversation in your search for intimacy, the following are four advanced techniques.

No. 9: Ask for Help

Carry a few too many items in your arms and approach a closed door, just as Mr. or Ms. Good-Looking walks by. A sweet smile, accompanied by a request for help with that door, might be all you need. This is a good technique to meet a someone in a hurry.

No. 10: Recite a Quote About Love

Randomly recite a poem or lesser-known quotation about love. For example, “As Juliet said to Romeo, ‘This bud of love, by summer’s ripening breath, may prove a beauteous flower when next we meet.’”¹⁷ This technique works well if the object of your affection is a typical bankruptcy lawyer who never studied the classics.

No. 11: Classic One-Liners

Although not in Mr. Phelan’s style, classic one-liners are still overheard in hotel bars near all ABI conferences. For

¹⁷ See William Shakespeare, *Romeo and Juliet* (1597), available at shakespeare-online.com/plays/balconyscene/romeoandjulietbalconyscene.html (annotated balcony scene, act 2, scene 2).

example, “If I told you your face was beautiful, would you hold it against me?”¹⁸ One-liners and the other advance techniques must be effective because I often see ABI members with very young children in the conference hotel lobby.

No. 12: ABI Version of the Tinder Experience

Since I learned to program computers by using punch cards, I am too old to have enjoyed Tinder “dating.” Regardless of my skepticism, Tinder must be legitimate because the “rules” have been written up in the *Huffington Post*.¹⁹

Here is the ABI version of the Tinder Experience. [The editors apologize, but the remainder of technique number 12 has been redacted to comply with Fed. R. Bankr. P. 9037(a) regarding “the year of the individual’s birth” and “the minor’s initials.”]

Conclusion

Please feel free to use these approaches to meet a new friend at the next ABI conference. For a schedule of ABI’s upcoming events, visit abi.org/events. **abi**

¹⁸ For more witty remarks, see “376 of the Best One-Liners on the Internet,” *The Next Web*, available at thenextweb.com/shareables/2009/10/17/376-oneliners-internet/#.tnw_UfoV4QUd. Please note that ABI does not assume responsibility for the good taste of these bon mots.

¹⁹ See “The Unwritten Rules of Tinder,” available at huffingtonpost.com/2013/08/02/unwritten-rules-tinder_n_3689441.html.

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