

# Chapter 8 Humor

By J. SCOTT BOVITZ

## “These Are a Few of My Favorite Things”: Treasured Possessions of Bankruptcy Judges

Songwriters Richard Rodgers and Oscar Hammerstein were the powerful force behind the 1959 musical “The Sound of Music.” One beloved song from the Broadway hit was “My Favorite Things.”<sup>1</sup> Actress Julie Andrews was cast as Maria in the 1965 film, *The Sound of Music*. If you are over 50 years old, you vividly remember Andrews (in her short bob haircut) singing/speaking the lyrics of “My Favorite Things” to seven children on a four-poster bed during a lightning storm.<sup>2</sup> Hold that “favorite” thought, and flash forward to 2018.

### Bildungsroman Visits Judge Russell

South Pasadena High School has a club named “Bildungsroman.” According to Miranda Cheung (the Bildungsroman president), club members look closely at colleges, careers and the next steps in their lives.<sup>3</sup> Cheung asked me if her Bildungsroman club could visit the federal courthouse to see what judges, staff and lawyers “do” for a living. It was a bold request, but I was sympathetic. I also ran a coming-of-age club in high school. I was the Mad Hatter of the Black Barts service club at Dos Pueblos High School in Goleta, Calif.<sup>4</sup>

Hon. **Barry Russell** agreed to host the Bildungsroman at the Edward R. Roybal Federal Building and U.S. Courthouse in Los Angeles.<sup>5</sup> I led the tour of the courthouse exterior, including the careful inspection of the handgun discharge container. I deftly sidestepped questions about the 100 or so (probably naked) white figures in the courtyard; this controversial artwork generated political flak when the building opened more than 25 years ago.<sup>6</sup>

Together, we experienced Jonathan Borofsky’s 30-foot-tall “Molecule Man.” Bankruptcy lawyers call it “Bullet Hole Man,” because this metal statue is riddled with holes from top to bottom.<sup>7</sup> Advance arrangements were made with the U.S. Marshals Service to avoid an embarrassing dialogue with the high school students.

Court Service Officer: “Photo identification, miss.”  
Cheung: “I don’t have a driver’s license. How about my school identification?”

Court Service Officer, after looking at the student identification card: “This picture does not look like you.”

Cheung: “It was taken when I was in the ninth grade.”<sup>8</sup>

After guiding the Bildungsroman to an interior alcove, Keith Higginbotham (a courtroom fixture) gave a short lecture on the federal system and bankruptcy. **Leslie A. Cohen** (Leslie Cohen Law PC; Santa Monica) spoke off the cuff about her life as a lawyer and sponsor of the “310k” run/walk.<sup>9</sup>

Judge Russell’s calendar was varied. When the courtroom cleared, he “ordered” each club member to approach the lectern and introduce themselves. They. Loved. It!

Next, Judge Russell invited the club members to sit in the judge’s chair. The court’s official photographer took photos. (Hey, this judge thing is pretty neat!)

Everyone was then invited into Judge Russell’s chambers. As he spoke about his “favorite things,” Julie Andrews’s voice popped into my head. When the tour was over, I asked Cheung if she



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1 See “My Favorite Things (Song),” Wikipedia, available at en.wikipedia.org/wiki/My\_Favorite\_Things\_(song) (unless otherwise specified, all links in this article were last visited on Aug. 23, 2018). Chapter 8 Humor believes that this is the first time that Rogers and Hammerstein have been cited in any bankruptcy journal.

2 It is Chapter 8 Humor’s theory that Julie Andrews’ performance of “My Favorite Things” was the first rap song. The recording preceded the Blondie hit (“Rapture”) by 15 years. See “Rapture (Blondie Song),” Wikipedia, available at en.wikipedia.org/wiki/Rapture\_(Blondie\_song) (“The song [Rapture] ... was the first No. 1 song in the U.S. to feature rap vocals.”). Decide for yourself by searching YouTube for “My Favorite Things” (Julie Andrews’s performance).

3 See “Bildungsroman,” Wikipedia, available at en.wikipedia.org/wiki/Bildungsroman (“Bildungsroman” is a German word for “a literary genre that focuses on the psychological and moral growth of the protagonist from youth to adulthood (coming of age).”)

4 As I recall, Black Barts’ primary function was to host school dances. Sadly, there is no mention of Black Barts on the school’s current website at dphs.sbunified.org.

5 Short Biography of Judge Russell, available at cacb.uscourts.gov/judges/honorable-barry-russell. He is the longest-sitting judge on the bankruptcy bench. All judges mentioned in this article are bankruptcy judges. Unless otherwise noted, all judges in this article sit in the U.S. Bankruptcy Court of the Central District of California.

6 See Laurie Becklund, “Bradley Urges Reinstatement of Nude Sculptures at Building,” *Los Angeles Times* (Dec. 10, 1991), available at articles.latimes.com/1991-12-10/local/me-147\_1\_federal-building (“[Los Angeles] Mayor Tom Bradley, calling the removal of nude sculptures from a new Los Angeles federal building an ‘arbitrary action’ that impinges on constitutional rights to freedom of expression, has requested that the two figures be reinstated immediately.... key components in a sculpture by artist Tom Otterness.”)

7 See “Molecule Man (Sculpture),” Wikipedia, available at en.wikipedia.org/wiki/Molecule\_Man\_(sculpture) (“Molecule Man is a series of aluminium sculptures.... The sculptures consist of three humans leaning towards each other, the bodies of which are filled with hundreds of holes, the holes representative of ‘the molecules of all human beings coming together to create our existence.’”)

8 Chapter 8 Humor thanks the U.S. Marshals Service for its excellent service at our courthouses. Seriously.

9 See Central District Consumer Bankruptcy Attorneys Association, available at bklawyers.org (Higginbotham is a CDCBAA director and past president). See also “310k,” available at lesliecohenlaw.com/5k (“Since 2012, Leslie Cohen Law PC has sponsored an annual 5K as a fundraiser to benefit the Public Counsel Debtor Assistance Project and Santa Monica High School’s Cross-Country and Track program.”)

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still wanted to be a lawyer. “No,” she said in a deadpan tone. I was taken aback. Then Cheung smiled and said, “I want to be a judge!”

### Favorite Things

I asked Judge Russell if his favorite tchotchke was the original 1987 edition of his famous *Bankruptcy Evidence Manual*. “No,” he responded.<sup>10</sup> How about his collection of Asian swords? “Nope, but I do treasure the photographs in my chambers of me with several presidents, a prime minister and a Supreme Court Justice,” he noted. Ah! A Chapter 8 Humor article was born. I started asking other judges to identify their “favorite things.”

Hon. **Scott C. Clarkson** would surely select the 42-foot Grand Banks twin diesel trawler (christened the *Stary Decisis*) as his favorite thing. Wrong. He is a world class photographer, so perhaps he would select one of his professional grade cameras. Wrong again.<sup>11</sup> Nor did Judge Clarkson select the slide show for his Nov. 30 lecture at the Denver Art Museum. This speech is sponsored by the Friends of Painting and Sculpture (FOPAS, pronounced “*faux paus*”) on the subject of the infamous bankruptcy of the renowned 17th-century artist Rembrandt van Rijn, in conjunction with the Denver Art Museum exhibit “Rembrandt — Painter as Printmaker.” Nor did Judge Clarkson select his treasured Nespresso machine (but it was a close call). Instead, he selected “my two CDs of the collected greatest disco hits of the 20th century.”<sup>12</sup>

I was present and dancing during the disco phase. During college, I sold leisure suits at a men’s store,<sup>13</sup> but does “I’m So Excited” by the Pointer Sisters qualify as disco? I hereby reaffirm my unrequited love for Donna Summer.<sup>14</sup>

Hon. Theodor C. Albert is a law professor in a black robe. His favorite things are an unfinished schooner from his childhood, christened *Thermopylae*; a little fat lawyer figure with hands in his suspenders that sits on the bench; and pictures of his children during their many travels.<sup>15</sup>

Hon. **Erithe A. Smith** is well known for her physical fitness and tireless dancing at bankruptcy events. She teaches Zumba at bankruptcy conferences, so her favorite two things are a professional-model fitbit (fitbit is one word, not capital-

ized), and a Contigo metal bottle that “never leaves my side.” (Judge Smith did not report whether she prefers the “straw top” or “chug lid.”)<sup>16</sup>

Hon. **Sheri Bluebond** likes (needs) her comedic, bulging Day-Timer. This item looks like a leather football because it is stuffed with dozens of slips of paper, receipts and tickets, but she also loves her fitbit. Chief Judge Bluebond will walk around her bedroom before going to sleep, just to reach her daily step goal.<sup>17</sup>

Hon. **Catherine E. Bauer** identified her favorite thing as a “sketch of her children made in France — even though it makes her kids look a bit sad.”

Hon. **Robert N. Kwan** loves a ceramic plate that his mother made when she was a child.

There was no need to interview Hon. **Vincent P. Zurzolo**. I am positive that his favorite things are the Yankee flag that flies proudly behind the bench, and two bleacher seats rescued from the original 1923 Yankee Stadium (which was demolished in 2010) that sit in his judge’s chambers.

Hon. **Neil W. Bason** once rode his bicycle 120 miles from Los Angeles to San Diego to give a speech at the California Bankruptcy Forum.<sup>18</sup> Naturally, his favorite thing is his bike. Perhaps a \$13,000 Pinarello Dogma F10 Dura-Ace Di2 Complete Road Bike? “No,” Judge Bason reports. “I got my bike on sale at REI (where I get cash back on my purchases) for about \$750. That was about 20 years ago, and it’s still going strong — and on a good day, so am I — smooth operation and workhorse reliability. As a penny-pinching bankruptcy guy, that’s music to my ears.”

Hon. **Gregg W. Zive** (District of Nevada and Central District of California) loves his baseball autographed by Willie (“The Say Hey Kid”) Mays.<sup>19</sup>

Hon. **Marc Barreca** (Western District of Washington) loves his treasured accordion, but he identified his favorite thing as a “painting in my living room — Butte Lake by John Cole.”<sup>20</sup>

Hon. **John T. Laney, III** (Middle District of Georgia) says he does “not care much for objects” and “does not really treasure things.” However, he conceded that his favorite items are probably the second-place plaque and ribbon that he won in a 1996 international ham radio competition, although he noted, “I don’t know for sure where they are.”<sup>21</sup>

Hon. **August B. Landis** (District of Nevada) identified four favorite things, aside from his family:

1. “A pair of wooden duck letter openers.... I signed up for the Iowa State Bar Association’s *pro bono* service. I volunteered to take referrals of routine bank-

10 See *Bankruptcy Evidence Manual*, available at [legalsolutions.thomsonreuters.com/law-products/Treatises/Bankruptcy-Evidence-Manual-2017-2018-ed-Westreg-Bankruptcy-Series/p/104922030](http://legalsolutions.thomsonreuters.com/law-products/Treatises/Bankruptcy-Evidence-Manual-2017-2018-ed-Westreg-Bankruptcy-Series/p/104922030) (the manual is updated annually).

11 Judge Clarkson’s optical adventures were chronicled in a past issue. See J. Scott Bovitz, “Amusements Off the Bench: The Hobbies of Judge Clarkson,” XXXV *ABI Journal* 12, 54-55, 85, December 2016, available at [abi.org/abi-journal](http://abi.org/abi-journal).

12 According to Judge Clarkson, these disco hits “include, but are not limited to,” “I Will Survive” by Gloria Gaynor (1978); “Stayin’ Alive” and “Night Fever” by the Bee Gees (1977); “Super Freak” by Rick James (1981); “Disco Inferno” by the Trammps (1976); “Y.M.C.A.” by the Village People (1978); “Love to Love You Baby” by Donna Summer (1975); “I’m So Excited” by the Pointer Sisters (1982); and “That’s the Way I Like It” by K.C. & the Sunshine Band (1975), who played this and other hits at ABI’s Annual Spring Meeting in 2010.

13 See “Leisure Suit,” Wikipedia, available at [en.wikipedia.org/wiki/Leisure\\_suit](http://en.wikipedia.org/wiki/Leisure_suit) (“The leisure suit became associated ... with clueless dressing — the adventure game Leisure Suit Larry being an example.”).

14 LaDonna Adrian Gaines (a.k.a. Donna Summer) died prematurely from lung cancer in 2012 at the age of 63. See “Donna Summer,” Wikipedia, available at [en.wikipedia.org/wiki/Donna\\_Summer](http://en.wikipedia.org/wiki/Donna_Summer) (“A nonsmoker, she believed it was caused by inhaling toxic fumes and dust from the September 11 attacks in New York City.”).

15 See “Battle of Thermopylae,” Wikipedia, available at [en.wikipedia.org/wiki/Battle\\_of\\_Thermopylae](http://en.wikipedia.org/wiki/Battle_of_Thermopylae) (“Both ancient and modern writers have used the Battle of Thermopylae as ... a symbol of courage against overwhelming odds.”).

16 Some cruises are dedicated to Zumba. See [zumba-cruise.com](http://zumba-cruise.com); see also [fitbit.com/home](http://fitbit.com/home).

17 My colleague, Susan Spitzer, once left her fitbit in dirty laundry. By the time the clothes were washed and dried, her fitbit recorded 24,567 steps. I passed this “technique” on to Judge Bluebond.

18 See [calbf.org](http://calbf.org).

19 See “Willie Mays,” Wikipedia, available at [en.wikipedia.org/wiki/Willie\\_Mays](http://en.wikipedia.org/wiki/Willie_Mays) (biography).

20 Chapter 8 Humor reported on the long history of Judge Barreca and his accordion. See J. Scott Bovitz, “40 Years of Electronic Music: An Interview with Judge Barreca,” XXXVII *ABI Journal* 2, 38-39, February 2018, available at [abi.org/abi-journal](http://abi.org/abi-journal). Search on the Internet for images of Butte Lake by John Cole.

21 His amateur radio exploits have been chronicled in this publication. See J. Scott Bovitz, “Travels and Adventures in Ham Radio with Hon. John T. Laney III,” XXXVI *ABI Journal* 4, 54-55, 106-07, April 2017, available at [abi.org/abi-journal](http://abi.org/abi-journal).



Judge Landis's handmade clay drum (l) and handmade quilt.

ruptcy matters.... A young couple that had just started a family was among the first referrals I received.... I filed their chapter 7 case, which stopped the collection calls and letters.... It was a *pro bono* case, so the only money that ever changed hands was the filing fee. Just before Christmas, they stopped in unannounced, with a small package. I took them to my office and opened the package. Inside were these two wooden duck letter openers.... I thanked them and wished them happy holidays. After they left, a very young attorney realized that there is much, much more to practicing law than making money. I try to never forget that.

2. "A book called *Three Farms: Marking Milk, Meat and Money from the American Soil* by Mark Kramer....<sup>22</sup> I was retained by a farm family in Creston, Iowa.... I was ultimately successful in helping to resolve their financial issues.... Late that year, they gave me a copy of the [Kramer book], because they wanted me to understand how much it meant to them to have weathered the proverbial storm. Their

<sup>22</sup> See Mark Kramer, *Three Farms: Making Milk, Meat and Money from the American Soil*, available at [goodreads.com/book/show/1709329.Three\\_Farms](http://goodreads.com/book/show/1709329.Three_Farms).

family farm story is the second of the three farms dealt with in the book. I keep it on a bookshelf in chambers and read their chapter from time to time. It lends a certain perspective to what I do now.

3. "A Handmade Clay Drum.... A small private school in Fair Oaks, Calif., had leased some computer equipment for their students. The equipment proved to be faulty, and the equipment vendor had gone bankrupt.... The case settled in mid-2001. In early January 2002, I received a very large, very heavy box in the mail. Inside it was a letter from the attorney for the school, which read in part: 'Our thanks for your generous *pro bono* efforts in this matter are long overdue.... Your willingness to see this through to its positive outcome will long be remembered by us and we thank you deeply for your generous support. As a gesture of our sincerest thanks, we are sending you a handmade drum created by a graduating senior, class of 2001. About her creation, the artist said ... 'I used the natural fissure in the clay to symbolize a thunderbolt and tried to convey the power of a storm in the piece as a whole....'" The drum is prominently displayed in my chambers and will be as long as I'm a judge.

4. "A Handmade Quilt. As a final item, when my last term clerk departed for private practice, she and her mother made a quilt for me from a variety of t-shirts, which had been covertly removed from my closet by my wife. It captures a variety of fun parts of my past ... it is a wonderful and thoughtful item that I display on a couch in my chambers."

Stay tuned for more judicial "preferences." Meanwhile, keep on humming, "Raindrops on roses and whiskers on kittens." **abi**

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