

THE JOURNAL OF
THE HISTORICAL SOCIETY
OF THE UNITED STATES
DISTRICT COURT FOR THE
WESTERN DISTRICT OF MICHIGAN

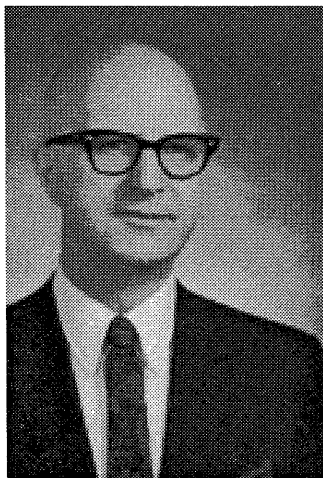
STEREOSCOPE



Remembering The Bankruptcy Judges

James D. Gregg, Chief Judge

United States Bankruptcy Court for the Western District of Michigan



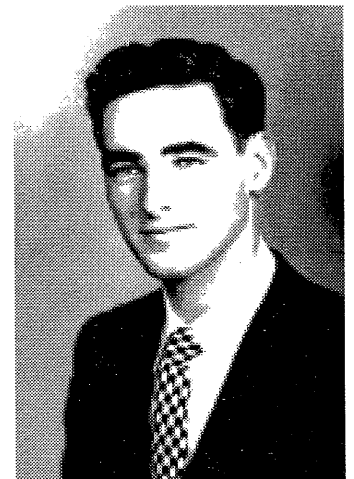
Judge David E. Nims, Jr.

As almost all of you already know, Honorable Laurence E. Howard unexpectedly passed away on February 22, 2003 at the age of 69 years. He served as a bankruptcy judge in this district from 1976 until 1999, a tenure of twenty-three years. Honorable David E. Nims, Jr., who was in ill health, passed away six days later on February 28, 2003 at the age of 90 years. He served as a bankruptcy judge in this district from 1954 until 1992, a tenure of thirty-eight years.

Both judges were extremely well-respected by the bar, their bankruptcy judge colleagues across the country, the parties who appeared before them, and the citizens of this district. We are all greatly saddened and grieve together for their families. However, our sorrow is

tempered by our fond memories of the two judges, both from professional and personal viewpoints.

When requested to write this article, I considered a number of approaches. Rather than reiterate the information in their obituaries, or restate their professional achievements and community activities, I decided to tell you about some of my memories of the judges during the time that I knew them—starting as a young, inexperienced attorney in 1978, during the time I was a more experienced practitioner, and after I became their colleague on the bankruptcy bench in June 1987. It is impossible for me to give you my comprehensive memories. I have opted to recount a few selective “war stories” to illuminate them as judges and persons.



Judge Laurence Howard's graduation photo

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Less than two years after I was admitted to practice law, the Bankruptcy Code became effective on October 1, 1979. In the bankruptcy world, the new Code changed everything. Knowledgeable judges and experienced practitioners were required to “unlearn” the prior Act and rethink old authorities and the then-existing procedures. Also, the economy went sour—double digit inflation was running rampant and the effects of the recession had taken root. The bankruptcy business boomed, almost overnight. Young attorneys were given

the opportunity to become involved, and in some instances sit first chair, in the smaller and medium-sized cases, whether consumer or business cases, and represent the multitude of parties—debtors, secured creditors, trustees, landlords, general creditors, and everyone else affected by a bankruptcy proceeding.

Before these changes, as a new associate in a small firm, I worked on many legal issues outside of court and in the state court system. I first met Judge Nims and Judge Howard when I carried a partner’s bags to court to observe proceedings after I assisted in research projects on narrow bankruptcy issues under the old Act. When the Code passed, I was willingly vacuumed into bankruptcy practice on a nearly full-time basis. I quickly realized that Judge Nims and Judge Howard were each very special judges.

My first recollection of appearing before Judge Nims is in connection with a pretrial conference regarding a preferential transfer action. He held

the pretrial, in his chambers, at the end of his docket after a long and difficult motion day. He warmly welcomed opposing counsel and me into chambers, exchanged pleasantries, and commenced the pretrial by placing the complaint to his left, the answer in the center, and a yellow legal pad on the right side of his desk. He read paragraph 1 of the complaint aloud and

“I quickly realized that Judge Nims and Judge Howard were each very special judges.”

summarized the allegations on his pad; he read the answer to paragraph 1 aloud and wrote “admitted” on his legal pad. He then asked us if this was

correct and moved on to paragraph 2, 3, and so on. During this review, he would sometimes ask a question or request that we summarize our positions. He was warm and soft spoken. To say he was methodical is an understatement. After the notes on the yellow pad were completed, he would dictate the pretrial order to the court reporter present, paragraph by paragraph, and culminate the pretrial by consulting his book and giving us a trial date.

Sometimes, Judge Nims’ pretrials were concluded very late in the evening or at night. (Legend is that he went to midnight on one occasion.) His pretrial process generally caused one of two results: first, the attorneys and he were extremely well-prepared for the later trial, or second, and much more often, adversary proceedings were settled before the pretrial conference ever occurred, sometimes after multiple adjournments of the pretrial conference.

Judge Howard's method of handling pretrial conferences was nearly a polar opposite. The attorneys came into chambers and he quickly asked what issues were involved. On uncomplicated matters, he quickly dictated the pretrial order to the court reporter. In one pretrial that I participated in while at Traverse City, a preferential transfer action pretrial took less than two minutes to complete! When I left the tiny room in the Traverse County government building, I commented on his speed. Opposing counsel, he and I all laughed after he said something like, "The easy ones shouldn't take long—this gives me more time for the difficult ones." When he was not extremely busy or handling an onerous docket, Judge Howard liked to visit with both attorneys and talk about sports, especially if the topic had any connection with his beloved Notre Dame. (Related to Notre Dame, after I took the bench, my staff and I noticed a tendency in Judge Howard's behavior—when Notre Dame lost a football game on Saturday, he seemed taciturn and grumpy on Monday and, if it was a big game, sometimes on Tuesday as well.)

I vividly remember my first trial before Judge Howard. It was a nondischargeable debt proceeding where my client, an unsecured creditor who was what we now would characterize as a subprime lender, asserted that the debtor submitted a false financial statement. Little did I know that this type of case was thought to be impossible to win before Judge Howard. (Only later did I come to realize that he was known as a

"debtors' judge.") I was opposed by a very experienced bankruptcy attorney who continuously objected to my questions in a very sarcastic manner. Judge Howard, although somewhat uncertain, gave me the benefit of the doubt and permitted my questions over multiple objections. The upshot is that I was able to establish that the debtor lied on his loan application by using an alternative name that would not show up on a credit check. This was established by cross-examination of the debtor using documents attached to other creditors' claims in the court's file. I still thank Judge Howard for giving me a chance to "bumble through" my first trial and prove the case.

When appearing before Judge Howard to represent secured creditors in relief from stay hearings, the result was always *eventually* correct. However, when in those instances I felt the creditor should have prevailed at the preliminary or final hearing, this seldom occurred. It often took four or five judge-imposed adjournments to finally obtain the relief. It was some time in the early 1980's that I first remember Judge Howard saying, "at least I can sleep at night." As an experienced attorney, when representing creditors in such matters, I always told them not to expect to prevail until the third, fourth or fifth hearing, no matter how strong the facts were in their favor. Of course, there was one major exception to Judge Howard's tendency to rule in favor of debtors—crooks always lost and lost quickly. Honest debtors always received the benefit of Judge Howard's discretion.

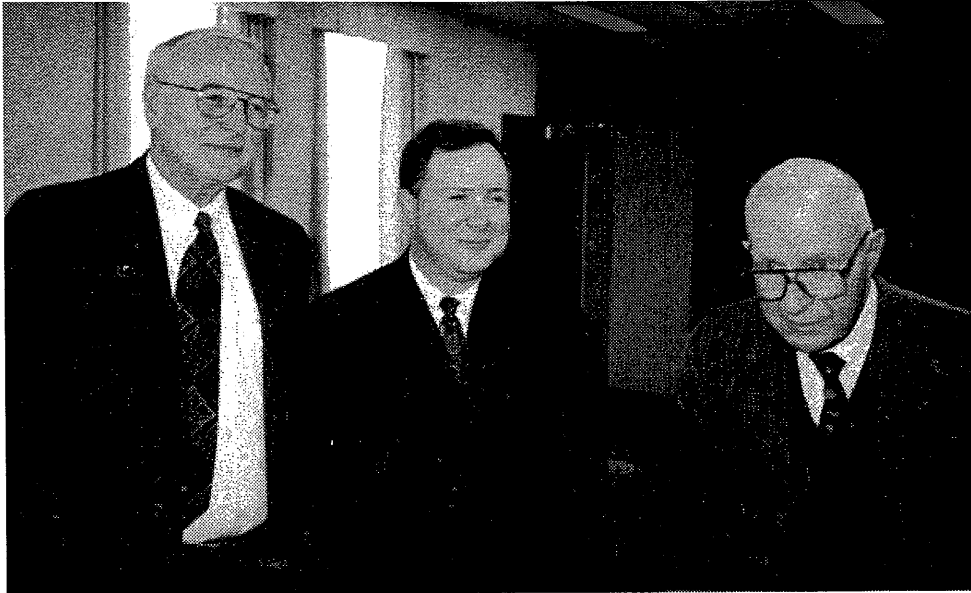
After I started regularly appearing before Judge Nims on nearly every Grand Rapids and many Kalamazoo motion days, I always sat in one of the courtroom chairs near the counsels' tables. During the hearings, I made copious notes in my dog-eared soft-covered Bankruptcy Code. Unless I was trying to settle a matter, I was never in the corridor; I was always in the courtroom taking notes and annotating my book with cases referred to by Judge Nims. After about six months, he asked me what I was writing in the book. I told him. About a year later, when he was giving an opinion in a crowded courtroom while I was observing, he said, "Mr. Gregg, I am trying to think of a case and I can't remember the name. Do you know it?" I told him the case name and he then addressed it in his opinion without missing a beat. After that, it seemed easier to settle matters with the more experienced attorneys who were present in court that day. The annotated Code with Judge Nims' comments made it far easier to settle all the losers and the questionable issues (of course with my clients' consent) and only try those matters that Judge Nims had previously addressed in his bench opinions. Judge Nims was a very predictable judge. I think this is a great attribute for one who handles so many cases.

After the Code became effective, both judges authored cutting-edge opinions, often that were matters of first impression, such as *Pepper Ridge Blueberry Farms*, *In re Interstate Motor Freight System*, *In re United Equipment Sales Co.*, *In re Perrin's Marine Sales, Inc.*, and *In re Kovich*, to name only a few. Their opinions were well-researched and written in

a direct manner that was easy to understand. Except in only one instance, involving the tools of the trade exemption, the judges cited and followed the other's written opinions. Again, this promoted certainty and predictability for attorneys to advise their clients and gave attorneys confidence in what litigation results would likely occur when settling cases.

Both judges sometimes lost respect for attorneys they felt were engaging in sharp practices, or who acted with less than civility (indeed, courtroom cordiality) to opposing counsel. As you might expect, an attorney who appeared less than honest would be remembered, albeit for the wrong reasons.

In one adversary proceeding before Judge Nims, an attorney cited a Michigan statute in his brief. Based upon the attorney's brief, it appeared he should prevail. However, the attorney failed to cite the very next statutory section, which created an exception that would govern the result of the decision. When Judge Nims consulted the statute, he was very disappointed that the attorney seemed to be trying to "pull a fast one on the court." He commented on many occasions that the best thing an attorney can establish is a good



reputation; it takes many years to earn one, but only one instance to lose one.

Judge Howard felt the same way. In a chapter 7 case, an attorney filed two Proofs of Claim for his client, one was based upon a state circuit court judgment and the other based upon a state probate court judgment. The problem was that the judgments substantially overlapped and were really mostly the same claim. The trustee objected to the claims as being duplicative and the judgment creditor's attorney refused to settle. After a half-hour hearing on a busy motion day in a packed courtroom, Judge Howard, in a very firm and somewhat distressed voice, sustained the trustee's objection and severely reprimanded the attorney. Judge Howard also sometimes commented that an attorney who undermines his or her reputation may find it difficult to ever adequately repair such damage.

The judges told me that during the early 1980's, they spent more time conducting hearings and trials

than any other bankruptcy court in the country. It is astounding that they spent approximately 80% of their time on the bench while they each covered four locations—Grand Rapids, Kalamazoo, Lansing and Traverse City.

Yet they almost never lost their patience. Their temperaments were superb. Attorneys who regularly practiced before them were able to easily determine when to conclude their arguments. When Judge Howard seemed to get fidgety, or when Judge Nims rubbed his pocket watch and looked out the window, it was time to wrap it up. The other "rule" that many practitioners knew was to always conclude by 12:00 noon. Because the judges nearly always ate lunch together, lunch adjournments always promptly occurred, sometimes when an attorney was in mid-sentence. When this happened, the attorneys were required to promptly return at 1:30 p.m. to resume their arguments.

A common observation of almost all attorneys, which is shared by me, is that both judges treated attorneys with the utmost respect. I can only remember two instances, one by each judge, when their voices were raised or tempers lost in the courtroom. In each instance, the consensus of the

attorneys present was that the recipient deserved what he received. Both judges bent over backwards to welcome new attorneys into their courtrooms, even when the attorneys were totally ignorant about bankruptcy law or partially unprepared for a hearing. Such attorneys were given the benefit of the doubt and patiently taught to become better prepared and to learn the law.

Embarrassing counsel was not something that was done by either judge. After I took the bench, and until this day, during difficult hearings I think to myself, "What would Judge Nims and Judge Howard do?" As a result of appearing before them, and being privileged to be their colleague, I always try to remember what it is like to stand at the podium and address a complicated legal

issue while representing a difficult client. By so doing, I am able, hopefully on most occasions, to keep my patience and treat attorneys with respect. Judge Nims and Judge Howard, I will continue to remember you.

If any of the members of the Bar desire to remember Judge Nims or Judge Howard in writing, I encourage you to do so. Your recollections might be published here or disseminated at the FBA Bankruptcy Section Seminar this August. Such writings could also be submitted to The Historical Society of the United States District Court for the Western District of Michigan, which has been recently formed. Your writings would then be preserved for future generations of attorneys and judges in our district.

Special Thanks to



The law firm of Varnum, Riddering, Schmidt, & Howlett, LLP is the first firm to become a Grand Patron of the Historical Society. We thank the firm for its generous contribution to the Society and its work.

Thank you.

Reflections on the Honorable David E. Nims, Jr., Former Chief Judge of the United States Bankruptcy Court for the Western District of Michigan

By Dean E. Rietberg

MY FIRST DAY IN CHAMBERS

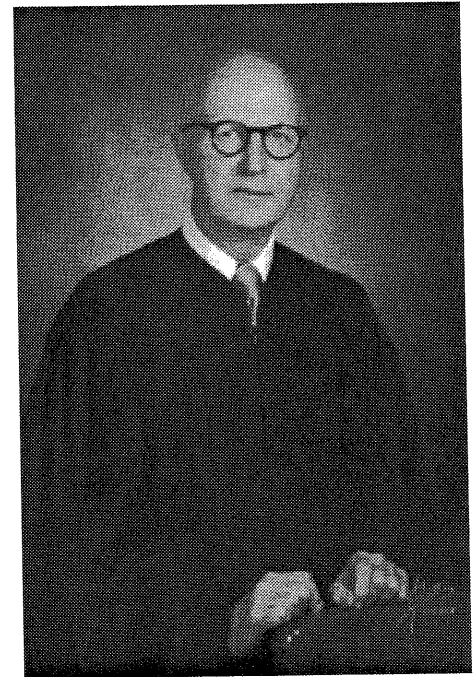
This story begins in chambers. In fact, this story is all about “chambers”. It was in chambers that I met the Honorable David E. Nims, Jr. for the first time. His secretary announced my arrival and told me to “go on in.” Left to introduce myself, I entered and sat down in one of those leather-armed chairs bordered with all the brass tacks—the kind of chair you would expect to find in chambers. The only significance of mentioning my memory of the chair is that it contributed to the intoxicating smell of leather-bound law books, a smell which only added to the aura of being in chambers. Not that I hadn’t been in judicial chambers before, as I had interned several years before while a senior in college for U.S. District Court Judge Douglas W. Hillman, but it was always intoxicating in this reverent sort of way.

Judge Nims slowly and thoughtfully looked up. I recall having difficulty ascertaining whether he was actually looking at me, as his thick, dark-rimmed glasses would reflect the light in such a way that seemed to preclude direct eye contact. He began, as I later learned he often would, by methodically providing me with the historical context one found oneself in. In this particular setting, the constitutionality of the Article III status conferred upon the bankruptcy judges had recently and successfully been challenged in the

Marathon Pipeline decision. One of the outcomes of the turmoil in the judiciary instigated by this decision was the current practice of appointing bankruptcy judges to fourteen-year terms. Judge Nims, however, already in his seventies, had been designated as a “retired, recalled judge” and appointed to abbreviated six-month renewable terms.

As he controlled the “conversation” about his situation, he would occasionally seem to stare out the window. As I entered chambers I had caught a glimpse of the views from his northwest corner office on the top floor of the Gerald R. Ford Federal Building—to the north beyond the *Press* Building was the Grand River Valley and to the west across the Grand was an unobstructed view of the fall foliage of Richmond Hill. But Judge Nims was not taking in the scenery with these glances. I doubt he could even see the landscape from where he was seated because he had a large walnut table with his lamp stationed between his desk and these windows. Instead these glances were part of longer pauses during which he pondered appropriate word choices, and I found myself following his stares.

His “retired recall” status seemed to bother him much more than it bothered me. Eventually I got the impression he thought he had to “sell” me on the position. He never mentioned that working for the then “Dean” of sitting bankruptcy judges would be a great



honor. Instead he wondered why someone looking for a legal career would be willing to take a temporary position, as he could only guarantee employment for five more months. He spoke words of caution in case I had different career aspirations. This long historical digression obviously meant much to a man in the twilight of his career, but it left me speechless. I thought, “I haven’t yet had the opportunity to make much of an impression. How do I tell him that a judicial clerkship, even if it was only for six months, was a coveted, providential opportunity? How can I steer the conversation to focus on what skills I had to offer? Shouldn’t we talk about my resume?”

I soon learned that he never intended his gaze to be impersonal. While I was still pondering my

interviewing strategy I heard him say, "So if you still need time to consider this I certainly understand...." Unsure of how much to read into this question, I began to stammer a few questions of my own to confirm he was indeed offering the position to me. Just then there was a knock on the door. "Oh hello, Larry, come on in and meet my new law clerk." It was an apologetic Judge Howard who had come down the hall to discuss a matter he had before him later that morning. I later figured out Judge Nims had made up his mind to hire me long before I had the chance to consider his question. From the ensuing conversation with Judge Howard it became clear to me that Judge Nims had familiarized himself with my resume. In fact, there it was, carefully placed on top of one of several neatly arranged stacks of paper that bordered his mammoth wooden desk. Judge Nims had been "gazing" beyond my piece of paper to see if I was willing to listen to what he had to say and how I reacted to it. This was simply his way of mentoring me. To him this was full disclosure. This was chambers—the innermost, most private office in a courthouse. But this was also the chambers of his heart and soul shared with *me* whom he had just met. And it was these "chambers" conversations that would provide personal insights into some of his deepest principles and from here that he would share his innermost thoughts.

A DAY AT COURT IN GRAND RAPIDS

Official bankruptcy court hours at this time were 8 a.m. to 5 p.m.,

although Judge Nims was always at his desk before eight o'clock. However, soon after his arrival he began his "rounds" during which time he typically headed clockwise from his chambers and traversed the entire seventh floor to personally greet the court staff and *everyone* in the Clerk's office for the day. Judge Nims offered the same hospitality to Russ Sella and Crystal of the cleaning staff and Lucius and "Red" of the Federal Building maintenance staff. As his law clerk, you simply did not want to miss his morning greeting, especially on

a Monday in the fall. "Oh, did those Wolverines have a bad day Saturday?! Ouch!" he moaned as he would either scratch his forehead in bewilderment or cover his face in embarrassment.

Court hearings began at 9:00 a.m.—not a second earlier and not a second later! Judge Nims was indeed punctual. At several minutes to nine you could invariably find him "loitering" around behind the door that led from his chambers to the bench, pocket watch in hand. Court started so promptly that it didn't matter whether his law clerk or court reporter were ready to enter for he would proceed without them.

"Oiye, Oiye, Oiye! Hear ye, hear ye, hear ye! The United States Bankruptcy Court for the Western District of Michigan, the Honorable

David E. Nims, Jr., presiding, is now in session. All persons having business before this court draw near and give ear. God save these United States and this Honorable Court. You may be seated." [*gavel, gavel, gavel*] I quickly committed these familiar sounding words to memory as Judge Nims' law clerk had the simple but essential task of calling court to order. I recall a card at the

bailiff's desk with several alternate "cries", but Judge Nims in his humility never told me which one I should use. In fact, he would simply declare court in session

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that would provide personal
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himself at ten seconds after 9 if he was "deserted" by his law clerk. However, as I detected a measure of satisfaction at the silent standing ovation when I used the most formal and lengthy "cry," I do believe it was because of his appreciation of the true order it gave to the judicial process, not for the attention it gave him.

Just as precisely as it began, however, Court would take its morning recess at 10:20 a.m., even if counsel addressing the Court or a witness was in the middle of a sentence. Judge Nims had his priorities straight as he would first make a quick but necessary phone call to check on the well-being of his diabetic wife, dear Sybil, before heading to the central elevators. "Would you like to join us for coffee

this morning?" was the *public* invitation made to all counsel and court staff nearby—Judge Nims was inclusive and accessible to the bar at the same time. The time-honored ritual that followed required each person to have a coin, usually a quarter, in hand to toss. Judge Nims always seemed to have an extra coin available for those who said they "forgot" or were penniless that day! All participating coffee drinkers formed a circle and simultaneously flipped their quarters until eventually the sole person remaining with "heads" face up was the designated buyer for all participating. Even when no one joined in to flip, Judge Nims being the gentleman that he was, would pick up the tab for his court reporter.

Coffee break was fun, but recess for the noon hour was business. Joined by Judge Howard, his law clerk Michael Maggio, and the Estate Administrator Mark Van Allsburg, we headed out together for lunch. Each day of the week had its designated eatery where we had our "reserved" table for five. These restaurants fit into the category of "near" downtown so that we could freely discuss the cases of the day out of the hearing range of the bankruptcy bar. The eateries were in reality just disguised temporary chambers, for here's where much of my legal training unsuspectingly took place.

For example, here's where I would find out what Judge Nims really thought about how a lawyer should practice. Frustrated, he would query us, "Why does Mr. So-and-so always recite Section 362 to me? Does he really think I don't know the standards for relief from stay by now?!" Seemingly puzzled, he might



The Honorable David & Sybil Nims

inquire of us why a certain attorney kept interrupting him, "Doesn't he know he's not doing his client any favor by going on and on. I was trying to help him!" Or he would lament, "I just don't understand why Mr. Such-and-such has so many fee applications in this case. By the time his firm finishes a case there's nothing left for anyone else, much less anything for the creditors." I really think he already knew the answers to his own questions, but this was his polite and subtle way to make practice pointers or alert me to less than desirable behavior.

More often, though, lunch was a time when we discussed the matters we had under advisement or the evidence presented in a trial earlier that day. I recall one noonday discussion of the evidence in a lengthy trial to deny the debtor a discharge. The testimony, which related to the overselling of point interests in oil wells was tedious and complicated. At lunch Judge Nims asked me what I thought of the evidence against the debtor at this point. After I presented in true debate style what I thought were the strengths and weaknesses of the case, someone asked Judge Nims what he thought. "I don't believe a darn

thing the debtor said." I was obviously taken aback. After a moment of silence, Judge Howard calmly asked what was on all of our minds, "Why is that, Dave?"

Judge Nims proceeded to tell us that the debtor gave away his own defense. "How could someone who knows so much about these wells so quickly forget how much of it he already sold? You see, here's a debtor who can spew out, off the top of his head without any notes, the point interests of all these different wells to eight digits beyond the decimal point. It's written all over the chalkboard in a way that's trying to make it confusing for all of us. Does he think I'm going to believe him when he conveniently says he doesn't remember selling interests to those elderly couples. He knew darn well what he was doing and he must have been pretty good at it for awhile. But how can anyone forget sales for that amount of money?!" Needless to say, I listened very differently to the rest of the debtor's testimony.

The afternoon motion docket always began with auction sales followed by discharge hearings. Often one of the larger Chapter 11 cases such as *Bofors Nobel* or *House of Flavors* would occupy the balance of the afternoon docket. I remember feeling really useful when Judge Nims would send a group of employees out to the attorney conference room to meet with me so that I could explain to them how their wage claims would be treated. On the other hand, I was not so pleased when he would send me out to meet with a group of creditors in an involuntary case. The most angry creditors in a business bankruptcy

case were those consumers who had placed a deposit for some goods or service they never received. I can only surmise that Judge Nims already knew this when he sent me out to meet with a group of newlywed couples who never received their honeymoon vacation from the travel agency that had just been put into bankruptcy!

Back in chambers during the afternoon recess, Judge Nims would typically return his phone messages. Numerous times the message would be from a credit card company soliciting him to apply for another credit card. Frustrated, he would honestly tell them that he was "in bankruptcy court" and that would be the end of the conversation! At other times, in response to a receptionist's inquiry, I would always hear him say, "This is *Dave Nims* returning the call." Invariably the other party was unavailable and Judge Nims would move on. Sometimes these people would call back immediately and apologetically say that if they had known it was *Judge Dave Nims* on the line they would have taken the call right away. Many times Judge Nims would then turn to me and say, "If I'm not important to them as *Dave Nims*, then I'm not important to them as *Judge Nims* either."

RIDING THE CIRCUIT:

Kalamazoo

Chambers had wheels too. With only two judges on the bench at that time, we rode the entire circuit in the Western District, bringing our "road show" to Kalamazoo, Lansing, Traverse City, and eventually Marquette after Judge Marvin Heitman's term expired. Gail Beach

usually traveled with us to Kalamazoo and Lansing, crossword puzzle always in hand. Judge Nims usually turned over driving duties to me for the longer trips. If we had contested hearings or briefs submitted, Judge Nims would sit next to me in the passenger seat and review the pleadings. Invariably, he would reach a point where he would read aloud the paragraphs that he disagreed with or that simply made no sense. While I acted as his sounding board for legal issues, I soon came to realize again that his questions were simply his way to teach me the law.

During this time period the Kalamazoo motion docket was held in the relatively cramped courtroom shared with the U.S. Magistrate in the rear of the Post Office and federal courthouse. With only two rows of pews, the windowless courtroom was usually "standing room only." The chambers space was also windowless and barren and only used for pre-trials. The law clerk's designated space was a "breeze way" between the bench and chambers which, in contrast, was often a lively place where the "regulars" always seemed to have access to its rear entry without courtesy and deference to the Judge's (or law clerk's) right to privacy.

Upon our arrival at the courthouse in the morning then Chapter 13 trustee Joseph Chrystler and the rest of the Chapter 13 bankruptcy bar would be waiting for

us to unlock the courtroom. Mr. Chrystler would stack his files on the attorney table to the Judge's left. On the table to the Judge's right attorney Edward Read Barton would do the same. A high-volume filer of Chapter 13 cases, Mr. Barton's caseload would often consume the first 80 minutes of the court session leading up to the morning break, with Judge Nims' decisions making new law in the Chapter 13 area as we progressed. This would not keep

Judge Nims from inviting Mr. Barton and the "regulars" of the bankruptcy bar to join him "for coffee" as they converged on a nearby café for deep-fried "DO-nuts".

Later in the morning a ruckus would periodically break out in the "breeze way" that could be heard through the door when court was in session. When the volume reached a thunderous roar, Judge Nims would occasionally look over to his left in mid-sentence, but never say anything. I always took this to be my cue as bailiff to keep order and "shoo" them out. A similar reaction occurred whenever I called the case captioned *The Best Little Hairhouse in Texas*—what started as a snicker would snowball into another ruckus. Judge Nims would raise his head a notch and just scowl before continuing. Eventually, however, I concluded Judge Nims was probably more embarrassed about these outbursts than anything else for the Kalamazoo bankruptcy bar was very dear to him. If we reached 11:30 a.m. and found the courtroom was still

Kalamazoo had been the starting point of his legal career and he had a special place in his heart for that legal community.

full, Judge Nims initiated the now infamous "one minute drill." Few members of the bar remember that this practice traces its origins to these busy Kalamazoo motion days. Essentially, the policy was that Judge Nims would hear only those matters that could be heard or resolved in a very short time—the rest of the matters must wait until after the afternoon discharge hearings and sales. The system wasn't perfect, but it usually cleared the courtroom before lunch.

Lunch was again a public affair. All who waited around until the noon hour were invited to join us for Chinese. While I recall being ushered as a group to a room in the rear of the restaurant and thinking how odd this might look to someone who had to appear before him that day, Judge Nims intended no such clandestinity. These were his friends—the father-son teams of David, Paul and Robert Davidoff, Judge Robert L. Borsos and his son Robert, and Trustees Don Krieling and his son-in-law Joe Chrystler. Kalamazoo had been the starting point of his legal career and he had a special place in his heart for that legal community. During our many drives through the city he would point out landmarks and fondly recall events and people from the days of his insurance defense practice.

Upon our return from lunch, I had the duty to unlock the courtroom's public entrance. Forlorn-looking debtors would line the long corridor painted in stereotypical high-gloss institutional flesh color. Somehow we got them all inside. They listened intently, eyes focused on Judge Nims, enamored by the Judge's recounting his family's

own financial troubles when he was a youth. Even though I soon learned that the discharge speech would be virtually the same every time, each delivery was made from the heart. This may have been Judge Nims' most rewarding part of sitting through a motion day docket.

For me, the discharge hearings were my only opportunity to organize the myriad of files brought down from Grand Rapids for the day.

The anticipated length of the motion day was often measured by counting the number of suitcases full of files taken along. We often joked that we had to drive Judge Nims' Mercury to Kalamazoo court because no one else's trunk was big enough to hold all the "bags." Holding court well into the evening was not unusual. Even though the Kalamazoo motion day was held on alternate Fridays, I soon learned never to schedule a date or make other plans for a Friday evening since one ever knew what time court might conclude. Judge Nims, however, was not fazed.

Lansing

In Lansing the bankruptcy court conducted hearings in the Michigan Appeals Courtroom. The space was ill-suited for the bankruptcy court. Stackable chairs replaced pews. Another black vinyl chair turned around became the witness "stand." The bailiff and

court reporter were left to share a cubby against the side wall that housed the tape recording and sound system. The judge's chambers was simply a vacant desk among many in the clerk's office, but Judge Nims did not seem to mind. Private

practioners
Ed Spence,
Bob Kempf,
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Rhead, Don
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George
Adastik from
the Michigan
Department
of Treasury,
and Chapter
13 trustee
John

"But while Judge Nims may have taken a short snooze occasionally during the car rides, contrary to some suggestions I heard from members of the bar, he never slept in court."

Bolenbaugh, were among the "regular" appearances. For lunch, Judge Nims would often take court reporter Gail Beach and myself to Clara's, a converted railroad depot just outside of downtown. These lunches were always a delight because once we finished discussing the legal issues presented that day, Judge Nims couldn't resist discussing the history evoked by the railway memorabilia that adorned the walls.

Traverse City

Our trips to Traverse City were always memorable and much more relaxed. We would often take his calendar clerk Dave Scalici, and later Sandi [Boylan] Crouch, along to bailiff while I would update the law "library." While on the road we would often search the opposite lanes of the highway for a glimpse of Judge Howard in his car—

depending on which judge had the “trailer” docket that month, Judge Howard would either be returning home from Traverse City or traveling to Traverse City. In this pre-cell phone era the time of day our paths would “cross” would tell the other how “smooth” a motion day was had.

In the car Judge Nims would eventually end up reading the latest issue of *Time* magazine. Sometimes he would read it aloud to us, while other times he would seem to be fixed on a page for a long time. Our standing joke was to comment, “That sure must be an interesting article, Judge. You’ve been reading that same page for twenty minutes now!” Judge Nims would always chuckle and unconvincingly explain, “I’m just a slow reader.” But while Judge Nims may have taken a short snooze occasionally during the car rides, contrary to some suggestions I heard from members of the bar, he *never* slept in court. He may have been bored with what he heard and he was certainly patient with what he had to listen to but, I repeat, he *never* slept under my watch. How can I be so sure, especially when my backside often faced him in the courtroom? I often compared his trial notes with mine and simply found no gaps!

Judge Nims, like many of us, was a creature of habit. We always stayed overnight at “The Munson” motel, which about this time had changed ownership, was remodeled and is now known as “The Heritage.” If we arrived late we would have dinner at “Scheldes,” now known as “Auntie Pasta’s” on South Airport Road. When Judge Nims would ask why we did not

want to eat dinner there, we always joked about the time one of his law clerks ate shrimp (unshelled) for the first time, wondering if shrimp was always that crunchy!

If we arrived on time in Traverse City, Judge Nims would often treat us to dinner at “The Bowers Harbor Inn.” Here Judge Nims would first relax with a dry martini. The featured “fish in a bag” entree would be followed by the traditional french fried ice cream for dessert. Meanwhile, if we were successful in steering the conversation to some topic in history, we would be entertained by his recollections of the days he spent fighting in Europe during World War II. This “first class” restaurant was chambers too, for no event shaped Judge Nims or better explained much of his thinking more than his wartime experience. For example, hearing of the many nights he spent sleeping directly on the tundra of Iceland explained why weather and temperature extremes never troubled or bothered him. I recall a trip to Marquette when the temperature dropped to 20 degrees below zero and driving through a snowstorm to Kalamazoo in a blizzard that had closed all area schools so that court could start on time. Even the stuffy seventh floor of the Federal Building never affected him. By far the best story, however, is how he was wounded in the Battle of the Bulge, an act of heroism for which he was awarded the Purple Heart.

Bankruptcy Court hearings in Traverse City during my tenure were held in the tiny, windowless Probate courtroom on the third floor of the County Building. Here we learned a lot about the northern Michigan oil

exploration industry, for many of the cases we heard in Traverse City were a result of an industry whose bust seemed to arrive about as fast as the boom that preceded it. Of these often related filings that would pack the courtroom and our suitcases, the most widely-known was *Reef Petroleum*. We also learned much about northwest Michigan’s tart cherry industry, from orchard farmers to grower co-ops. I vividly recall the angry farmers who appeared without attorneys in court refusing to return as preferences the payments they had received for their harvested crop. Starting with the legislative history of the Bankruptcy Code, Judge Nims was somehow able to calm them down with his explanation of preference recoveries. While the farmers did not leave the courthouse with rescinded judgments, they did leave with a better understanding of our judicial system and some of the policies underlying the Bankruptcy Code.

Marquette

Early into my clerkship we began covering the cases filed in the Upper Peninsula after Judge Marvin Heitman’s retirement. With our cruise control set at 55 m.p.h., the round trip to Marquette was at least a three, if not four, day affair which left much time for conversation. Judy Brooks, the sole deputy clerk stationed there at the time, was always excited to greet the bi-monthly arrival of Judge Nims and his “entourage.”

Court was conducted in the U.S. District Courtroom on the second floor of the U.S. Post Office and Courthouse. Judge Nims seemed

very much at ease here in the two-story courtroom which, like much of the city, seemed to come straight out of the 1950's. We spent a significant amount of time in hearings on the *Ellingsen MacLean Oil* and related cases. Despite the relatively few number of cases on the docket, motion day usually lasted the entire day as the bankruptcy bar in this "frontier" city was pent-up to litigate even the smallest of matters. Nevertheless, I can still hear Judge Nims' words of caution to each and every witness at the end of their testimony, "You may step down now. Please be careful when you do." At the end of the day, Judge Nims would take us to the Northwoods Supper Club for some of the finer "Yuper" cuisine.

THE LAW LIBRARY

While an extensive discussion of the legal precedent created by Judge Nims' written opinions is best left to a separate article for another day, suffice it to say that the opinions he sent in for publication reflect the significant issues of the law at that time. For example, in *In re Robert Charles Ashbrook* "we" addressed a claim by two farmer debtors for damages arising out of alleged wrongful acts of various officers of the United States Department of Agriculture. While seemingly a factual issue, the opinion set forth a detailed discussion of the immunity of governmental officers. *In re Ricky Smith* was a memorandum on the finality and dischargeability of proposed marital property

settlements in bankruptcy. In *In re Deskin Land Trust* "we" reviewed the Michigan Statute of Frauds and imposed the equitable doctrine of estoppel to return ownership of a beach club and lake frontage to a homeowners' association. Additionally, we did much research on issues that arose under the Uniform Commercial Code.

I can tell you here, however, that while Judge Nims' was always deferential to my style of writing opinions, his approach to matters taken under advisement was always the same. Realize first of all, Judge Nims only took a matter under advisement if he didn't know the answer or how to rule. Because Judge Nims and Judge Howard also mutually respected each others' rulings, we often discussed the issues collectively. Occasionally Judge Nims would come back into the law library where the law clerk's offices were to ask how a particular opinion draft was progressing. After discussing my research to that point in one particular matter he would say, "We need to get that opinion out. Let the appeals courts make the law—my job is to keep the cases moving through the system since peoples' lives depend on prompt decisions."

Similarly, while working on the opinion regarding the retroactivity of the recent legislation creating relief for farmers in a new Chapter 12 in the Bankruptcy Code, I discovered he was not impressed to know that while the matter was pending several more courts had reached the same

conclusion as we had as to the ambiguity of the statutory construction in this issue of first impression. As far as Judge Nims was concerned, once he made up his mind how he should rule, it was more important that the order be signed so the cases could proceed than to be able to cite in the opinion to the decisions of other bankruptcy judges for added support.

This was not to say that Judge Nims cared little about case support or legal precedent. Quite the contrary, Judge Nims had great respect for the law. Often after reading one of my opinion drafts, he would quietly enter the law library and head directly to the stacks, which contained the appellate and United States Supreme Court reporters. Wondering what was so important to bring him in to do his own legal research, for after all that was supposed to be my job, I would follow him as he would pull down a book or two. He would read aloud to me from some "ancient" noteworthy opinion I had not even thought of and then ask me if I had considered its effect on how "we" were going to rule. Then we would joke that he didn't even need a law clerk because he knew so much already!

I also knew his love and respect for the law from the two books he gave me as gifts. I only mention them to you because I believe the kind of books that line a person's shelves provide great insight into that person. The first book was entitled *Moyers: Report from Philadelphia—The Constitutional*

Convention of 1787: A day-by-day account of the meetings and the men who shaped the foundation of the chronological order. With a perspective that usually only comes from one's own life experiences, Judge Nims conveyed the importance of history when making legal decisions. On the lighter side was the *Oxford Book of Legal Anecdotes*, a collection of humorous happenings in the British courts. This was also "chambers" communication for me—a recognition that we had ought not think so highly of our position in the legal system that we cannot laugh or smile at ourselves too! Justice should be meted promptly with foundation and humility.

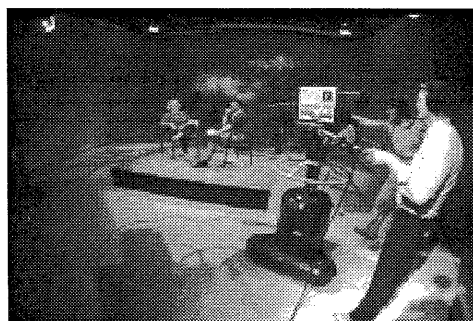
Thank you, Judge Nims, for taking me into your "chambers."

About the Author

Dean E. Rietberg, B.A. Calvin College 1981; J.D. University of Michigan Law School 1984; served as law clerk to the Honorable David E. Nims, Jr., Chief Judge of the United States Bankruptcy Court for the Western District of Michigan, from 1986 to 1988; and has served as a Trial Attorney for the Region 9 United States Trustee in the Western District of Michigan since that time. The views expressed in this article are his personal opinions and do not necessarily reflect those of the United States Trustee.

Court Videos Sought By Society

If the reader has any videos pertaining to the events of the United States District Court for the Western District of Michigan, its cases, its lawyers or its judges that the reader wishes to make available to the Society on a permanent or temporary (for copying purposes) basis, please contact either Michael MacDonald at (616-456-2404) or The Honorable Hugh W. Brenneman (616-456-2568).



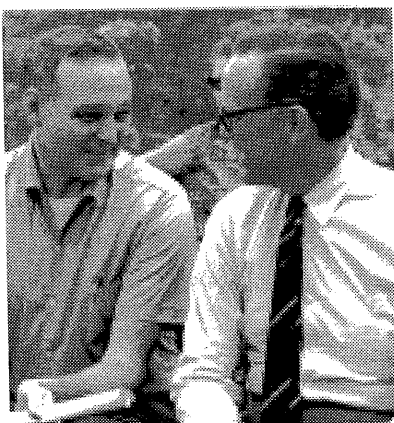
A Personal Reminiscence Of The Honorable Laurence E. Howard, Former Chief Judge Of The United States Bankruptcy Court For The Western District Of Michigan

By Michael V. Maggio

Michael Emrich led me into the office for my interview with Judge Howard in September 1984. As I entered the room, Judge Howard stood up at his desk, extended his hand, and said, "Hi, call me Larry."

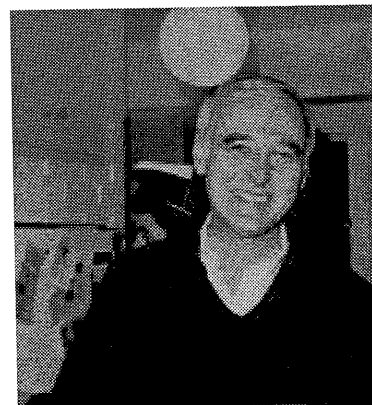
I did not once call him Larry during that meeting; it did not seem to be a good interview technique. In retrospect I can see that his gesture was deeply felt; like anyone, he deserved and insisted upon respect, but more than that Judge Howard wanted to be friends with everyone he met.

A clerkship is equal parts graduate degree program and medieval clerk. A clerk spends at least 40 hours a week working with the judge on the same problems, hearing the same trials, and discussing the merits of all sides, both as a matter of law and as a matter of trial advocacy. That is the graduate



*Candidate Larry Howard and
former Senator Phil Hart*

degree program. But in the routine of the graduate degree in bankruptcy law, you could also see the remnants of a more medieval concept, and that was the best part. At least as Judge Howard (and Judge Nims, for that matter) practiced it, a clerk not only worked with the judge, but shared a large part of his life as well. We traveled together, riding the circuit to Kalamazoo, Traverse City, Marquette and Lansing. We ate breakfast, lunch and dinner together on the long trips. In Grand Rapids, we went to lunch together and went on break together. When you spend that much time with someone you get to know him very well. I was very fortunate to clerk for Judge Howard, as did Jim Robinson, Michael Donovan, Michael Emrich, Judy Walton, Kalyne Brookens, and Dennis Chamberlain. Jim Robinson is still with the Court, Michael Donovan practices bankruptcy law at Varnum in Grand Rapids, Michael practices bankruptcy law with Winston and Strawn in New York, Judy Walton was a Chapter 7 Trustee, Kalyne Brookens was a staff attorney for a Chapter 13 Trustee in Indianapolis and is now in private practice, and Dennis Chamberlain is clerking for the Honorable Jeffery R. Hughes. Judge Howard's legacy to us includes the legal training that he gave to each of these people and the good that they do today in their profession.



As many people know, Judge Howard was an ardent, life long, committed Democrat who ran for the United States House of Representatives against Gerry Ford. Judge Howard knew the campaign was a very long shot from the beginning, but he loved to tell stories about that campaign. For him, running was the right thing to do in and of itself, and the likelihood of winning was irrelevant. Most of the stories he told were self deprecating: the low turn out at some campaign events, the fact that a lot of people did not know him, the voters who took it personally that he was running against "their" Gerry. He told all these stories with a laugh. Judge Howard loved to discuss politics. His opinions were deeply felt but never intolerant. We often discussed President Reagan, whose politics Judge Howard had little use for, but his opinions of Reagan (or President Ford, for that matter) were never personal or unpleasant. In

conversation, when Judge Howard scored a debating point, he expected you to acknowledge it, and if you scored a debating point he was more than happy to acknowledge your point. I know I did not change his mind, nor he mine. The important point was that Judge Howard could discuss his most deeply held beliefs, and disagree with yours, in a quiet, respectful, in fact, humorous way without letting the clash of ideas turn into a clash of personalities.

Judge Howard sat on the bench along with Judge Nims, Judge Gregg and Judge Stevenson. Judge Howard's relations with his colleagues on the bench were always respectful. When I started with Judge Howard, Judge Nims was the "chief" judge, but he refused to even accept that title. When it came time for Judge Howard to become Chief Judge, he also wanted to refuse the distinction until Judge Nims insisted that Judge Howard accept the job and the title. Somehow Judge Nims explained that it was all right for him to refuse to be called Chief Judge, but it wasn't all right for Judge Howard to refuse. It wasn't very convincing, but we all went along. Judge Howard respected Judge Nims' experience and he also felt great personal affection for Judge Nims. When they were the only two Bankruptcy Judges in the Western District of Michigan, they went to great lengths to harmonize their opinions. They respected the right, indeed the duty, of each to disagree in their rulings if there was no way to agree. But if there was any way to agree, they would. Judge Howard felt that they owed this to the bar and the parties, so that people could anticipate results without having to guess which judge they might draw.

Judge Howard had many sensible traditions. One was to take a break every morning and afternoon. If there was some important matter before him, it gave us a chance to discuss the progress of the trial to that point, to consult with Judge Nims, and to discuss the questions he still wanted to have answered. If there were no overly contentious matters before him, we would round up Judge Nims, his clerk, Mar Van Allsburg, Jim Blasczyk, Dave Scalici, and any attorneys who were in court or about, and we would all adjourn to the Federal Courthouse basement for coffee, conversation and jokes. If there were attorneys present, inevitably, the discussion would turn to a general discussion of some point or bankruptcy law. Judge Howard was always careful not to commit himself in any case that might come before him, but he was always free with

guidance as to how an attorney might find an answer to a persistent question, or address a procedural issue. When we traveled, Judge Howard maintained this practice, welcoming attorneys in every city we visited to join him for coffee. I want to stress that Judge Howard welcomed everyone; coffee with him was not a selective exercise but an open invitation to every attorney who wanted to relax, learn and discuss. I often saw attorneys who had lost a case before him or who

did not quite comprehend his ruling come away from coffee with a fuller understanding of the principles behind Judge Howard's decision. In this way Judge Howard not only gave attorneys a chance to learn bankruptcy law by discussing his decisions from earlier in the day, but he also fostered a sense of a bankruptcy community that stretched from Kalamazoo to Marquette and everywhere in between.

The cornerstone of Judge Howard's teaching technique was lunch. At noon precisely we would gather with Judge Nims, his law clerk, and Mark Van Allsburg and off we would go; if it was Tuesday, we went to Lanning's. If we were going

to Traverse City, Marilyn Howard would probably come along, and we would go to Bill Knapp's on Plainfield, so we could leave for Traverse City directly from

"The important point was that Judge Howard could discuss his most deeply held beliefs, and disagree with yours, in a quiet, respectful, in fact, humorous way without letting the clash of ideas turn into a clash of personalities."

lunch. At lunch, Judge Howard and Judge Nims would discuss the cases they were hearing, opinions they were working on, cases and motions they were about to hear. When I came to work for Judge Howard I knew nothing about bankruptcy law. What little I may have learned was not for a lack of effort by my teachers, and most of it was learned over lunch. Those lunchtime conversations did more than teach us clerks points of bankruptcy law and

trial advocacy techniques. More importantly, those lunch time conversations taught us a concept of the law as a collaborative enterprise, an effort by a community of lawyers to educate themselves and each other, and to give everyone a full opportunity to be heard. We learned to challenge and question ideas without questioning or offending the person who expressed the idea. And we learned that the best decisions usually come after listening to everyone and inviting every possible challenge to your own ideas. Again, if I have not always lived up to this ideal of law as a dialogue of lawyers, it was not for lack of effort by Judge Howard in teaching that ideal.

Of course, our meals were not always bankruptcy seminars. In the mid-1980's the Traverse City docket was so heavy that both Judge Howard and Judge Nims would travel up together to split one motion day. On one such trip in December, after a full day of hearings, we all went to dinner at Boone's Long Lake Inn. Judge and Mrs. Howard, Judge and Mrs. Nims, Jim Blasczyk, Dave Scalici, Ms. Gail Beach, Dr. and Mrs. Bychinski, David Kipley, Wally Tuttle and Susan Tuttle, among others were there. That was a fun night of conversation, laughter and high spirits. I wish I could remember some snatches of conversation to make it clearer to you, but I cannot. This is

the sort of event that happened spontaneously in those days, and was a manifestation of the love and respect that Judge Howard and Judge Nims had for all those around them. Judge Howard enjoyed sharing lunch or dinner with friends so much that even after he retired he continued to lunch with Judge Nims and Judge Stevenson, since he saw no reason why his retirement should be impoverished by discontinuing this pleasurable tradition.

The reader might be forgiven, based upon the essay so far, for believing that all we did was take coffee breaks between eating breakfast, lunch and dinner. Although understandable,

I want to stress that Judge Howard welcomed everyone; coffee with him was not a selective exercise but an open invitation to every attorney who wanted to relax, learn and discuss.

that would not be accurate. As I mentioned above, the Traverse City docket was so heavy that sometimes it could go from nine in the morning to five at night, or even later, even with two judges splitting the hearings. Law clerks would go back and forth, summoning lawyers, since the lawyers would have hearings in front of both judges. In Kalamazoo, Court often went until five or six in the afternoon, and if we were done by 3:30 p.m. or 4:00 p.m. we thought we had a lucky break.

Nor was the problem limited to long hours on the bench. The courtrooms were packed with people. The back wall of Judge Howard's courtroom in Grand Rapids was just about where the bar is in Judge Hughes' current courtroom, if that

far. In Kalamazoo, the Bankruptcy Courtroom was a windowless room of about 20 feet by 30 feet in the back of the Post Office and Courthouse, by the loading dock, at the end of a long hallway about three feet wide, which was always packed with people waiting for their hearings. In Traverse City, Judge Howard sat in a series of windowless rooms of about twenty by twenty or less, again often packed with people.

To exacerbate the problem, in those days every debtor had to come to court in person to attend a discharge hearing. The law clerk would call out the names of each debtor and hand the debtors the written discharge of their debts. Judge Howard would then deliver a speech explaining that discharge to the debtors and what it meant for them and their debts. Those who did not attend did not receive a discharge. These hearings would be scheduled after a morning usually consisting of several contested evidentiary hearings on Chapter 13 confirmations and dismissals that presented both legal and factual issues, two or three summary judgment motions upon briefs and argument, and contested relief from stay hearings. After the discharge hearings, we would return to contested relief from stay motions and contested motions in Chapter 11. Even though the level of filings was much lower then than now, the level of litigation was much higher, both in raw numbers of matters litigated and the complexity of the issues. Perhaps this was because the Code was still relatively new, there were not as many controlling precedents, and litigants were testing all the limits.

I have perhaps delved into too much detail, but my purpose was to

demonstrate the context that Judge Howard worked within. Tensions often ran high among the parties; a debtor in Kalamazoo once threatened to throw attorney James VanTine into a metal shredder! Throughout all of this Judge Howard remained calm. Despite our best efforts to preserve decorum, he often worked amid noise, confusion, and anger; all these he regarded as clutter to be gently cleared away so that he and the parties could focus on the issues, before him. Judge Howard's patience was not inexhaustible; however, and sometimes his patience was sorely tested. But looking back, I am amazed at how rare those occasions were. It is even more amazing when I recall that Judge Howard suffered from a touch of hypoglycemia. One of the many jobs a law clerk had was to slip Judge Howard a cookie or snack bar when his blood sugar level fell. Sometimes I was not always as timely with that snack as I should have been. Judge Howard never held it against me for a late delivery or permit that to affect his treatment of the parties or their attorneys. Judge Howard disliked driving in the dark and the snow. But even late on a winter afternoon with snow and his blood sugar levels falling together, Judge Howard treated everyone as if it were a bright summer morning and that he had nothing else to do but to listen to them for as long as they wished to speak.

It is often said that Judge Howard had a partiality for the debtors. Judge Howard himself would not have denied that. But there was more to this partiality than mere sentimentality or partisanship. Judge Howard often said that laypersons did not understand the law nor did they necessarily understand what was

best for them, that their attorneys may not always have had the time to prepare the case adequately, and that the debtors should not suffer for these two problems. Once a farmer was testifying as to the feasibility of his reorganization plan. The debtor's attorney was examining the farmer at the court's blackboard. The attorney asked the debtor how much gross income the farmer would need per year to make the plan feasible. The farmer replied and the attorney put that figure at the top of the blackboard. The attorney then elicited the acreage of the debtor's various cornfields and the average yield per acre of each field, and as the farmer testified to each the attorney put the figures on the board in one long equation. The attorney asked the farmer what he estimated the market price of corn would be the next year; the debtor gave an estimate and the attorney put that estimate on the board at the end of the equation. The attorney then began adding and multiplying the equation, his voice rising in triumph as he wrote and calculated aloud, acres times yield, plus acres times yield, plus acres times yield, all summed together and multiplied by price per bushel, all those bushels of corn and piles of dollars mounting up, and up, and up to . . . fall thousands of dollars short of the gross income needed to make the plan feasible. The bank attorney chuckled aloud. Even Judge Howard had to suppress a laugh. The debtor's attorney was crestfallen, but his dismay lasted only a moment. With a glance at the clock, the debtor's attorney pointed out that it was time for the morning break. Judge Howard agreed and recessed for our coffee break. At the break I was sure the debtor's cause was lost,

but I was premature. By the time we returned from break, the sale price of corn, or at least the debtor's estimate of the sale price of corn, had gone up a whole quarter in less than a quarter of an hour. Once the debtor testified to this new estimate and why his prior estimate was in error, the attorney for the debtor ran his equation again with a much happier result. Judge Howard found the plan feasible and confirmed it. At lunch I was appalled. Judge Howard gave me a gentle lesson in the burden of proof and the limits of a trier of fact. The attorney had not taken the time to talk to his client before the hearing and was doing that equation for the very first time in court. The debtor made a mistake in his estimate, later admitted the mistake and explained it. The bank offered no countervailing evidence. Judge Howard was not going to let a debtor suffer for a mistake and the fact that his attorney had not run the equation before Court.

Another time, a debtor (also a farmer) faced denial of his discharge for conversion of pigs that were subject to a bank lien. The bank witnesses went first, and told a sad tale of how the lien had been given, the number of pigs subject to the lien, their many visits to the pigs, their horror to arrive one day and find the barn empty. Then the auctioneer testified that the farmer had called him one day and asked him to take the pigs off to auction. The farmer never mentioned the lien, and received all the net proceeds of the auction. Finally, the farmer himself was called to the stand. He admitted everything. His cause was lost. The attorneys had no more questions. From the bench Judge Howard asked the one question that the debtor's own attorney had not

the farmer, and recounted the entire conversation where he told the bank he couldn't make it as a pig farmer, that he had mounting bills and that he needed to get out. The bank officer told him to sell the pigs and pay the bills. The entire trial changed at the last moment. The bank officer was recalled to the stand and corroborated the farmer's story.

Needless to say, the debtor's discharge was not denied.

The point of these stories is not that Judge Howard would go to any length to save a debtor. The point is that Judge Howard believed that innocent mistakes are

common, but that true, intentional evil is not. Judge Howard understood that it was his duty to make sure that a debtor did not lose his house or his discharge simply because he or his attorney made an honest mistake, and that it was a bankruptcy judge's duty to make sure that the right questions were asked and answered before he made his decision. When Judge Howard became convinced that a debtor had intentionally acted to cheat and defraud his creditors, no one was more strict with them. An individual debtor with substantiated non-

exempt equity in real estate once filed a petition for reorganization under Chapter 11 of the Bankruptcy Code. Before bankruptcy, the debtor had lost lawsuits with neighbors over ownership of some of this property. The debtor then filed the Chapter 11 petition, and after sixteen months had not yet filed a plan of reorganization. Judge Howard

became convinced that the debtor simply would not file a plan and would not pay his creditors, even though the debtor had surplus land to sell and raise cash to fund such a plan. Judge Howard converted the case to a

liquidation under Chapter 7 of the Bankruptcy Code and authorized the Chapter 7 trustee to sell all of the debtor's land. The debtor challenged this decision and appealed his case twice to the Sixth Circuit Court of Appeals, but without success.

Judge Howard justly took pride in his written opinions, both in crafting them and in the renown many of them achieved. Judge Howard had a playful character, in that he could make even drafting an opinion a fun as well as an intellectual exercise. While I worked for him we had a game of finding

one new vocabulary word to work into each opinion. I think he was happiest with "penultimate" which fit perfectly into one opinion. Judge Howard also took care with the reasoning of his opinions. His opinion in *Anderson Industries, Inc. v. Anderson (In re Anderson Industries, Inc.)*, 55 B.R. 922 (Bankr.W.D.Mich. 1985), holding that a leveraged buyout could be set aside as a fraudulent conveyance was one of the first, if not the first, of its kind and is still cited by other bankruptcy courts as good law. Judge Howard's opinion on the fiduciary duty that members of a creditors committee owe to the unsecured creditors, *Central Transport, Inc. v. Roberto (In re Tucker Freight Lines, Inc.)*, 62 B.R. 213 (Bankr.W.D.Mich. 1986). Judicial citations to this opinion also find their way into published decisions. Judge Howard was perhaps proudest of *In re Green*, 73 B.R. 893 (Bankr.W.D. Mich. 1987), *aff'd* 103 B.R. 852 (W.D.Mich. 1988), in which he held that it did not violate the Establishment Clause of the First Amendment to confirm a Chapter 13 plan which allowed the debtor to tithe to her church and that the Free Exercise Clause of the First Amendment would be violated if the Court denied confirmation of the plan solely on the basis of this tithing. (This is the same resolution that Congress finally settled upon in 11 U.S.C. Section 1325(b)(2)(A) in 1998.) I remember Judge Howard coming down the hall with letters in his hand from ministers and a rabbi thanking Judge Howard for defending

“Judge Howard understood that it was his duty to make sure that a debtor did not lose his house or his discharge simply because he or his attorney made an honest mistake, and that it was a bankruptcy judge's duty to make sure that the right questions were asked and answered before he made his decision.”

our First Amendment rights to freedom of religion, being pleased to have received them.

Judge Howard was Irish and a Double Domer (for the uninitiated, that means he received both his undergraduate and law degrees from The University of Notre Dame); he didn't need to tell people he was a Roman Catholic. But he did not need to for the deeper reason that he lived his faith; he saw himself spreading forgiveness to those who were in debt, which is basically all of us.

Judge Howard said many wise things and many amusing things, and made many accurate observations of human nature. This essay would have been better if I could have sprinkled a bit of his wisdom throughout it. But I never thought I would have to write an essay like this, and so I never wrote his sayings down and now I have lost them. Judge Howard will have to find his Boswell in someone else. But I do remember that, as much as he loved the law and being a judge, he never mistook those things for the most important parts of his life. I do remember how his face would light up and break into a grin when his wife Marilyn called during the day or came to the office. I do remember how Larry and Marilyn could be at opposite sides of a room talking to different people at

Federal Bar Association cocktail parties, separated by numbers of people, and yet once you looked at them you knew they were together no matter how distant the separation, their love for one another was that obvious. I do remember the love and pride in Judge Howard's voice when he would speak of the latest doings of his children Mike, Tim, Tom and Nancy, or of the grandchildren. And I will remember the lessons of his life, to love and care for those around you, for the rest of my life.

About the Author

Michael V. Maggio, B.A., University of Dallas 1980; J.D. University of Notre Dame Law School 1984; served as law clerk to the Honorable Laurence E. Howard, Chief Judge of the United States Bankruptcy Court for the Western District of Michigan from 1984 to 1989, and has served as a trial attorney for the United States Trustee in the Western District of Michigan since 1989. The views expressed in this article are his personal opinions and do not necessarily reflect those of the United States Trustee.

Interview With Former Bankruptcy Judge David E. Nims, Jr.

This interview was conducted on October 14, 1999 and was published in the Federal Bar Association's Bar and Bench newsletter.

INTERVIEWER: How long has it been since you retired from the bench?

JUDGE NIMS: I retired on October 1, 1992. Before that, I was granted special status after Judge Stevenson was appointed to take over my position as Bankruptcy Judge here in the Western District of Michigan. I had applied to be reappointed but was almost 70 years old. Circuit Judge Engel asked me if I would withdraw my application since the Sixth Circuit Court did not want to have a bankruptcy judge whose term would end after age 70.

INTERVIEWER: Could you tell us about your childhood?

JUDGE NIMS: I was born on July 15, 1912 in Grand Rapids. At that time, we lived in an apartment on Richard Terrace in Eastown. My father, whose name was also David E. Nims, was an electrical engineer. His father (my grandfather) was a lawyer who practiced law in Michigan with the firm of Smith, Nims, Hought & Erwin. My mother's name was Elizabeth Henrietta Dietrich. Her father had been a mail carrier and an amateur artist.

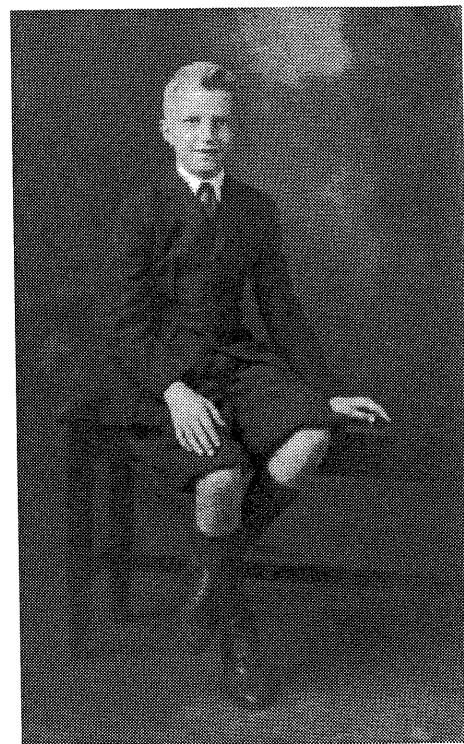
As a child, we moved around the United States quite a bit, because my father specialized in helping to transform plants using direct current to alternating current. From Grand

Rapids, we moved to Kansas City, Missouri, then to Danbury, Connecticut, and then to Poughkeepsie, New York.

My family name, Nims, is of French derivation. My ancestor, Godfrey de Nimes, or "Godfrey of the City of Nimes" in Provence, settled in Deerfield, Massachusetts in the 17th Century. Another ancestor, John Frederick Nims, was a well-known poet who taught at the University of Notre Dame and the University of Chicago. My great grandfather, Dwight Nims, was born in Massachusetts and practiced medicine there and in New York. Later, he moved to Michigan, first settling in Homer and then in Jackson.

INTERVIEWER: When did you move back to Michigan?

JUDGE NIMS: Before returning to Michigan, we first moved from Poughkeepsie to Oklahoma. My father secured a job in the oil business in the town of Ardmore. I attended kindergarten and first grade in Oklahoma City. In second grade, we moved to Eureka Springs, Arkansas. From fourth to seventh grade, we lived in Jennings, Louisiana, which is near New Iberia in Cajun country. We then returned to Muskegon where I graduated from high school in 1929.



INTERVIEWER: Where and when did you attend college and law school?

JUDGE NIMS: After graduating from high school, I attended Muskegon Junior College for two years and then transferred to Wayne State University, then known as "Wayne University", where I received my bachelors degree. In 1933, I was admitted to The University of Michigan Law School, and during my three years there, I lived in The Lawyers Club. While there, I met my wife, Sybil Spencer, who lived just across the street in the Martha Cook Residence. Sybil was the daughter of a high school principal in Jackson. She received her bachelors degree

from the School of Education at The University of Michigan and then was awarded her Master's Degree in Child Psychology from there also.

INTERVIEWER: What did you do after receiving your law degree in 1936?

JUDGE NIMS: I practiced law with a firm from 1936 to 1941, doing primarily trial work. Most of this work involved representing AAA in auto negligence cases. On April 25, 1941, I was called into active service in the Army and, in October of that year, I was stationed in Iceland, which we occupied before the Japanese attack on Pearl Harbor. I tried lawsuits in Iceland for the Army and was quartered in the capital, Reykjavik.

On July 1, 1943, I returned stateside and married Sybil later that year while stationed at Fort Leonard Wood in Missouri. After attending infantry school in Fort Benning, Georgia, I was shipped overseas in 1944 to Porthcall, Wales, which is a coastal resort town close to Cardiff. After D-Day, I was shipped to France, landing in Le Havre. I was in the infantry as we advanced through Belgium and the Netherlands and was involved in the Battle of the Bulge. It was on Christmas Eve and Christmas Day in 1944 that my regiment was involved in heavy fighting with a German Panzer group in Belgium. We lost quite a few men in that engagement. I received a Purple Heart after we crossed the Rhine and advanced into Germany. In a town named Recklenhausen, we entered a home that had a large library. I took my helmet off while looking through the books there and, suddenly, an 88



millimeter shell from a German Tiger tank came through the window and exploded in the room. All I could feel was the tremendous pressure when the shell burst. I didn't hear any noise. Much later, my doctor told me that this explosion had damaged my hearing. I was wounded when shrapnel from the exploding shell hit me in the head.

After V-E Day, I helped to resupply GI's for their transfer to the Pacific Theater. Once Japan surrendered, I was relieved from active duty and shipped back home to the states.

INTERVIEWER: After you were discharged from the Army, what did you do?

JUDGE NIMS: I returned to Kalamazoo after I came back from Europe in October, 1945, and rejoined my old firm, Jackson, Fitzgerald, Dalhm, Nims, Safe & Wheeler. Bob Woodhams, a patent lawyer, was also a partner in the firm before the war but didn't return to the firm after the end of the war. I worked closely with Francis Sage, who taught me much about the practice of law when I returned. I

practiced law with my firm until 1955, when I was appointed as Bankruptcy Judge here in the Western District of Michigan.

INTERVIEWER: Could you describe the circumstances of your appointment to the position of Bankruptcy Judge here in the Western District of Michigan?

JUDGE NIMS: At the time, I was a United States Commissioner in this judicial district. This was an appointed position and, as a Commissioner, I handled criminal matters and not many high profile ones. I had no jurisdiction to conduct a trial, but could handle preliminary hearings in criminal cases. The problem was that, back then, the United States Attorney preferred to use the grand jury system in most of these cases, so I had no role in them. I did have jurisdiction over petty offenses and would dispose of them after conducting a hearing. For example, I presided over some "Peeping Tom" violations that occurred at the Percy Jones VA Hospital in Battle Creek. I also would try traffic violations that took place on the grounds of the Fort Custer Army Base. In this role, I became acquainted with Federal District Judge Raymond W. Starr.

Judge Starr and Judge Kent were the only two federal judges in this district back in 1955. Judge Starr was a Democrat and Judge Kent was a Republican. They had the power to appoint bankruptcy referees, the precursor of bankruptcy judges. Since there were two referees here at the time, Judge Starr would appoint one of them and Judge Kent the other.

In 1955, I received a telephone call from Judge Starr and can still

remember the exact words he used in that conversation. He said, "Dave, this is Judge Starr. Judge Kent is in my office; and we want you to be the referee to serve along with Chester Woolridge. If you have any hesitancy about accepting this position, then don't talk about it with anyone. We don't want a lot of people calling for the job." I told Judge Starr that I wanted to talk about this with my wife, family and law partners. He said, "OK, and when you make your mind up in a couple of days, call me back."

I was very reluctant to accept this position because I had a very thriving practice back then. I had been President of the Kalamazoo Bar Association and was serving on the Board of Education for the Kalamazoo School District. I was really integrated into the community. But, my family really wanted me to take the job and move to Grand Rapids, which surprised me. My law partners tried to convince me to stay. I was the only lawyer in the firm doing trial work and we were handling a large volume of cases for AAA of Michigan.

INTERVIEWER: What were your first reactions to this change in your life?

JUDGE NIMS: Well, I wasn't really keen about it at first. I had my own friends. If I walked down the street in Kalamazoo, I would always run into a few of them. Since my wife had been a school teacher, I was very interested and involved with the Kalamazoo city schools. Also, the job didn't pay that well. I had to take a cut in salary when I became a referee. Judge Starr promised me, however, that within one year, my

salary would be increased to \$10,000. He came through on that promise and, every year after that, I received a raise.

Before 1944, when referees began to be paid a regular salary, they were paid based upon the amount of monies that were brought into each bankruptcy estate. From that sum, you had to pay your staff and the costs of running your courtroom. Before World War II, that was a pretty lucrative job because of the number of bankruptcies but the war brought prosperity and the number of filings decreased. Chester Woolridge at one time had a plush courtroom in the Michigan Trust Building but, by the time I was appointed, we had our courtrooms on the Fourth Floor of the old Federal Building, which is now the Grand Rapids Art Museum.

INTERVIEWER: How were your offices in the old Federal Building?

JUDGE NIMS: Well, the seats in my courtroom were noisy theater seats. But my office had a heavenly view, looking over all of downtown Grand Rapids. There was black paint over my transom and the space was divided between in two; one section for my secretary and one for me. There was no air conditioning and they told me that I couldn't get any installed. It was a good thing that I had been brought up in the South because the summer heat didn't bother me.

INTERVIEWER: When did you move to the new Federal Building?

JUDGE NIMS: I moved there in 1972 to my offices on the Seventh Floor. Judge Benson was the other bankruptcy judge at the time and

he, like me, had an understanding of architecture. So, both of us worked with the architects in designing our offices there.

INTERVIEWER: What did you enjoy most about being a bankruptcy judge?

JUDGE NIMS: I thought that I could do some good as a bankruptcy judge. I remember advising individual Chapter 7 debtors at their discharge hearings. I took these people under my wing. They would listen to you and hopefully not come back, that they learned their lesson. When I first came on the bench, there was little that I could do to help them since creditors could harass debtors after their discharge. In 1973, with the adoption of the Federal Rules of Bankruptcy Procedure, the automatic stay came into being, which gave them additional protection.

INTERVIEWER: What advice would you have for young bankruptcy attorneys?

JUDGE NIMS: I would tell them that, unless they understand the purpose and history of bankruptcy, they won't be able to represent their clients as effectively as they could. They also must advise their clients of all of their rights as a debtor under the Bankruptcy Code. The lawyer has to be a combination of priest, social worker, detective, psychiatrist, and economist as well as being a lawyer. You will need to relieve your client from fears and anxieties as much as possible but also make it clear to the client that there are certain duties that the client must fulfill as a debtor. You also shouldn't oversell the relief bankruptcy affords.

Interview With Retiring Bankruptcy Judge Laurence E. Howard

This interview was conducted on November 18, 1999 and was published in the Federal Bar Association's Bar and Bench newsletter.

INTERVIEWER: Could you described the early years of your life through college?

JUDGE HOWARD: I was born on February 15, 1934, in Ionia, Michigan, of Irish Catholic parents. My father's forbears hailed from Skibbreen in County Cork and my mother's ancestors came to America from Listenglade in what is now Northern Ireland. I attended Sts. Peter and Paul Catholic School in Ionia and was drafted into the U.S. Army during the Korean War. While I was stationed in Chicago, I attended Northwestern University and, after being discharged from the service, I enrolled at the University of Notre Dame. That was in January, 1956. For me to attend Notre Dame was a dream come true, as my parents were Irish Catholic. I graduated from Notre Dame in August, 1958, with a Bachelor of Science Degree in Commerce. I met my wife, Marilyn, while I was in college and married her in 1958.

INTERVIEWER: When did you decide to attend law school and could you describe your experiences there?

JUDGE HOWARD: I enrolled in Notre Dame's Law School after graduating from college in 1958. Back then, there were no elective courses offered, so I took the courses that were required. I realized during law school that I did not want to be a legal

specialist but looked forward to a general practice once I graduated. In 1961, I received my Juris Doctor degree from Notre Dame and began practicing law for a corporation in Detroit named Gar Wood Industries.

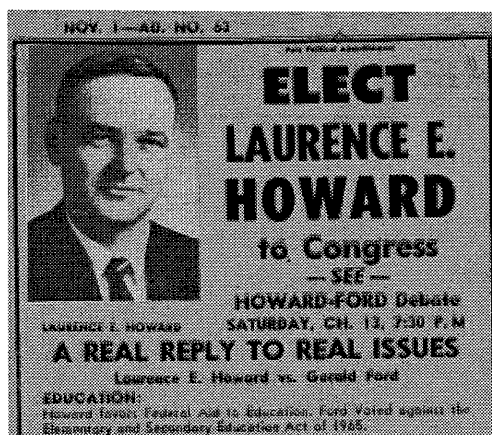
INTERVIEWER: Could you describe your experiences as an attorney?

JUDGE HOWARD: Gar Wood Industries was named after an individual, Gar Wood, who had invented cement mixers mounted on trucks and hydraulic lift garbage trucks. After practicing there for a short time, I joined a small law firm in Royal Oak. In 1964, I left the Detroit area and moved to Grand Rapids, where I accepted a job as an Assistant City Attorney. Back then, an assistant city attorney could practice law in the private sector part-time, which I did. After two years in this post, I left to practice law in the private sector full-time. In August, 1964, I entered into an office-sharing arrangement with Godfrey VanderWerff and Bill Addison. After a

while, Bill Addison and I formed a partnership, where I stayed until 1972. During this time, I practiced probate, commercial law and other areas of general practice.

INTERVIEWER: How and why did you become involved in local Democratic politics?

JUDGE HOWARD: I was always politically inclined. A local attorney, Bob Kleiner, approached me in 1968 and asked if I wanted to run for Congress against Gerald Ford. I agreed and it was the experience of a lifetime. I had five or six debates with Gerry Ford during the campaign and shared the podium in Flint with Democratic presidential nominee, Hubert Humphrey, during one of his campaign appearances. I considered myself a "Robert F. Kennedy Democrat" at the time and believe that he would have taken the Democratic nomination for president had he not been assassinated. I was a delegate to the Democratic National Convention in Chicago that year when the riots broke out between the students and the Chicago police in Grant Park. I remember sitting just behind Roosevelt Grier, the former pro football player, at the Convention held in the Stockyards Convention Hall. As you know, I did not defeat Gerry Ford that year but I ended up with 37.5% of the vote. I continued my involvement in local politics after the election and until 1976, when I was appointed as Bankruptcy Judge.



Interview with Judge Howard

INTERVIEWER: How did it come about that you were so appointed?

JUDGE HOWARD: Back in 1976, the local Federal District Judges appointed the bankruptcy judges for the district. So, Judges Fox and Miles chose me as that person to fill the position. I heard about this opportunity by word of mouth and the entire appointment process lasted only three or four weeks, with an additional six weeks in order to receive FBI clearance. This is in contrast to the present process, that involved at the outset 49 applicants for my seat and a Merit Selection Committee to narrow down the list of names to be submitted to the Sixth Circuit. At the time, the other full-time Bankruptcy Judge in this district was David Nims, who is the finest, most wonderful person I have ever met. Judge Nims still meets me for lunch on Thursday of every week and, even though he is 86 years old, he is still as sharp as a tack. At that time, Marvin Heitman was a part-time judge in Marquette covering bankruptcy cases filed in the Upper Peninsula. His position was eventually phased out after the Bankruptcy Code was enacted.

INTERVIEWER: Do you see any differences between the practice of law under the Bankruptcy Act of 1898, which was repealed in 1978 when the Bankruptcy Code was enacted by Congress?

JUDGE HOWARD: After the Code was passed, bankruptcy filings mushroomed immediately. Under the Act, the highest number of cases filed in a particular year in this

district was approximately 2,500 in 1976. In 1979, the first year after the Code, we saw more than 5,000 cases filed here. Also, the language of the Bankruptcy Act was vague and incomplete. It had been significantly amended only once, which was in 1938. The Code, however, is very well written, complete and integrated.

INTERVIEWER: Can you describe the most interesting cases that you have handled while on the bench?

JUDGE HOWARD: There have been a number of cases that I found interesting over the years. Recently, I had a seven-day nondischargeability trial in the *Campbell* case, which eventually resulted in an adversary proceeding being commenced by a Chapter 7 debtor for violation of the discharge injunction in Section 524 of the Code. Another interesting case was *Green*, where I held that tithing by a Chapter 13 debtor was proper plan expense. I also remember the *Donald Cook* case, where a farmer from Newaygo County won \$6 million in the Michigan Lottery after his Chapter 12 plan was confirmed. He then amended his plan to pay all of his creditors except for one bank that he said had given him a great deal of trouble over the years. I eventually wrote a decision requiring him to pay the bank off. Probably my most-cited decision was my 1980 opinion in *In re Kovich*, which permitted under some circumstances the separate classification of an important unsecured creditor from the other unsecureds. Even though it

was criticized by some legal commentators at the time, Congress eventually amended the Code to permit a Chapter 13 debtor to make these distinctions in plan treatment of unsecured creditors.

INTERVIEWER: Can you describe the most meaningful cases that you have handled?

JUDGE HOWARD: Probably the most meaningful cases that I have handled were the large Chapter 11 cases filed in the 1980s that involved disputes between labor unions and the debtor in possession's management. These included *Interstate Trucking*, *Tucker Freight Lines* and *Diamond Reo*, the last of which was a case that began under the Bankruptcy Act. These were very complicated cases that involved the interplay of labor law and bankruptcy law. Another meaningful case was a recent one called *Golliday*, where I ruled that the Benton Harbor City Commission could not refuse to seat an elected County Commissioner because he had previously filed a bankruptcy petition. This decision was recently affirmed on appeal.

INTERVIEWER: What qualities do you think that a bankruptcy judge must have?

JUDGE HOWARD: I think that a bankruptcy judge must have the following qualities. He or she must be punctual, have compassion, must be a competent lawyer and have a good judicial temperament. A judge must treat all litigants fairly and

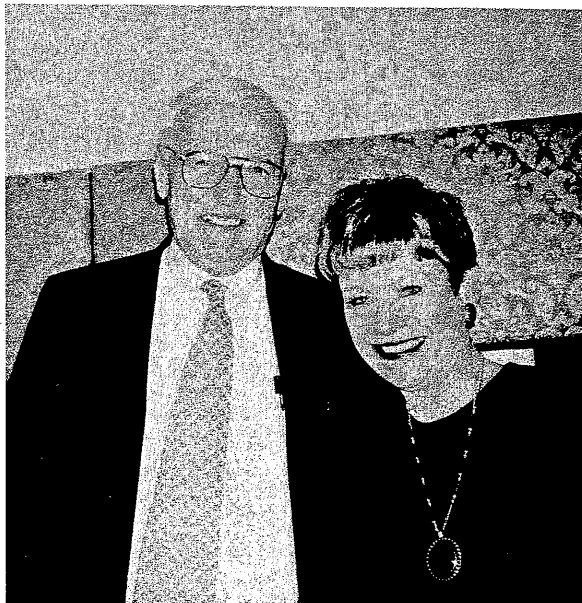
decide cases expeditiously. I am always struck by the sign that Judge Hillman has on his bench, which says "Remember that the person standing in front of you has the same right to be heard as you do."

INTERVIEWER: Do you have any reflections on the bankruptcy bar here in the Western District of Michigan?

JUDGE HOWARD: We have a very good bankruptcy bar here. The lawyers here have consideration for each other, which is not true in many other districts. Having a good bar makes my job as a judge so much easier.

INTERVIEWER: Do you have any advice to young lawyers beginning their practice in the bankruptcy arena?

JUDGE HOWARD: I think that it is important that young lawyers have a mentor to help them out in this complicated area of the law. If you are not a bankruptcy specialist, it is very easy to make a mistake that can be



Judge Howard at his retirement party in 1999.

costly to your client, such as by missing a bar date for filing claims or nondischargeability actions. Putting in place a mentoring program would be a valuable project for the Federal Bar Association.

INTERVIEWER: What is your most important achievement?

JUDGE HOWARD: Both Marilyn and I are very proud of our four children and their accomplishments. Our three sons, Michael, Timothy and Thomas, all attended The University of Notre Dame and graduated from there. Our daughter, Nancy, graduated from Central Michigan University. We now have 16 grandchildren. All of my children have done extremely well.

INTERVIEWER: What are your retirement plans?

JUDGE HOWARD: Marilyn and I have a condominium on the beach in Marco Island, Florida, and we plan to spend six months of every year down there. The other six months we will spend at our home here in Grand Rapids.

Western District Historical Society Off and Running!

In the last few months the Historical Society has begun one of its primary and most exciting missions, to capture and eventually showcase the history of the Western District of Michigan for lawyers and community members through oral histories of judges and lawyers. And what a history it is. The first video interviews with Senior Judge W. Miles and recently retired Judge D. Hillman are near completion. These are not ordinary interviews; they are truly extraordinary. The videos feature a bird's eye view of World War II, the struggles of the citizens of Michigan as depicted in the recollected lawsuits of seasoned litigators, and an inside glimpse of the Court itself—where it was, how it held sessions, why it moved, and who and what made it tick.

The anecdotes, the judgments, the firms that are no more, the character of the people that passed before the bench and bar of the Western District (for better or for worse), this material forms the heart and soul of the oral histories that are now being professionally collected and preserved by the Historical Society. It is an astonishing journey into the richness of our past that will amaze and educate all that are privileged to view this work.

The work is just beginning to take shape under the direction of Court Historian Judge W. Miles. The plan calls for research into the early days of our Court—its judges, its bar, its cases—and the collection and archiving of contemporary and historical memorabilia and documents. Think photos of the interior and exterior of former courthouses, vintage gavels, desks, documents, drawings of infamous defendants, letters, and more. Only the imagination and efforts of its members limit the Historical Society's collection.

The membership will be invited to participate in this diverse and important venture in a number of areas—membership recruitment, fundraising, communication, research, and preservation of artifacts, information, and documents.

The Historical Society is proud to invite you to become one of the first members of this fledgling organization—several levels of membership are offered including the opportunity to be recognized as a Founding Member. Don't delay, join this fun and important effort to discover, uncover, protect and preserve our local legal history. A membership application is available in this edition of *Stereoscope* and applications may also be obtained from the U.S. District Court Clerk's Offices in the Western District of Michigan (Grand Rapids, Kalamazoo, Lansing and Marquette).

Western District Historical Society Questionnaire

(submit with check and application form)

Dear New Member:

Please let us know of your interests and skills and whether you would be willing to share those with the Historical Society. Help us by completing this short questionnaire.

Name _____

Firm name, Employer name, or Organization represented:

Special interests or experience in the field of history, local history or legal history:

Suggestions for programs, projects, or activities for the Historical Society:

Please check all of the following that interest you:

- Writing articles for the Historical Society newsletter
- Layout and/or production of a newsletter
- Annual Meeting (planning and production)
- Oral History Project
- Research in specific legal history areas
- Fund development
- Membership Drive
- Archival Collection and Preservation
- Legal Issues relating to archival and oral history collections (copyright, ownership, etc.)
- Exhibit Preparation
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- Other (Please describe) _____

Western District Historical Society Membership Application

2003 Annual Membership Dues *

Student	\$15
Individual	\$100

2003 Founding Membership Categories **

Pillar	\$300
Patron	\$1000
Grand Patron	\$2500
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- * FBA members receive a 15% discount of the individual annual dues, reducing the amount to \$85. Law firms may not become members under the "Individual" annual dues category. Firms and any other business or corporate entity are eligible for any of the Founding Membership Categories in the year 2003.
- ** 2003 Founding Members will be recognized and honored at the inaugural annual meeting and their contributions will be permanently memorialized in a suitable manner at the future site of the Historical Society collection.

Individual Member's Name _____

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Contact person if different from Founding Member name _____

Address _____

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Please make checks payable to:

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Mail the application, check and completed questionnaire (to the left) to:

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110 Michigan Street, N.W.

Grand Rapids, MI 49503-2313

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