

The Northern District of California Bankruptcy Court Welcomes Two IWIRC Members to the Bench

By Doris A. Kaelin (Berliner Cohen) and Valerie Bantner Peo (Schnader Harrison Segal & Lewis LLP)

Two members of the IWIRC community have been appointed to the bench of the United States Bankruptcy Court for the Northern District of California. The Honorable M. Elaine Hammond was appointed to the Oakland Division in February 2012. The Honorable Hannah Blumenstiel was appointed to the San Francisco Division in February 2013 (her investiture ceremony will be held in San Francisco on June 6). Northern California IWIRC members Doris A. Kaelin and Valerie Bantner Peo recently sat down with each judge to discuss how IWIRC contributed to her professional development. Additionally, the judges share their experiences as new judges and offer advice for women in the practice.

The Importance of Relationships With Other Professional Women

“IWIRC is the only game in town to network with other women.”

-Judge Blumenstiel

The IWIRC mission of fostering the connection, promotion and success of women in the insolvency and restructuring professions resonates for both Judge Blumenstiel and Judge Hammond.

Judge Blumenstiel first discovered IWIRC while she was an insolvency lawyer in Ohio. IWIRC meetings and events were a social outlet as well as a means to connect with women in the practice in a way that no other organization offered. Fellow practitioners candidly discussed work-life balance, life as a woman in a big law firm, and more experienced professionals served as natural mentors to women who were beginning their careers.

Judge Blumenstiel remains in touch with a number of the women whom she met during her early years of practice through the Ohio IWIRC network. Judge Blumenstiel strongly encourages women professionals to reach out to their local IWIRC networks as a way to meet and connect to other women professionals. While noting that other professional organizations are beneficial for different reasons, in her view, “IWIRC is the only game in town to network with other women.”

“IWIRC really bridges the generation gap – the more seasoned members are truly interested in who is coming up.”

-Judge Hammond

Judge Hammond also commended IWIRC for bringing together practitioners from all levels, facilitating relationships between practitioners at various stages in their careers, and building a community. Judge Hammond was particularly impressed by the welcoming attitude and interest that the more experienced members took in the newer members of the group. “IWIRC really bridges the generation gap – the more seasoned members are truly interested in who is coming up.”

Particularly in the Bay Area where the bankruptcy bar is relatively small, Judge Hammond notes that building your reputation amongst other practitioners is critical to gaining credibility. Those relationships are particularly valuable when you find yourself on the opposite side of the table from someone that

you have met through a group like IWIRC. “When you’re trying to negotiate a deal with someone you have an independent relationship with, they know that you’re trustworthy and that helps.”

Life on the Bench

Both newly minted judges are enjoying the experience behind the bench. “Being a judge is great!” says Judge Hammond. Judge Blumenstiel reports enthusiastically that being a bankruptcy judge is “the best job I’ve ever had!”

Both women faced a learning curve upon taking the bench due to the heavily consumer case docket. Both were corporate bankruptcy practitioners prior to taking the bench but welcomed the challenge and have quickly hit their stride. Judges Blumenstiel and Hammond have been particularly impressed with the quality of the consumer bar.

When asked about what it was like taking the bench for the first time, Judge Hammond describes the experience as “exciting, but I was a little nervous.” She quickly came to feel confident in her decision-making from the bench. Judge Blumenstiel reports that she overprepared for her first calendar, taking 4 hours to prepare for 7 relief from stay motions. But she was surprised at how comfortable she was on the bench. Having been a litigator, she is very comfortable “thinking on her feet” and has come to trust her well-informed gut instincts.

“Being a judge is great!”

-Judge Hammond

Being a judge is “the best job I’ve ever had!”

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Judge Blumenstiel has found that one of the most challenging things about being a bankruptcy judge is how fast things come at you, noting, “there are many discrete issues that bankruptcy judges have to be prepared for at any one time.” But she is enjoying the challenges of the position, learning new things and meeting new lawyers.

Judge Hammond has relished the opportunity to mediate cases, and has enjoyed working alongside the other judges of the Northern District. She also appreciates the opportunity to muse over complex legal questions without the outside pressure of knowing that a client is being billed for her time.

Both judges have drawn on their prior experience as law clerks (see *Personal Facts* below) to help them as judges. Judge Blumenstiel was influenced by Judge Caldwell’s efficiency and ability to keep his calendar moving. Judge Blumenstiel has two law clerks (including one law clerk who previously clerked for Judge Caldwell), both with consumer bankruptcy law experience. Her law clerks help prepare her relief from stay and Chapter 13 calendars, and assist with bench memoranda for law and motion matters.

Judge Hammond relies on her law clerk to move cases forward and to keep things organized. She observes, “I have a better appreciation for what a law clerk does now than when I was a law clerk.” Adding, “The bankruptcy court has such a heavy docket, it only works because the law clerks move things forward.”

Advice for Women Interested in Becoming a Bankruptcy Judge

Judge Blumenstiel's advice to women with their eye on the bench is to get to know the local practitioners and look for ways to connect with the Bench. Throughout her years of practice, Judge Blumenstiel was active in local bar associations and she frequently lectured on bankruptcy, receivership and commercial litigation issues.

Both Judges served on the Bench-Bar Liaison Committee for the Northern District of California, with Judge Blumenstiel serving as Co-Chair. Serving on the Committee provided the opportunity to work with both judges and practitioners on improving the practice of bankruptcy in the district. Judge Blumenstiel says serving on the Committee was a "great experience" and she highly recommends it to other practitioners.

Judge Hammond notes the importance of preparing for the interview process. The interview takes place before a panel of Ninth Circuit judges which can be intimidating. Judge Hammond observes: "These judges participate in oral argument every day. They are very good at it."

Applicants also shouldn't be deterred from applying more than once if they aren't appointed the first time. Both Judge Blumenstiel and Judge Hammond applied for more than one open bankruptcy judgeship before being selected.

Tips for Practitioners

Judge Hammond's advice to practitioners is to be prepared, write well, prepare good pleadings, and to understand and be able to articulate the ultimate goal for the client— whether it's a debtor or a creditor — in terms of the resolution of the dispute within the overall case.

Judge Blumenstiel finds a winning brief to be short, to the point and well organized. A winning brief is one without excessive bold type and underlining; one that doesn't shout on paper; and one that does not unnecessarily criticize the opponent. Judge Blumenstiel will often issue a tentative ruling based on the papers submitted so written briefs are important. Judge Blumenstiel finds a winning argument to have the same characteristics as a winning brief: succinct and void of hyperbole and personal attacks.

Personal Facts

Judge Hammond

After college, Judge Hammond worked for a short time at a mortgage bank, and then worked for a small law firm in Charlotte, North Carolina that practiced family law, wills and trusts, personal injury. No one in her family was a lawyer, rather, her interaction with clients and enjoyment of the work led her to apply to law school.

While at the University of North Carolina School of Law, she met her future husband, a Bay Area native and then a student at Duke University School of Law. Following law school, Judge Hammond accepted a clerkship with Judge Jellen in the Northern District of California. (As fate would have it, Judge Hammond

would later fill the seat vacated by Judge Jellen's retirement.) Her two years as a law clerk would prove to be critical in her career. From her time at the law firm in Charlotte she knew that she enjoyed interacting with clients and working on various types of litigation. In the bankruptcy court, she enjoyed the law and motion practice that characterizes each phase of a bankruptcy case. "As a law clerk, you learn the practice of law in a way you just can't learn otherwise." She also learned how to view pleadings from the perspective of the court. "What inflames practitioners is often not quite so provocative to the court."

After her clerkship, Judge Hammond joined Murphy Sheneman Julian & Rogers. That decision would pay dividends because it allowed her to work with Pat Murphy, who taught her to understand the larger picture of what was going on with a case. She would later join the boutique bankruptcy firm Friedman Dumas & Springwater, where she ultimately became a partner.

Judge Hammond is currently reading *My Beloved World* by Sonia Sotomayor - her book club's choice. She just returned from a trip to New Orleans, with plenty of time set aside to check out the local restaurants.

Judge Blumenstiel

From the time she was a teenager, Judge Blumenstiel wanted to become a lawyer. She adds with a smile: "Becoming a lawyer was the hardest thing I could do without having to do math!"

Judge Blumenstiel also knew from her first year of law school that she wanted to be a judge. She recalls that when her small section course instructor asked each student to write on the back of a note card what their goals were, she didn't hesitate in responding that she wanted to become a judge.

Judge Blumenstiel started her insolvency practice while a lawyer in Ohio. Upon graduation from law school, she was hired by the Ohio Attorney General's Office. While her early aspirations were to become an environmental lawyer, she was assigned to the Revenue Recovery Section where she met her first professional mentor who was a bankruptcy lawyer. Judge Blumenstiel liked the challenges and diversity of a bankruptcy practice, and applied for and was accepted for a law clerk position with the Honorable Charles M. Caldwell of the Bankruptcy Court of the Southern District of Ohio (Eastern Division).

Following her clerkship, Judge Blumenstiel accepted a position with Murphy Sheneman Julian & Rogers which subsequently joined with Winston & Strawn LLP. She became a partner at Winston & Strawn LLP in 2008.

Judge Blumenstiel currently serves on the board for Meals on Wheels of San Francisco, Inc. She is currently reading "Angle of Repose" by Wallace Stegner and "Team of Rivals" by Doris Kearns Goodwin. Prior to taking the bench Judge Blumenstiel enjoyed a trip to Europe, visiting Paris and Germany. Her interests include food and wine, running, and cycling.

Joint Message to the Bar

Judge Blumenstiel and Judge Hammond are thankful for the Bar's patience and hard work. All the Northern District of California Bankruptcy Judges are interested in input from practitioners and improving practice in the Northern District, including proposed changes to the local rules. Both Judges invite feedback from practitioners by speaking to the Judges directly at a bar event, through the Judges' Courtroom Deputies, or through a representative on the Bench-Bar Liaison Committee.

Doris A. Kaelin heads the insolvency department at Berliner Cohen. Ms. Kaelin has almost 20 years of experience in the areas of bankruptcy, business reorganization, and debtors' and creditors' rights. In addition to representing debtors and creditors in bankruptcy, she also represents companies in the wind down and dissolution of businesses, and assignees in assignments for the benefit of creditors. Berliner Cohen is one of the largest and oldest law firms in San Jose, California, serving the business and regulatory needs of private business and public agencies. The firm also has offices in Merced and Modesto.

Valerie Bantner Peo counsels clients in the areas of business restructuring, creditors' rights and commercial litigation. Her clients represent a diverse range of industries including manufacturing, automotive, aviation and commercial lending. Schnader Harrison Segal and Lewis is a full-service law firm that provides complex litigation and transactional services to both long established and newly emerging businesses, as well as providing wealth management and personal legal services to individuals. Schnader has offices in San Francisco, New York, Philadelphia, Wilmington, Cherry Hill, Pittsburgh and Washington D.C.

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