

TRANSCRIPT: HON. STEPHANI W. HUMRICKHOUSE

Interviewee: Hon. Stephani W. Humrickhouse, U.S. Bankruptcy Court for the Eastern District of North Carolina

Interviewers: North Carolina Eastern Bankruptcy History Committee (Stephanie J. Butler, Clerk, U.S. Bankruptcy Court, EDNC; Travis Sasser, Attorney; Cindy Oliver, Attorney; and Christine Castelloe, Chief Deputy Clerk, U.S. Bankruptcy Court, EDNC)

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Length: 1 hour, 29 minutes

START OF INTERVIEW

Stephanie J. Butler: We've been kind of going through and asking some of the questions that are on the list. We weren't able to get to all of them with either judge, I don't think, because we kind of end up in other places sometimes that generate different questions, so. But why don't you start off by just telling us about your life before law, where you were born, and your family, and educational background.

Stephani W. Humrickhouse: Sure. I am the first-born child of John DeForest Wilson and Dorothy Mednick Wilson. There are three offspring in our family. I'm the oldest girl. My father is number four out of ten in the largest

Episcopal family in our hometown. And my mother is nine of ten of the largest Jewish family in our little town.

And our little town is called Woodridge, New York. And it had less than 800 people in it in the winter. In the summer it had 25-30,000 people in it. I was a townie in a *Dirty Dancing* movie. I was born in the Catskills and every summer we were inundated, at that time, with thousands of New Yorkers who came to stay in the hotels that were full-service hotels then, just like in *Dirty Dancing*. In fact, *Dirty Dancing* is about a little hamlet near my town which is called Loch Sheldrake. I don't know if you remember the movie, the hotel was the Sheldrake Hotel where Patrick Swayze and Jennifer Grey were practicing to go do that dance, where the little old lady is stealing all of the wallets from? And there was never a more true movie than *Dirty Dancing*. And the rest of you thought it was hokey and couldn't possibly exist? It was my life.

And I worked those hotels, and I was the person who waited for Labor Day, for that tip, that you would get from the men who would only come on weekends because they worked back in the city during the week. And they would hand you that envelope. And you would just pray that it was enough to have put up with their family for the entire summer. And, you know, because the hotel didn't pay you hardly anything. They paid you like a \$1.60 an hour, but out of that they took room, and board, and living, and you ended up making twenty cents an hour. I

never lived at the hotel because I was 16 and my parents wouldn't let me live at the hotel. I drove in every morning; now you got there at five, you set up for breakfast, you cleaned up from breakfast, then you set up for lunch, and then you cleaned up lunch, you had about an hour off to change that little white uniform that had gotten all shmutzy by the time that happened. You went home, you washed it, you put it back on, you got there for dinner and then at ten o'clock you crawled home, and did it all over again the next day, and that was your life. But it was the best paying job when I was growing up; that was kind of what you did to make the most money during the summer.

So, my dad was an engineer with the New York Telephone Company. He never went to college. I was the first person in my family to go to college. My mom was a banker, she also didn't go to college, but they both were very smart, very pro-education even though they didn't have it themselves. We lived on a farm. It used to be a working dairy farm; it was not by the time I came around. But I lived on 166 acres where my entire extended family lived. So across the street was my uncle, down the road was my cousin. There were two reasons for this: One was we all liked being near each other most of the time. But also because all of my relatives who previously owned the property died intestate. So, the property just kept getting left to all of the heirs and nobody could figure out who owned anything. So we would all carve out little one-acre plots that we would call our

own and then there'd be those common lands, you know, the potato field, the strawberry field, the corn field, and everybody owned it and we all tended to it and everybody did their share and you know if there was lumber that had to be cut we'd all figure it out. And then finally later on in life we did get it legally divided, but for my whole lifetime there, that was it.

I went to a tiny school called Fallsburg Central High School, six or seven little hamlets consolidated into one school. We had the highest rate of regent scholarships in the state. It was a fantastic school. It was the most diverse school for that time because we had a lot of Hispanic, African, and European people who came to work the hotels, so their children went to our school. We had Figaroas, Gonzalezes, Martinezes, Akimbos and Wichinskys, that was just part of the diversity, a very middle class if not lower-middle class community.

It was a great place to live, a great place to grow up in. We had a ski area that I basically got to on the chair lift at the end of my street every day after school in the winter. That's how close we were to a ski hill. My aunt owned the ski shop, I worked at the ski shop from the time I was eleven. It was a great way to grow up. I wish my son had had the same; you'd walk down the street and you knew that you couldn't do something wrong because if you did, before you got home, somebody had called your mother and told on you. If you were out late, somebody

would stop and say “let me drive you home.” You rode your bike everywhere, I mean your bike was your means of transportation.

We had parades in the middle of the town where you decorated your bikes by putting streamers through your wheels; we had battles of the bands in the town square. It was real Americana. We had the baseball field; everyone went down there. Every Friday night there was a baseball game. We had fireworks on the Fourth of July. They flooded the middle of the town in the winter and we had a nice ice-skating rink. So we all skated in the middle of the town. I had a “charge account” at every establishment. If I wanted to get a hamburger, I just walked into the restaurant and ordered one. I got yelled at for having too many hamburgers by my mom at the end of the month. But you would have the ability to go in, if you wanted to go to the Rittner’s to get a can of soup, you went. If you wanted to go to Sol’s Luncheonette to get a hamburger, you went and everybody knew your parents were going to make good on it. And that’s kind of the way we all lived.

We had three drugstores—800 people. Three drugstores and two butchers and they were all best friends. One had a soda fountain, the other one didn’t. But they all were able to get along. In fact as they got older, they started to all join together so that the two meat markets became one, with the same people. All three of the drugstores all got together and the older people who were the pharmacists all

worked together. It was, you know, every event in your life was celebrated by the whole town. It was great.

Cindy Oliver: Did you know your entire childhood you would go to college?

SWH: Yes. That was, well not only was it instilled, my parents thought it was important. But I always did very well in school so I knew that that was in my future.

Cindy Oliver: And where'd you go?

SWH: I went to Cornell University. I went to the Industrial and Labor Relations School at Cornell. Cornell had five statutory colleges that were part of the SUNY system in New York, which is state-run. And so I got to go to Cornell University and get a Cornell degree and pay a state school tuition. I had to take a certain curriculum but I had enough extra credits outside that curriculum so I took whatever I wanted in the liberal arts school. I did Cornell in three years because I didn't have enough money to go for four years, so I didn't have a real good social life at Cornell. I took 25 credits a semester and graduated in three years. That's why I'm a year ahead in law school. And then I went to Carolina Law School.

Travis Sasser: What prompted you to go to UNC law school?

SWH: The guidance counselor at Cornell. You know when you went in, in those days, you actually had a guidance counselor who asked you "what do you

want to do with your life,” you know, while you were in college. I don’t think they even have that anymore. And I remember walking into the ILR guidance counselor and she asked me what I wanted to do. And in those days ILR, Industrial and Labor Relations, was a real pathway to law school. It was kind of, you know like being a political science major was in some schools. And so, she helped me. I always liked the South. That’s the part you don’t know. My father’s father was from Georgia. So all our lives, every Easter vacation, we took the trek down 301, 95, and stayed in Rocky Mount. That was our first day’s stop, and then drove to a place called Luthersville which was in Meriwether County in Georgia. And so I had these Southern roots, and so I had this, I think, nostalgic view, that I was going to go to school in the South. But I did apply to Colorado schools, I think that was because I had a boyfriend who liked Colorado, but that wasn’t a real option. And the guidance counselor told me that I should apply to Duke and Carolina, but did say that Carolina was the best value for the money. Because remember when I went there, out-of-state tuition was \$1,100 a semester. So it was, you know, even out of state a great deal; everybody in-state was paying \$175 and I was paying \$1,100. So it was great. I paid less out of state for law school than I paid in-state SUNY tuition at Cornell undergrad.

Travis Sasser: At what point did you decide you wanted to go to law school?

SWH: Probably when I started work. I had an uncle who was a lawyer, in a little town called Liberty, NY, which is, you know, eight miles away from my town. A lot of little towns. And he had a law office, and I used to work there. My first job was updating the statute books with the revisions and stuff and I did that, every summer and I got paid for it. So he would pay me to do that. And then I started looking up things and researching things and helping him put together files and it almost fell into place naturally. It wasn't something that I ever gave a second thought to. I don't think I would have done well at anything else. I don't see myself as anything but a lawyer.

Travis Sasser: Did you take bankruptcy at UNC?

SWH: Yes, I did. I had the distinction of taking bankruptcy the first course possible after the Bankruptcy Act became the Bankruptcy Code. So I took it in 1978. And I had Tom Anderson, who used to be practitioner in front of us and who was with Womble, as my professor. Bless his angel heart. He had two strikes against him. I believe it was his first time being a professor; great guy, wonderful man. But he was dealing with a statute that had just been passed. So all the caselaw was under section 60 of the Act, which covered all the preferences and avoidances and all that sort of stuff. So, we really weren't looking at the new Code, we were looking at the Act and how it was different than the new Code. So I did take it but not at a good time; that wouldn't have been the best time to take that.

But I did take secured transactions and UCC law with Gordon Brown. And so much of that, I found, was a good basis for bankruptcy law. And I didn't get into bankruptcy until I was, in 1984 I believe, with Hunton & Williams, I was an associate, and the main office of Hunton & Williams was in Richmond. And they opened a Raleigh office, and they needed somebody with a North Carolina license to pretty much accompany Ben Ackerly, who was a great lawyer with Hunton & Williams in their Richmond office, bankruptcy, to court because he wasn't licensed to practice in North Carolina. So I used to second seat him in court with Judge Moore.

We started getting involved in the Whaler Inn case (my first bankruptcy case) and it was a timeshare; it was the first bankruptcy of a timeshare on the east coast. And Algernon Butler was the trustee. And he did a bang-up job. It was a case where the closing attorneys down in Morehead City, the Whaler Inn was on Atlantic Beach, had failed to clear the existing United Virginia Bank liens when time share units were sold. I believe that was the bank. Every time they closed on a timeshare they didn't get a release of the main bank lien. So here you had the bank who still had a lien on this building in front of all these time share owners. It was about five stories, you know a substantial building, and all these people had put their life savings into this \$2,000 investment for a week at the beach and the main mortgage was going to be foreclosed and wipe them all out.

And so during this time period I got married, became pregnant. So I was nine months pregnant when the foreclosure hearing in Carteret County was to be held and I'm representing the big bad bank. You probably don't believe that, do you? But I represented banks. And I remember I was wearing a big maternity dress; my mother decided to come down to watch the hearing. And they had to have sheriffs from Carteret County escort me in and out because these people were irate. It was their life savings, I mean, everything. And thank God they filed bankruptcy on the eve of the foreclosure. So we were then before Judge Moore, it was a Chapter 11, he appointed Al Butler as a Chapter 11 trustee. And I can tell you that in one year, he turned it around. He got things settled, he did just a bang-up job. But his fees were \$300,000 which in 1984 for a year was sky-high, just unbelievable. So I was sent in, to object to his fees. It's December of 1986. I am more than nine months pregnant because John was overdue. And I am in the courtroom in the old Nash Street, the old post office building down in Wilson, not . . . I think it was on Nash Street.

Christine Castelloe: The one that's Imagination Station now. It's a museum.

SWH: Yeah. It was a beautiful old courthouse, where Judge Moore had his little side chambers where he could open the window and smoke, right out there. But I objected and Judge Moore did reduce Al's fees which didn't make Al happy but Al was very professional about it. But little did I know that he had promised Patsy Ducharme that if he got all of his fees, he would buy her a car. He didn't buy her a

car because he didn't get all his fees. The woman hated me for 20 years and I never knew why (laughter). And she finally told me what had happened. And so then I understood; and I said I would have gladly had her get her car, I mean you know I was just there doing a job. But that was a great case, that was great Judge Moore, I have lots of Judge Moore stories but that you know, whatever, when you get to that. But what were we answering when I said that? I digress. I think the story was why did you want to become a bankruptcy lawyer, I don't know.

Cindy Oliver: So from law school did you go directly to Hunton & Williams?

SWH: No. From law school I went to a small firm that was called Joyner and Howison and its office was in the Equitable Building right over there on the eighth floor. And I had, remember that I am a girl, hard to forget. I'm a Yankee. And it is an eight-person, all-male firm. And I go for my interview in a little conference room that's also the library that has no windows. And Mr. Howison, who many of you may not know but he was an icon of, I mean just, just unbelievably well known, unbelievable lawyer. And he was doing the interview and he chain smoked. And he could smoke a cigarette so that the ash just stayed in place and got longer and all you could focus on was waiting for it to fall.

And in his interview, he said, "Stephani, how can I be sure that if we give you this job that you will not be married and pregnant in two months or in opposite direction, pregnant and then married?" And, now you would just, I'd have such a

lawsuit that it would be unbelievable, right? I mean I was shaking and I said because I don't intend to get married, I'm not even dating anybody, I mean I don't intend to and this is my job and I'm a professional about it, and they hired me.

So they hired me in October of my third year, unheard of now. But that's what they used to do. In November they merged with Hunton & Williams in Richmond. And I got a call; I was home for Thanksgiving of my third year, it was Thanksgiving break and Ed Finley, Ed Finley, he is now at the utilities commission, was with Hunton & Williams, Joyner and Howison at the time, said I have good news and bad news. The bad news is we've merged which means that if you don't want to be part of a big firm you can get out of your commitment. The good news is that your \$18,000 salary is now \$32,000 because that's where they are starting. And I said, that's a no-brainer. So that's how I got with Hunton & Williams. So, yes I started with Hunton & Williams, but I actually signed on with Joyner and Howison and they merged before I started working.

Travis Sasser: You always intended to stay once you had gone to Chapel Hill to law school, you always intended to stay in the Raleigh-Durham area?

SWH: No, you know I read that as one of my questions, and I thought about that and I don't know. I remember I loved being in North Carolina. And I remember when my father and mother drove me down to my first apartment for Chapel Hill I lived on, right on 15-501 off of Garrett Rd. And they drove with a little U-Haul

behind. And they dropped me off and they turned around and they drove back and I remember being just, I mean I didn't know a soul. I had never even visited the school. In those days you didn't visit the campus, it was too expensive. You just read about it and hoped for the best. I got my apartment through the Apartment Finder you know that they mailed to me, that I then had to mail them stuff in those days. So when my parents were ready to drive off back to New York, my father looked at me and he said, "you are never going to want to leave this place." And he was right, as he was about many things. But I fell in love with it. I had great friends that I met in law school; they're still some of my best friends. And my hometown by that time was really becoming depressed. People stopped coming to the Catskills and began to travel to Europe for the same amount of money so the economy dried up. So I had no desire to go back there. I didn't want to be a New York law firm person, so that wasn't an option. So I guess I did intend to stay but I don't recall making that actual affirmative decision.

Travis Sasser: So after you went to Hunton & Williams and you got involved in the Whaler Inn case, and then how did your bankruptcy career progress after that?

SWH: I became the bankruptcy lawyer in Raleigh at that point. I mean they only had one of us and so I became the bankruptcy lawyer. And it was really good because, in times of turmoil in a firm, you had a niche. And they really couldn't get rid of you no matter what you did because you were the only one that knew that area

of the law. At that point in time I did all the bankruptcy stuff, appeared before Judge Moore. At that point it was, until 198-, when did Judge Small come on the bench? '84?

Christine Castelloe: '83.

SWH: '83?

Christine Castelloe: or '82.

SWH: I did most of my work in front of Judge Moore. I guess I appeared before Judge Small early on but I don't have that real memory of Judge Small early on. I remember, mainly because the big case was the Whaler Inn and it was in front of Judge Moore, that I was in Wilson all the time. Having breakfast at the Heart of Wilson Hotel, where all business got done. And, before, you just met in there before court, everybody was there, and then you went on down the street to court. It was about, I guess the Heart of Wilson was on one street, maybe it was on Green and this and that, whatever, the parallel street. One of those old hotels where all the entrances were on the outside, you know, one of those old, Heart of, something, Heart of; every Southern town has one. But it had the best breakfast. And so we would meet there. I mean you know there will be Jimmy Carter and Buzzy Stubbs, and Larkin Pahl, and Greg Crampton, and you know, because everybody had court the same day; you know, we were all there. And you would eat breakfast there. I had to stay there sometimes because I'd have multiple days in court so I'd stay in the . . .

Stephanie Butler: You wouldn't stay there now.

SWH: Yeah. Well, and here's an aside, just stop me if I get too digressive. But you know I worked with Ben Ackerly and I mean he is the epitome of a Southern gentleman. And we had, we were in the middle of a trial so we both had to stay at the Heart of Wilson. And we were working on a brief. So the Heart of Wilson had your standard room; two queen-size or double beds, a little round table with two chairs around it, a door to outside. So it's wintertime. I am there. We have to work on a brief; we have to prepare. Well he is not, as a Southern gentleman, going to be in a room with me that has two beds without our spouses, with the door closed. So he had the door open. (laughter) I thought I was going to die. I finally said, Ben, if I call Scott, and you call Lucille, and they give us permission, can we close the door? And he said yes and that's what we did.

And that's, one of the questions you provided me with: What was it like, being the only female? There were those things I loved, were wonderful. Like when you walked into a room, I mean you know there were many times I was the only female. I mean, until Terri Gardner came, I was the only female in the practice. I would walk into the room and every male would stand up. And they would all sit in their coats until someone would say, is it all right with you if I remove my coat? I remember, being a Yankee, going what the heck are you asking me for, you know? They were just wonderful. I don't think they were ever demeaning, but they were deferential in

a very courteous and lovely way. I didn't feel badly about it at all; I thought it was a real bene...you know it was an advantage and I was never ever treated badly because I was a female or thought of being less worthy of anything, in the bankruptcy bar.

I was at Hunton & Williams, now that's a different thing. If we're talking about our bankruptcy bar, never had a problem; I mean Larkin Pahl, Buzzy Stubbs, Al Butler, they were all perfect and wonderful gentlemen, as they still are. But I remember at Hunton & Williams I had been working there for probably five years. And David Dreifus, who is the lawyer at Poyner & Spruill still; we started at the same time, took the bar at the same time, were both in the civil litigation practice, which was where bankruptcy was at Hunton & Williams, and I remember us going to lunch and we had just gotten a pay raise. And I remember saying to David Dreifus, isn't it great David? We're finally grossing \$1,000 a week. And he sat back and said I've been doing that for three years. So I marched myself into the managing partners and they said, his wife doesn't work. Your husband does. So we paid you accordingly. And little did they know, the same thing was happening at my husband's office. When he would come in for a raise, they'd say your wife works; you don't need as much as, so both of us were being underpaid because we happened to have spouses that worked. And I finally got that dealt with, with Hunton & Williams. They pretty much told me that if I would accept being paid the right

amount going forward and not ask for the thousands of dollars I had been underpaid, that I could still have my job (laughter). So, I said okay. I do want to say that I am indebted to Hunton and Williams for the wonderful legal education and experience it gave to me.

Travis Sasser: When you think back to being in front of Judge Moore, what are some of your recollections of what he was like as a judge?

SWH: Oh, he was great. A bit paternalistic. And I think because I was female, he was even more so. He took care of his lawyers. My favorite memory about Judge Moore is that if you were getting peppered with questions and put on guard by him you were winning. Because he didn't want any of the clients in the room to think that you didn't do a good job, or that the other, the losing side thought that he was biased against them. So if you were getting put on the spot you were probably winning. And he would always say, if you lost, he would always say at the end, at the time I was Miss Wilson, "I hope your client knows that you did a fine job here today and this was a hard question and there is not another thing that I thought you could have done differently." So you know, you were able to face your client and feel like they could not be disappointed in you personally. He always took care of his lawyers really well.

And of course we had, just like we do today, we had a bar that was very collegial. And nobody tried to make you look bad in front of your client; I mean that

was a real no-no. You just didn't do that; you just argued the law and you didn't, it was very not personal. I remember that. It was so long ago that nobody in this room may remember it, that Section 362 changed to add Section 362(e), which provided that if the judge didn't act within 30 days upon a stay motion that the stay would be released. That wasn't always part of the statute. And I hadn't thought about it. I was representing John Deere, and I had moved for relief from stay, again, a creditor; and he did not want to rule. He wanted us to work it out, so he said, "Miss Wilson, will you consent to the stay staying in place until the next setting?" And I went, "Oh I don't think I can do that, Judge." And he had that half a finger (laughter) and he beckoned me to the bench with it. He said, "come on up here," and he said to me as I leaned over the bench, "honey, if you don't consent I'm going to deny your motion. So get back there and consent. (laughter)." And I did, you know. I mean he called me honey, or sweetheart. He wanted to make sure he protected me from a legal mis-step.

He really, he died way too young and before we were ready. Not that that couldn't be said about most people but you know it took us all by surprise because he went away on a vacation to Canada and came back with a cold, and died, really, all within, I mean it was kind of like a whirl. But he was a great judge. Just think of the things that he accomplished. I think, very importantly, he kept us out of the U.S. trustee system. I think he was so important to Chapter 12, with Judge Small. And he

carried such respectability to Congress. He was Mickey Moore, and they listened to him. As did everyone else. I mean you didn't want to, you didn't ever, want to appear before either Judge Moore or Judge Small without being prepared. I wouldn't have let them down by not being prepared for anything in the world because it was letting *them* down. And I had such respect for them that I wouldn't do that. I would be honored to get that same respect. Unfortunately we don't really have that right now, to a large degree. Most people are prepared but there are quite a few lawyers who would have astounded Judges Moore and Small with their lack of preparedness. You know, I wouldn't have done it. I would have died before I wouldn't have been prepared. I stayed up nights, all night long before I walked into court. Not just me, everyone did. It wasn't just the way I did it, but they commanded, both Judge Small and Judge Moore, such respect that you just didn't want to let them down, which I think is a such a great thing. I really thought the world of him. He protected me, and helped me, and mentored me, and taught me a lot.

Cindy Oliver: So how long were you at Hunton & Williams?

SWH: I was at Hunton & Williams from May 1980, because I started during the summer before I took the bar, until December 31 of 1988.

Cindy Oliver: And then where'd you go?

SWH: I took a job with Moore & Van Allen to head up their bankruptcy team, I went one floor upstairs in the building. And I was with Moore & Van Allen, from

January 15—I took two weeks off—1989, through July 1 of 1990. I was only there a year and a half. And then I went to Nicholls & Crampton from July 1 of 1990 till January 5 of 2010.

Cindy Oliver: Is that when you switched to debtor work?

SWH: I did some debtor work with Moore & Van Allen but not very much. And yes that's when I would have done debtor work with Nicholls & Crampton.

Travis Sasser: That was the question I was going to ask.

SWH: But you know what, when you say that, I didn't do only debtor work because I remember the case that really was, the case that made me want to work with Greg Crampton was PRC, which was a retirement home in Tarboro, I believe.

Christine Castelloe: The precursor to the Albemarle.

SWH: Yes, the Albemarle, the old Albemarle. Actually it may have been called the Albemarle but was owned by, the corporation was PRC. And we represented secured creditors in that case. We both represented secured creditors in the Rose's case. So we didn't only represent debtors, I mean I think we were known as Chapter 11 debtors' counsel most often, but we did a lot of creditor work. I did a lot of Chapter 13 creditor work. Appeared in Chapter 7s, representing creditors, and we represented Gold Kist and the other supplier, Southern States Cooperative, in a big case where we were representing two big creditors in a farm case. (I wish I could

remember the name of that case.) But Greg Crampton represented Gold Kist, I represented Southern States, but they were both suppliers of farm product. And we had to work together, and that's when I really got to know Greg Crampton and then he asked me to work with him. So that's what happened, it was during that case. So, it was during a creditor representation that I actually decided to go to Nicholls & Crampton.

Travis Sasser: So at that point you're at Nicholls & Crampton, and representing both some creditors as well as,

SWH: And a lot of debtors.

Travis Sasser: And all chapters, and debtors, and what are some of your memories in relation to your time at Nicholls & Crampton especially during the nineties and I guess appearing before Judge Leonard and Judge Small?

SWH: I think that being a debtors' counsel is probably one of the most humbling experiences, and I did a lot of that. You learned how to grovel, but I also think you learn how to be really creative. I happen to think that debtors' counsel are more creative than, by necessity, creditor lawyers. And because of that, I got to see, I happen to think that Greg Crampton is a master at Chapter 11, so I got to learn from him. Because I didn't do Chapter 11 plans before then. Those were the days where the entire office folded mailings, and we used to have contests about how many we could do because we had to then take them to the loading dock at New Bern Avenue

to get there by midnight. Because when we signed that certificate of service it meant that we had deposited it at a depository for mail. And we took that, and I would fold mine one by one because I thought that that was the best way. Greg would take a bunch of them and fold them together and the ones on the outside never fit in the envelope because they were too big. And so we would argue about that, with Phyllis Hill, our paralegal. We would all be sitting on the floor. You know it was such a, it was fun. It was three in the morning, sometimes, or you know, 11:30 at night. We worked all the time. Because we had to be prepared and there was a lot of traditional reorganizations going on at that time. It wasn't let's liquidate, let's sell everything, let's do a sale free and clear of liens. It was, let's restructure that loan, and I remember Harbor Point was one of my favorite cases. And Harbor Point was a case where Greg and I had to win on five issues before we could get to cramdown. So in essence it meant that before we could prove that we had one impaired accepting class we had to win on five issues. And one of the issues was self-made. I had this great paralegal named Francine Wuensch. And she thought that she was doing me a favor when I asked her to go an apartment complex and get people to ballot because they weren't balloting. So she went in her little short shorts, and her tank top and knocked on doors and got people to vote yes for their class. What she didn't tell me was that she had pre-marked the ballot so that it would make it easier for everybody, right? If I put the X there, and say please accept, and they see it, what could be wrong?

And darn if Greg Stein out of Atlanta didn't find out about that and of course moved to designate the ballots so I had her go the next day with blank ballots and redo them. So, even though he was right to have those designated, I had my class by the confirmation hearing, and when we finally got to cramdown it was before Judge Small. And that to me, that case was a law school test. I mean you could have put that factual situation down and have it be given as a law school test. Everything you may want to know about Chapter 11 was in that case. And I thought that was fun. Kind of sad, right, but we had a ball doing that kind of stuff and getting ready for a hearing. And we had hearings then. And what we didn't have, kind of sounding nostalgic and old fogey, was a lot of discovery. We didn't do a lot of discovery. You prepared your case, the other side prepared their case, maybe a deposition or two, and you had to be able to respond to what happened in court. It wasn't, oh I didn't know about that; can we take a recess? Or can we get a continuance? It was, it's confirmation day. You've got the burden of proof. You've got to show that you can confirm the plan and they get to ask you whatever they want or, and if they didn't ask the right questions, tough. This was the day.

It's kind of like you hear me sometimes say, today's the hearing. This is why we're here. Don't, you know, not I didn't know we were going to do this today. It's confirmation. All of these are confirmation issues. That's what I remember. That we just litigated stuff. We tried it, we put our witnesses on, we had evidentiary

questions. They were ruled on. We went forward. We appealed if we didn't like the decision, we moved to reconsider, and we just went on. It wasn't a lot of continuances and whining. No whining. No whining in bankruptcy court then, you know? (laughter) Who would whine in front of Judge Small or Judge Moore? Not me. You know, you just, it didn't happen. So in front of Judge Small, I mean then most of my cases were in front of Judge Small, Judge Moore had passed at that point. Judge Leonard was here and so I had cases in front of both but then I think it was more Judge Small that I appeared before, I loved it. He had a very different style than Judge Moore.

Cindy Oliver: How did appearing before Judge Small and Judge Leonard impact your practice, the way you practice, your style of practice?

SWH: You know, I think you have to add Judge Moore in there, because they had three very distinctive ways of doing things. Judge Moore was very folksy. Judge Moore, if he saw you in a restaurant, would come over, sit down, put his arms around your kid and say, "your mama's a good lawyer." Judge Small, who I adored, you'd be lucky if you got a hello from Judge Small because he was so sensitive that someone might think that he was showing you some favoritism. He really took that very seriously. And Judge Leonard was basically, you can buy me a drink because I'm not throwing a case for the price of a drink, you know, that was him. And not that he would ever do anything wrong or unethical, but he never was as stringent.

So you had these three very different personalities. And Judge Moore was very old school. So, when it finally came down to Judge Leonard and Judge Small, Judge Small was very quiet during a hearing. He had a pencil on a yellow pad which I never understood because I couldn't read it if I used a pencil on a yellow pad, but he did. And he was constantly, he may have been making believe, but it looked like he was constantly writing, constantly. And I found out later that he would have one sheet here where he was basically writing the order at the same time, which is something I do sometimes now, when I know that there are some things that I need to put in the order. I learned that from Judge Small. But he was constantly thinking and listening and it was you know the double BUT, you've heard it from Billy Brewer you know when he was finally giving his order and you'd think you'd won, and then you didn't, and then you'd think you'd won again, and then, BUT; which is his way of saying you know, *ta da da da, but da da da*. And you just had to wait until the end of it to know if you'd won.

Judge Leonard was, you never, you know both of them are brilliant but in different ways. Judge Leonard would say something that, you know, you could have prepared for five weeks. And he would say what about Rule 8? And you're *da da da*, and you go, I didn't even think about Rule 8. That was kind of what I saw the difference. They were both brilliant but in very different ways and I think I'm more like Judge Leonard in the way that I sit on the bench because he was very interactive.

Judge Small wasn't. It didn't make him a better or worse judge; it was just his style. And I often thought that that was the style that I would use, and I remember the first month that I was on the bench I would look at his picture and think I am going to be like Judge Small because I thought it was so professional and it was so judicial. And after a month I said, that ain't you. I mean it just didn't fit me. It wasn't, because the advocate in me, I would look at that chair, and there would be times when I'd go, please let me get up and sit in that chair because I can make this argument. Making that transition from being an advocate to a judge was very difficult. It really is. It still is difficult because I want all the arguments to come out and sometimes they don't and it bothers me.

Whereas Judge Small would have just written it down, issued his order, and gone on, Judge Leonard would have said something about it, maybe after he closed the evidence but he would still have said something about it. That's mainly the difference, I think. They were both great to appear before. You got a fair shake in front of both of them. I always walked out of there thinking, "ruled against me, but I see why." Judge Doub too. The few times that I was in front of Judge Doub, I always felt like he went out of his way to be fair. And Judge Doub and I had a completely different relationship. I mean, you know, we were in law school together. We were in small session together. I visited his home during law school. I went to parties with him, so we had, that was a whole different dynamic. It was very, so

different. And age difference also. I mean even Judge Leonard is older than me but Judge Doub and I were the same age. He was a year older, but we were both in law school at the same time. And he was just a lot of fun and a good friend so that dynamic was very different.

I really didn't appear before Judge Doub but I think two times. And one time that I did appear before him, there was a very memorable incident. We made a representation, Greg and I in a case, I learned a real good lesson, that we found out on the sidewalk outside the courthouse was untrue. The client told us that he had received funding and showed us an email from the funding source and he had made it up. So when we got in the car, we called the funding source and they said no way and so we immediately, I mean on the way home I called Margie Lynch, the Bankruptcy Administrator to say we were withdrawing. We've got to go call the court, I mean we were not, you've never seen two people drive from Wilson like that. I don't know how we got to Raleigh. Just couldn't breathe. The thought that I had made a representation to Judge Doub that was absolutely baseless. We didn't know it at the time of course, and how do you fix it and what do you do, what are your obligations, we're trying to figure out if we have to tell our client that we're doing it before we do it, I mean you know, that's the kind of stuff. But that's my one big Judge Doub event. And I really only appeared before him I think twice. But it was still important to me no matter what my relationship was with him that he knew

we did not know we were making a false statement to him and that we never would have stood up in his court and said that if we did.

Travis Sasser: Does it frustrate you that our district doesn't elect to keep cases that should properly be here?

SWH: The reason that it does frustrate me is that I think we have really sophisticated lawyers who can handle big cases and I think that there is this thought that if you're not in New York or Delaware that you can't have a big case. And so it bothers me because "my people," as Al Roker would say, don't get the chance to do the big cases. I think we're more than qualified to do them. And yes it does bother me that we lose some of those cases. I think we lose them because of our rates. We lose them because we don't, or at least I don't, and I don't think the other two judges do either, agree with certain first day motions. I don't think that pre-petition claims should be paid prior to plan confirmation. I think that's kind of judge-made law about a necessity doctrine, I don't know where it exists in the Code. So I have a problem with that and I can understand why someone who wants to pay a bunch of pre-petition vendors under a necessity doctrine without any proof wouldn't want to file in front of me. So, stuff like that. But I think we're, I really, I think our bar is extremely sophisticated, in large part.

Travis Sasser: Do you think our not being part of the U.S. trustee program, do you think that kind of spooks people, the novelty of it?

SWH: No, not at all. I have never, ever, had anyone say anything good about the U.S. trustee system in front of me. I've never had anyone, even when I sit with a bunch of lawyers and judges. They uniformly dislike the U.S. trustee system, and wish that they could have a BA system. And you know you and I may differ about this Travis but I love our BA system. And I don't think it has anything to do with personalities, I think at some time we'll have a different BA and I will be just as happy with the fact that we have a BA rather than a U.S. trustee. I think that there's a built-in conflict with the U.S. trustee. I have so many tax cases so I'm going to have a U.S. attorney representing the taxing authority, and then have a U.S. trustee on the other side supposedly representing the estate. I guess they can have a Chinese wall but no one else can? I could go on and on about that; that's not really the subject of this interview but in short answer, I have never wanted a U.S. trustee, I will never want a U.S. trustee and if we get one I will be happy to have retired before we get one.

Stephanie Butler: I'm going to change the topic a little bit and ask, at what point in your career did you stop and think that you might be interested in becoming a judge? What prompted that desire?

SWH: So the first time that I applied to be a judge was just a couple of years after I had just gotten through breast cancer and treatment. And I had found that I had a different view of life after that. I was working so hard and I also saw that when

I couldn't work so hard life didn't end, and the system still went on and it didn't need me and my law firm continued. I just got tired of worrying about whether I was going to bring in enough money to pay the light bill and my paralegal. At some point, that became silly to me. And so, I can honestly say I never took a case for that reason or dealt with a case a particular way. Many times I walked away from confirmation where I would get paid because I didn't think it was right, so I'm good with that. But I just got tired of that constant survival mode. I loved my firm, I loved the people that I worked with, but I think at that point I finally decided that I didn't want to work so hard.

Well of course, the silly thing was when I finally did get appointed, I worked harder because we didn't have enough judges. That was during the time when very quickly Judge Leonard retired, Judge Doub passed away, all within just a year or so, and we were right in the middle of the recession and I worked day and night. I worked just as hard for less than half of the salary being a judge and getting stuff done. Judge Leonard and Judge Small had always pushed me to consider being a judge. It was always something that they had brought up and others had brought up as a possibility and after a while I considered it and decided to do it, although I had never thought of myself, it's never been a lifelong ambition. It's not like I said I'd like to be a judge one day. I think I decided I wanted to be a judge when I was 52 years old -- that is probably the first time I ever thought about it. And then I didn't

get appointed the first time, went back and worked as a lawyer. And then when the time came again, I applied and I got appointed. It was kind of like okay so now I'm a judge.

Travis Sasser: Did the first time . . . would have been the Leonard position, the Judge Leonard appointment?

SWH: No, Judge Doub got the position the first time. It was a new temporary position created by BAPCPA.

Travis Sasser: Sorry. Did you make it to the final five, the one that Judge Doub . . .

SWH: Oh, that's all confidential.

Travis Sasser: I didn't know that. Sorry, I withdraw that.

Cindy Oliver: So, you're the first female bankruptcy judge in this district and you've been on the bench for 11 years. Have you seen it evolve over those 11 years in any way, as it treats you, as a personally female, bankruptcy judge?

SWH: I think it has made no difference, what sex I am since I was an attorney and through my appointment . . . I don't think, I would hope I don't get treated by the practitioners differently, although they stumble sometimes over your honor and ma'am and sir, and call me sir, that's about it. I, and maybe I'm looking at the world through rose-colored glasses but I've always thought that I was treated exactly the same. I'm a little bit, I may be different so that it results in people feeling maybe a

little bit more comfortable being a little bit more informal with me but that's my fault or my doing, not the bar's. But not because I'm a female. I have never actually felt treated differently in life, other in that one instance I told you about, at Hunton and Williams. I have never in my life felt like being a female has been a detriment. Most often it's been, an advantage in my life. I'm very glad I was born this way.

And the thing you said, how has it evolved. I think the bar has evolved. And it's been very interesting for me to see because remember I started at a point in time when there are ten bankruptcy lawyers. Judge Howard's one of them. You know I've got Larkin Pahl, Greg Crampton, Buzzy Stubbs, Jimmy Carter, Richard Sparkman, Mac Howard, you know this group; it's the same group. And then I come into it, and then Terri Gardner comes into it, and really, that's kind of it for a while. It's a very small bar. And then we start developing the next crew, as we used to call them, the young Turks would start coming in and the firms started developing bankruptcy sections and you know the firms didn't really have bankruptcy sections as we now know them and you had all this great young talent. And I think the first wave of young talent was just exciting to see because they were all of the highest caliber and really you know you'd watch and go this is great, these guys really are good. Unfortunately I think that in the last couple years, we've had people who are not prepared, people who don't belong in bankruptcy; they dabble in bankruptcy. Bankruptcy is not for dabblers. You gotta know your bankruptcy to do it.

Today, for instance, a lawyer appeared before me and started his presentation by saying “I don’t know very much about bankruptcy.” I feel like saying “well then why did you come to this court? Why didn’t you get someone else?” Either be prepared just like anybody else or don’t be here. And I don’t know whether it’s the millennial generation or what . . .” Yesterday I had someone say, “well you know, I didn’t bring my whole file, that document you asked about must be in the file I left back at the . . .” I’m thinking, can you imagine saying that to Judge Small or Judge Moore? And it was a document, it was the accepting ballot. And I said, “you can’t come into my court and tell me that you don’t have the accepting ballot. This is the confirmation hearing.” It’s that kind of stuff where people come in and they make believe that you know they’ve been told by the senior partner they’re going to cover this thing. And they walk in and they’re not prepared and that bothers me because this is my baby. This is my court. I want it to be the best court. I want it to be the place that when I sit down with a bunch of judges I can say not only, my clerk’s office runs like a well-oiled machine, you know, you guys, really, you know, because not everyone’s does. But I also want to be able to say, which I’ve always been able to say, my lawyers are always prepared, they’re sophisticated, they’re ready, they know when to settle, they know when to fight. And that used to be an absolute with me and lately I’m having a hard time saying that and that bothers me. Because it’s my baby. It’s like I’m responsible for making sure that they do the right thing so that

when someone comes after me, they know that I left them with a great bar, because the bar, it's a great bar. It is, they don't come like our bars. Other places don't have it. Other places have people snipping at each other at counsel tables, being disrespectful to one another, filing discovery motions every day, we don't have that.

I think we have an extremely civil bar and that's not a problem. I just wish that, I see an evolution that may be generational and maybe I'm just too darn old, and that could be it too. But again it goes back to, I would have died than appeared before Judge Leonard, Judge Small, or Judge Moore, without being absolutely prepared. And sometimes I don't think it's that important to the people who come before me now. Not all of them; 98% of the people are great. But I'm seeing a little bit of the younger people being a little lax about their preparation. So that's part of my evolution. It has nothing to do with being female at all.

Cindy Oliver: Do you have any suggestions for how to make that better?

SWH: You know, I've thought about it. I actually think that more brown bag lunches with the newer people would be a good idea. And perhaps the creation of more forms.

I am also in favor of formal dress codes to show respect for the court – the institution – not necessarily the judge. Additionally, I shouldn't have to hold a hearing where a lawyer charges a client for coming in because instead of reading the statute, he or she decided to wing it and file a document that is insufficient. Brown

bag lunches, we try to put forums on. I would love, if the bar wanted a formal sort of thing, if people wanted to sit down in small groups like this and talk about it like, on an informal basis I'd be glad to do it. It just drives me crazy that it's these little things that people aren't looking at.

And, you know, we're not necessarily talking about a substantive issue that a lawyer thinks needs to be brought to the court's attention. That's not what I'm talking about. I'm talking about people who just don't pay attention. Travis, your issues are the result of the fact that you pay too much attention. (laughter). But these are people who just don't pay attention. And, yeah, have certain pride in your work product. And your work product is either oral or written and I'm finding a real reduction in that pride. And it's disappointing; it makes me feel bad. It doesn't make me mad; it makes me feel bad. Because either I'm doing something wrong or I'm not being strict enough about stuff so people are thinking they can get away with it. I hope it's not the latter.

So it's that kind of mentality that I don't approve of. Brown bag lunches, I think might be helpful. I think people like that if they're done right and if they have a focus. And maybe they shouldn't be so big. Maybe we should divide them up so that we have less people and it's kind of like something around the table like this, which all three of us would be glad to do at any time; we really would. And we would take suggestions from the bar on it, as to what we should do.

Travis Sasser: Judge Callaway talked a little bit about the current bench and the working relationship. And how would you characterize that?

SWH: I think we all get along very well. I have two former trustee secured creditor heads and one debtor head. And the good thing is that before we take a position, we talk about it. We try to be consistent. We all are very different, but very similar in age. I think we're only about two years apart in age, two or three years apart in age. And we kind of grew up together in this bar so we're all familiar with the same people which makes it good. And I'm chief but I have never acted without input from the other judges. I've always thought that chief was just a name and kind of a detriment that you got to do more work without getting paid more. So I always ask them what they think before I do anything. You don't have to; as chief you're allowed to do things by yourself but I never thought that that was a good way of being chief. So most everything you see, if not everything you see coming out of the judges, is a unanimous or compromise resulting in a unanimous position. We try to do that. We don't always agree. And then two of us usually gang up on the other or vice versa and we figure it out. So we try, now that doesn't mean our opinions have to be the same, but we try. If any of us is writing an opinion on a complicated or controversial issue we run it by the other judges first. Therefore it will have been one that we have discussed even if we don't all agree on it. So I think we all get

along really well. We have very different personalities, we have very different styles, and that's okay. That's what makes ball games.

Cindy Oliver: What do you like most about being a judge?

SWH: I like confirming plans and seeing the relief in people's eyes. I like saving houses. I think that bankruptcy law, especially being a judge in bankruptcy, gives you an opportunity to really see people at a level, I mean you see people at their worst, but you can also help them. And I think in large part you get to see that the world is actually better than bad, that people usually will help you when you're down instead of the other way around. I like seeing the young generation of good lawyers coming up. I love when there's this young person who delivers an argument and comes in and makes an argument and you know that it was important to them and they probably stayed up late last night and they probably put on their best suit and they came in here and they gave it their best; I love that. That gives me a thrill. I go back into chambers and we talk about it. And we'll say, did you see? Like I'll tell my law clerks who haven't done that, that's the way you need to do it. Did you see that? Sometimes unfortunately I say don't do it that way. But I love when I can go and say, did you see the way that was done? That was right on. I get a real joy from doing that.

I love when Judge Kahn calls me from the middle district and says, I got this question, what do you think about it? You know because it shows me that people

aren't just knee-jerking and making decisions. It's important that we do it right and sometimes we can't just get our arms around it so we ask somebody else's help and I like that kind of part of being a judge. It's kind of nice to hear that someone is so involved in it and so wants to get it right that they want to call you about it and vice versa and you want to get it right. I want to get it right.

I lose my temper. I don't like that part. I try to get off the bench before I really lose it and I have been successful most of the time but sometimes I'm not. Sometimes somebody just pushes the right button and I think "should have gotten up two seconds earlier." But even then, I don't give Allyson enough time to say all rise. I'm usually out the door when that happens because you really don't want to show anger, it's hard sometimes. Sometimes people just, I mean you know, you're human. That's the other thing, judges are very human.

Cindy Oliver. Well are you angry at the attorneys or at the parties?

SWH: Sometimes at the attorneys. Sometimes at the parties. I mean, I will never be angry at someone who's doing their best, or someone who is not lying to me. I get angry when someone walks in, when two lawyers walk in, and all they had to do was call each other to resolve a matter and instead I have this controversy that a telephone call could have made unnecessary, neither one can tell me that they attempted to call the other? That makes me angry because I remember what it was like to be a practitioner. You picked up the phone and you tried to resolve it. And

there's nothing contrary to your duties as an attorney to do so. You have a duty to try to figure it out. You know, I like when somebody comes in and tells me, there're a couple of ways we can do this, Judge, and here's a couple ideas. Judge Small used to do that all the time. He'd say, give me an idea. How do you think you should do that? I would love that. That was great, that was the thing about Judge Small. He'd say what would you do? What do you think is a way to get around this? And so I was always ready to give him that and I love when someone does that for me. You know I was thinking Judge, you know we could do this. And I go, that's a great idea - what's wrong with that idea? And I love that. Because it means you don't, and I don't think law is black and white. It is very rarely that you can bring summary judgment, you know? There's two sides to every dispute, and you know that as a judge more and more. I saw the world much more black-and-white before I became a judge. Now, you sit through and you read one brief and you go hmmm; and you read the other brief and you go hmmm. And then you hear them both argued and you go, hmmm. And when that happens that means that's a healthy, good, fair fight. But when you read a brief and you go, ain't no way and I can't believe you drafted that one? Something's wrong. That means somebody has just taken a position for the heck of, just to take the position. And I don't like that; that makes me angry because I think it's a waste of money, so that makes me angry.

Travis Sasser: Cindy had asked the question about kind of what part of the job do you like the best, and it seems there's been kind of a reallocation of the Chapter 13 docket in Raleigh. Is that, any particular reason behind that, or?

SWH: It isn't because I don't like Chapter 13s. At some point when that decision was made my court hours were much higher than the other two and I needed to be able to allocate it better and the easiest way for me to be able to do that was to allocate some of my Chapter 13 cases. I think I'm better at a Chapter 11. I mean I think we all have our strengths and weaknesses. I have learned more about Chapter 13 and think it has more sophisticated, complicated issues that affect real people than any other section under the Code. And I say all the time that I have the greatest respect for my consumer lawyers. When I was a business Chapter 11 lawyer I think I did not give enough credit to the people who bring issues that they're not getting paid enough money to bring and get them resolved. And they are really meaty issues and they're issues that affect real people; I mean think of Hulburt. Just think of that, I mean we had a Fourth Circuit case that wouldn't let us modify a residential house and now we don't, now we can do in that particular, limited situation. But those litigants don't have the money to do it by themselves, so it had to be that some lawyer decided that he was going to do it. And I have the greatest respect, for, you know, Richard for doing it, Billy, you. You know, you bring these actions where there's no big corporation out there who's paying for you to bring this issue to the fore. So I

think Chapter 13 has been a real eye-opener. I think I've written more Chapter 13 opinions than any other, under any other chapter. And you get to see real human beings in Chapter 13, so I actually like Chapter 13s and I'll probably have to take some more back when things start easing up a little bit. But we had a real unevenness so we had to try to allocate it. And that's one of the things that a chief judge does is administer the workload and so, that's what I did.

Travis Sasser: Putting aside the bar, just in terms of, what kind of, what is kind of the impression you try to give to the actual litigants, the debtor, perhaps the non-institutional creditor, what is it you'd like them to take away from appearing before you?

SWH: I think the same thing that you've heard other people say, I think it's the right answer and it's the one I feel, and that's that they were given a fair shot. That I listened to them, and that I did what I had to and did what I could for them within the parameters of the law. It's the same thing that I want the lawyers to walk away feeling, that they got a fair shake. That I'm not biased against them; that I listen to everybody and try to do the right thing. If somebody walks out, even if they lose and thinks that, then I think I've done my job.

I think you asked me every question on the list. Except the Shrimperoo and the softball game.

Travis Sasser: Yeah, tell us about the Shrimperoo and the softball game.

SWH: The Shrimperoo was a lot of fun. I did not go to many because it was a party for trustees and staff. And so when I joined Nicholls & Crampton, I got to go because Greg Crampton was a trustee. And it was a lot of fun, in a great house, on the river, with Richard Sparkman playing his guitar. Then I think people thought that it was too exclusive and rightfully so and we stopped having it. I loved the softball game. But it was also supposed to be a trustee thing. And people started bringing their huge families and it was sponsored by EBI. We began to get concerned over whether we should have beer and what would happen if someone got hurt, and we stopped having it. Although I wish there was something we could do to replace it. Maybe something at the venue, where I don't have to worry about somebody getting in an accident because they had too many beers at a softball game, or that EBI was paying for too many non-lawyers. It just got out of hand. But I loved it and I wish we could figure out a way to do something like that. And we're all ears. Because I think all three of us would love to do something like that. It was a wonderful way to meet each other's families. But you know I wish we could do that; that was a lot of fun.

Stephanie Butler: Volleyball on the beach or something.

SWH: That's what Judge Leonard tried to do. But volleyball was not much of a spectator sport you know whereas you know softball was something you can sit around and watch and do. There's got be another something we can do.

Christine/Stephanie: Beer pong.(laughter)

SWH: But you know what, sometimes we remember things in the past as being better than they were and that may be what I'm doing. You know we always have that kind of view of things that you enjoyed and you make them wonderful looking back.

Christine Castelloe: Weren't there a lot of injuries, though?

SWH: We started, because we started getting old, so we started having some injuries. And I did not put a stop to that. Judge Leonard did, before me. He's the one who said, "no mas." And I don't remember what the exact event was, do you?

Stephanie Butler: No. It was before Judge Doub came.

SWH: It was before Judge Doub. Judge Leonard and Judge Small made that decision.

Christine Castelloe: the story I've always heard is that too many people were getting hurt every year.

SWH: Yeah, that makes sense.

Stephanie Butler: Is there anything else that you can think of that hasn't been covered that you want to talk about or share, historically wise?

SWH: I'm trying to, I wrote little notes here, let's see. I think I actually hit all my little notes.

Travis Sasser: Can you think of any questions that we should have been asking or,

SWH: No, I don't think any of them are bad questions or ones that we shouldn't have been asked. I mean I'm not in on the ground level of the history committee and what it's trying to do but it seems as though you're trying to somehow or other keep the knowledge or the memories of the judges and how they saw it and I'm really lucky in that all the judges that came before me are ones that I practiced before. So it's kind of neat because I can kind of give the on the bench versus the before the bench kind of perspective on it. Obviously Judge Warren can give what it's like to have been a law clerk to one of them. And you know, his relationship with Judge Moore probably has created the judge that he is more than any one thing. I wish we had more bankruptcy cases. I feel like we're in that kind of lull where I hope people don't start leaving the practice to do other things as a matter of economic necessity because I think we have such a great bar. I mean we really do have some people who are really talented and do such a great job that I would hate for them to have to leave in order to make a living. Have you been taking down everything? Are you ECROing here?

Stephanie: Yes. We're going to eventually transcribe these.

SWH: I can't think of anything else. But wait, one more Judge Moore story! It was hot, hot October. I had a migraine headache and I was doing a bankruptcy

case with Ben Ackerly. And as Judge Moore was want to do, he decided to take a break because he needed a cigarette. And we went back to his little room, and he of course with his patent leather shoes up on the counter, and he sucked down a few Camels, or whatever it was that he, definitely non-filters, opened the window just a crack, and the window was right to his left side, and I proceeded to pass out in there. Because I had a migraine, I couldn't stand cigarette smoke and it was hot, and I passed out. And the next thing I knew, Judge Moore had this arm, Ben Ackerly had the other, and they were carrying me to the red leather couch that he had. There was kind of like an anteroom and they were lying me down on it because I passed out. And all I could think of is "these southern gentlemen are carrying my sweaty body!" (laughter) And I'm lying down on this couch and I finally come to and of course Judge Moore says, and remember Ben Ackerly worked out of Richmond, and we're in Wilson. Judge Moore said "I'm not letting her drive back to Raleigh. You need to drive her back to Raleigh. And I want you to make sure that someone is with her tonight." So, poor Ben Ackerly. My husband traveled. So when he gets me home there's no one in my house. He's told a federal judge he's not leaving me alone so he calls two of my friends and they come and stay with me and he stays at the Velvet Cloak Inn which, you know, the Velvet Cloak Inn. And then in the morning he calls to see that I'm alright and then travels back to Richmond, and probably, you know missed a hearing in Richmond in everything. I get up and go to work. And I'm sitting

there at my little cubicle at Hunton & Williams. All of a sudden two of the senior partners come to the door. Ed Roach and Odes Stroupe, and they said we just got a call from Judge Moore, you need to go home. Judge Moore made it very clear he does not want you working today, he wants you resting. And I had to pick myself up and go home for the day because Judge Moore called the senior partners and said I had to go home. I cannot believe I didn't tell you that story. That's my favorite Judge Moore story.

Travis Sasser: Judge Callaway earlier told a story which was kind of like, he was explaining about he tried to get, he apparently used to be a very sort of like, stirring up trouble, that's what Joe Callaway used to do. And he said that he once tried to,

SWH: You talking about Callaway stirring up trouble? Yeah.

Travis Sasser: Joe Callaway used to stir up trouble, and . . .

SWH: Used to?

Travis Sasser: (laughter) And that he basically filed an action, he filed a writ of mandamus to make Greg Crampton file a preference action and that,

SWH: Oh, I'm sure Judge Moore loved that.

Travis Sasser: Well Judge Moore denied it but then he told Greg Crampton,

SWH: To go file it.

Travis Sasser: To go file it. Is it fair to regard Judge Moore as somebody who was somewhat, perhaps, I don't know if autocratic is the word, or perhaps I don't know if domineering is the word?

SWH: You know, autocratic is probably too harsh because I think he would never do anything that didn't have a legal or practical basis and I think of autocracy as being something that's irrational. I think he always knew the best way to do something and if he told you to do it, you were going to do it. I mean just like you're going to consent to this extension because if not I'm going to deny it. Yes, he was dominant but you never felt like you were being taken advantage of. That's the difference. You know, if somebody's autocratic it's like they have no basis, they're just telling you for the power in it and that wasn't Judge Moore. Judge Moore wasn't going to allow that writ of mandamus because he didn't want to ever make it look like Greg didn't do something he was supposed to do. And Greg was one of his trustees. And he was going to protect him. At that time I don't think, Callaway probably wasn't. He would have protected both of them. But he knew Callaway was right, Judge Callaway was right, so he told Crampton to go do it and look at the way it got done. And everyone got what they wanted but he didn't have to make someone look bad by doing so.

And one more story about Joe Callaway, who I adore. We used to have this thing about Joe Callaway where he was as tough as nails. You'd get into a fight with

Joe Callaway and you know he'd be stubborn, right here; you'd call him the curmudgeon. And he would, two months later, he'd be as reasonable as could be, you'd settle it and be fine. But it was like you had to start every controversy like this. So, one day I called him and I said Joe, I know what your position is. I said and in two months, this is going to be your position. Can we just skip that stage and get to where you are reasonable? He always tells that story because he did. It would be, I've got to be a curmudgeon for two months and then I will be very reasonable and I will do what you want and we will compromise. But it would be this, I've got have a stand, this unreasonableness for two months, and everybody in the bar who worked with him agreed with that, that was just the way that he did it, just let's all walk away, we'll come back in a month and he'll be fine. You know, that kind of thing. Those are my two stories. Alright guys. Thank you for doing it.

Group: Thanks.

END OF INTERVIEW

Transcriber: Catherine G. O'Brien, Archivist, Fourth Circuit Library

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