

## Judicial Profile

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CYNTHIA BROWN

# Hon. Barbara J. Houser Chief Judge, U.S. Bankruptcy Court for the Northern District of Texas

HONESTY, HARD WORK, DEDICATION—these are the three important characteristics that have led to Chief Bankruptcy Judge Barbara J. Houser’s success as a lawyer and member of the federal judiciary, and she can clearly elaborate on all three. However, one thing that a person notices upon first meeting Judge Houser is that she is not only personable but also approachable, highly intelligent, and humble. While in Chief Judge Houser’s chambers, one is likely to relax and enjoy the easy conversation of a “fellow attorney” and momentarily forget that he or she is in the presence of a nationally recognized and respected legal mind and scholar.

Judge Houser easily transitioned her early involvement on her high school debate team into a lifetime passion for analytical problem solving and oral advocacy. Upon realizing that she enjoyed the challenge of thinking through difficult problems, attempting to find solutions, and then advocating the solutions in a debate, it became clear to the judge that she should pursue a career in advocacy. Debating was her passion, and the study of law was a logical choice that enabled her to fulfill the intellectual challenge and need for advocacy. As a testament to her drive and enthusiasm for knowledge, Judge Houser completed her undergraduate degree at the University of Nebraska in three years, receiving a B.S. degree with high distinction in 1975.

At Southern Methodist University School of Law in Dallas, the judge served as both the comment editor and case note editor for the *Southwestern Law Journal* (now known as the *SMU Law Review*). Judge Houser graduated from law school in 1978 and immediately went to work for the Dallas firm for which she had worked as a summer intern: Locke, Purnell, Boren, Laney & Neely (currently known as Locke, Lord, Bissell & Liddell, LLP).



As a young litigation associate at Locke, Judge Houser quickly realized that she was spending a great deal of time in the library working on litigation cases, but she was given the opportunity to go to court quite frequently on bankruptcy cases. Larry Lesh, her mentor and a bankruptcy attorney at Locke, and several clients were impressed with Judge Houser’s legal skills and dedication, so she began to work on more bankruptcy cases and developed her courtroom advocacy skills, which had initially driven her to seek a law degree.

The Bankruptcy Code went into effect in 1978, which was also the year that Judge Houser began as an associate at Locke. Her perception of bankruptcy changed with the enactment of the new law, and it became clear that corporations were going to start using bankruptcy strategically. In what Judge Houser calls a “bold move for a fairly young associate,” she went to a senior partner at Locke and said, “We should have

a bankruptcy section. They took me seriously and the rest is history.”

Although Judge Houser is quite humble when she describes the creation of the bankruptcy section at a prestigious law firm, the facts reveal that her ideas were respected and trusted. The Locke partners used the analytical mind before them and asked their associate how the bankruptcy section should be made up and what the firm would be able to offer its clients. Basing their decision on Judge Houser’s work and experience, the partners followed her advice, hired an experienced former bankruptcy judge to lead the department, and moved Houser into the firm’s newly created bankruptcy section.

The intellectual drive and hard work that repeatedly resulted in successes for Judge Houser helped to make her a successful bankruptcy attorney at Locke. As only the fifth female attorney at the firm, Judge Houser was not aware of any additional challenges she faced as a woman, because she had always been taught that she could accomplish anything with her life. In addition, the women who had been hired at Locke before her had “paved the road” for more female attorneys.

One of the attorneys who “paved the road” was Harriet Miers, the first female attorney hired at Locke in 1972. Miers eventually became counsel to President George W. Bush and was nominated to replace Justice Sandra Day O’Connor on the U.S. Supreme Court. As a young associate at Locke, Houser was one of the strong, intelligent, and driven female attorneys who were all destined to succeed in the legal profession, and she was proud to be among them.

In 1985, Judge Houser became a shareholder at Locke and continued to hone her bankruptcy skills. As her bankruptcy practice grew, so did her personal reputation. As a result, in 1988 she was approached by Myron “Mickey” Sheinfeld, the founder and senior partner of Sheinfeld, Maley & Kay, P.C., a nationally recognized bankruptcy firm, who asked her to join the firm as shareholder-in-charge of the firm’s Dallas office. The decision to leave Locke was a difficult one for Judge Houser, because she had been very happy there as a young partner and had assumed, at that point in her career, that she would spend the rest of her career there. The ultimate decision to accept the position with Sheinfeld came only with “much angst, gnashing of teeth, and hand wringing,” according to Judge Houser. However, once she really thought about her passion—bankruptcy law—accepting a position with a nationally recognized bankruptcy firm was an opportunity that she couldn’t let pass.

The Dallas office of Sheinfeld was home to Judge Houser from 1988 until she took the bench in January 2000 as a U.S. bankruptcy judge for the Northern District of Texas. Although Locke had initially provided Judge Houser with the opportunity to work in the area of bankruptcy law and to develop her passion and advocacy skills, it was her position at Sheinfeld

that thrust her into a more noticeable position nationally. Of course, Judge Houser continued to work on the many complex Chapter 11 cases of the firm’s well-known client base, but she also began speaking at CLE programs throughout the United States. The solid knowledge that she possessed as a practitioner and her passion for bankruptcy law was evident in her presentations, and her reputation within the bankruptcy community grew exponentially within a relatively short period of time.

In 1996, Houser was selected to be a member of the National Bankruptcy Conference. When asked about her greatest professional achievements, the judge mentions her selection to the National Bankruptcy Conference and her appointment to the bench. As a young attorney, Judge Houser stated that she “dreamed of being a member of the National Bankruptcy Conference some day,” because she was acutely aware of the great legal minds that were members of the conference. At the time that Judge Houser joined Sheinfeld, Mickey Sheinfeld was a member of the National Bankruptcy Conference, and as Judge Houser continued to expand her national profile by the way she handled her cases, her cogent presentations, and her speaking engagements, she was again exposing more attorneys to her vast knowledge and legal mind. Judge Houser speaks very highly of the members of the National Bankruptcy Conference and is very proud of the day that she was invited to become a member. Judge Houser explained that she is always “re-energized” after attending conference meetings because there are “vigorous debates at the meetings as to what makes sense and why” with respect to the bankruptcy laws. The analytical mind-set that initially drove Judge Houser toward a legal career is evident in the enthusiastic manner in which she discusses the advocacy and important role that the members of the conference play in the world of bankruptcy law.

In addition to her National Bankruptcy Conference membership, Judge Houser is also a member of the National Conference of Bankruptcy Judges, which recently extended its appreciation of Judge Houser when she was elected as the organization’s next president. Judge Houser will begin serving as president of the National Conference of Bankruptcy Judges in October 2009; however, she will assume the duties as president-elect in September 2008. The continued passion for legal analysis, debate, and service to the community as both an attorney and a member of the judiciary are all evident in the fact that Judge Houser’s colleagues elected her to this great and honorable position.

On Jan. 20, 2000, Chief Judge Carolyn King of the Fifth Circuit Court of Appeals swore in Judge Houser as the first female bankruptcy judge in the Northern District of Texas before an overflowing courtroom crowd that consisted of friends, family, and colleagues from around the country. In what Judge Houser called a “very humbling and flattering day,” the event also

marked what she considers to be one of her greatest personal achievements. She became chief judge on Sept. 19, 2005.

The publication of opinions is not a first priority for Judge Houser. When asked which of her opinions were most important or influential, she explained, “I

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don’t publish a lot of opinions unless I feel that I am making a difference because there are already a lot of excellent opinions by colleagues across the country. I only submit opinions for publication if I think the analysis will prove to be helpful to someone else.” However, there were two early opinions that Judge Houser stated she was very proud of because they were written when she was fairly new to the bench, and lawyers did not yet know her views in the area of credit card dischargeability. The judge—who, in her typically humble fashion, declined to cite either opinion—received a good deal of praise from colleagues

around the country regarding both opinions. Judge Houser explains that she put a great deal of effort into these two particular opinions, as she does with all her opinions, but these two stick out in her mind because of the subject matter and the responses she received from judges she knows and admires.

In explaining her approach to these two opinions, Judge Houser notes that she had primarily practiced corporate bankruptcy law before taking the bench, and the issue of credit card dischargeability was a fairly new topic for her. Upon reviewing the relevant case law, she found it inconsistent and confusing. With the determined mind-set that brought her to the bench, Judge Houser approached the credit card dischargeability cases diligently: she researched the law, analyzed the “diverging lines of authority and arguable inconsistencies,” and worked hard to “parse through the diverging lines of authority.” The writing of these two opinions reflects the characteristics that make Judge Houser an outstanding legal scholar and judge: hard work, diligence, patience, and a passion for the law.

As a visiting professor at Southern Methodist University School of Law, where she teaches courses in creditors’ rights, Judge Houser makes a point of impressing on her students the importance of having a mentor. Judge Houser explains that she takes one day at the end of the semester when all the books have been put away and “just talks to the students about being a lawyer.” Not only does Judge Houser explain to her students that there are “too many pressures when going it alone and having someone you admire

and trust to counsel you is just a phenomenal opportunity,” but she also tells her students that, if they can’t find a mentor, they should contact her and she will personally be their mentor. The opportunity provided to the students at Southern Methodist University to work directly with Judge Houser as a mentor is certainly a rare one and reflects how deeply Judge Houser is committed to the betterment of the legal community.

During her first eight years on the bench, Judge Houser has continued to be a leader in the legal community through her membership and participation in a long list of organizations. Her direct contribution to the bankruptcy community can be seen in the way she runs her courtroom, her availability to her students, and her continued dedication to enhancing the legal field. Although Judge Houser will say that her success is based on “hard work, dedication and a fair amount of luck,” she also acknowledges the fact that “luck is a funny thing ... the harder you work, the luckier you tend to get.” The brilliance that can be gleaned from Judge Houser’s personal and scholarly statements is a testament to her character and her true dedication to the legal profession. Luck does not fall on a road that is not already paved. **TFL**

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