



by Seth I. Muse

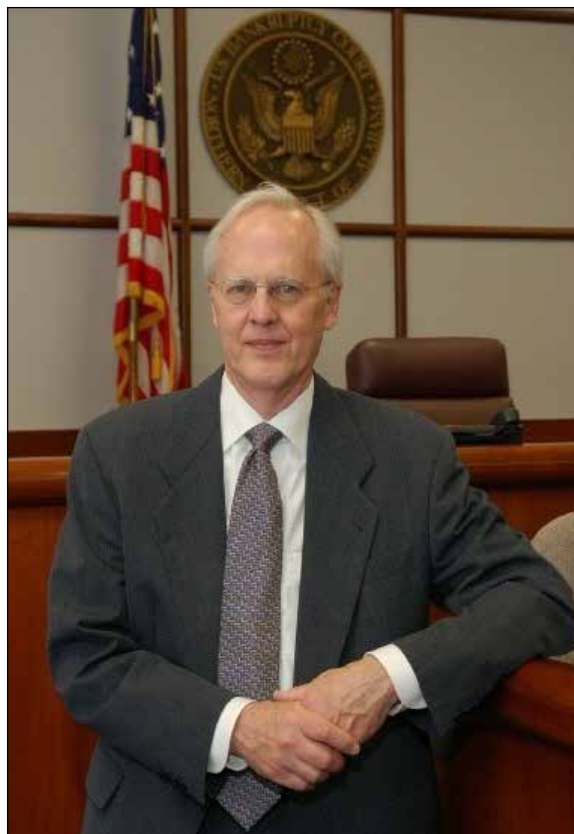
# Hon. Thomas Bennett Chief U.S. Bankruptcy Judge Northern District of Alabama

*I tell people it was the fickle finger of fate ...  
I didn't think much would come of it.*

That's what Hon. Thomas Bennett tells people who inquire as to how he arrived in Birmingham, Ala., as chief judge of the U.S. Bankruptcy Court for the Northern District of Alabama. Chief Judge Bennett is not just a presiding judge over Jefferson County's municipal bankruptcy filing, the largest municipal bankruptcy filing in the history of the United States; he's also a beloved husband to Lisa Bennett and the father of two accomplished daughters—one having recently graduated from the University of West Virginia College of Law and the other from Brown University.

Bennett was born and raised outside of Philadelphia with three brothers (one who died) and a half-sister. His mother, Mary Bennett, was from Fairmont, W.V.—a small city in the northern part of the state, which Bennett notes as also being the home of Alabama head coach Nick Saban. Bennett's father, an accomplished physician, was born in Mississippi but after being awarded a scholarship from Wabash College to study archeology in Athens, Greece, eventually found himself studying medicine in Germany prior to World War II. Bennett's father received a doctorate from the University of Munich and was a member of the university's faculty until he was forced to flee the country quickly through the city sewer system. "He came back to his house and the SS was outside his house. He had been helping some Catholic priests smuggle people out of the country and the way they did it was through the sewers in Munich because Munich is across the lake from Switzerland," Judge Bennett recalls.

One of the biggest influences on Chief Judge Bennett's life was Girard College, a Philadelphia boarding school he attended from the time he was nine—the year after his



father passed away—through high school. In 1966, Bennett graduated valedictorian of the class. He was also fortunate enough to have mentors including U.S. District Judge John T. Copenhaver Jr. of Charleston, W.V., and University of Virginia School of Law Professor Fredrick Schauer.

After graduating from Girard College, Bennett stayed close to home and enrolled at West Virginia University's College of Business and Economics, where he graduated

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*Seth Muse is a law student at the Dedman School of Law at Southern Methodist University.*



with a bachelor's degree in economics—again ranked first in his class. Bennett later obtained a Master's of Science in Economics from West Virginia University, after which he served as an economics instructor and considered pursuing a Ph.D. in economics. His rigorous training in economics, among other things, distinguishes him as a bankruptcy judge. Former U.S. Bankruptcy Judge for Northern Alabama, James Scott Sledge, who is now chief judge of the U.S. Copyright Royalty Board, noted that very few bankruptcy judges are economists, and he was not aware of any of them who, like Bennett, have taught economics.

Bennett enrolled in law school at West Virginia University where he, again, graduated first in his class. Despite his accomplished bankruptcy career, Judge Bennett never took a bankruptcy class while in law school. Upon graduating, Bennett served as a law clerk for Hon. John R. Brown of the Fifth Circuit Court of Appeals in Houston. Judge Brown, one of the "Fifth Circuit Four," was pivotal in the civil rights movement and exposed Bennett to Chief Judge Elbert Tuttle. Both judges made a lasting impression on Bennett.

Prior to becoming chief judge of the U.S. Bankruptcy Court for Northern Alabama, Judge Bennett enjoyed a successful private practice as a partner in the Charleston, W.V., office of Bowles, Rice, McDavid, Graff & Love from 1977–1995. The firm experienced outstanding growth while Bennett practiced, expanding from 12 attorneys to well over 100 attorneys with offices throughout the region. After being admitted to practice in West Virginia and Texas, he eventually served as head of the firm's Bankruptcy, Creditor's Rights, and Commercial Litigation Practice group.

Bennett is as cultured a man as you'll meet. His personal interests include listening to European jazz, citing ECM Records—an independent European label home to Keith Jarrett, Jan Garbarek, and Ralph Towner. When he's not reading briefs or writing opinions, he also enjoys gardening with his wife and reading classic English literature. One of his favorite authors, British writer Simon Winchester, authored classics such as *The Professor and the Madman*, which tells the story of the creation of the Oxford English Dictionary, and *The Map That Changed the World: William Smith and the Birth of Modern Geology*, about the first geological map of England and Wales. "He's an easy read with interesting subjects," Bennett says. The judge's love of reading often surfaces in his opinions; for example, in his highly anticipated holding addressing whether Jefferson County was eligible to file a Chapter 9 bankruptcy, Bennett began his opinion by referencing Amasa Coleman Lee, the father of Harper Lee, and his fame for being the inspiration behind Atticus Finch in *To Kill a Mockingbird*—but not without knowing it was Amasa Lee, former member of the Alabama State Legislature, who had considerable influence over the statutes Bennett was parsing through.

In June 1995, Bennett was appointed to the bench. After carefully considering various locations, Bennett decided Birmingham, Ala., was an ideal place for both his family and career. As of a few years ago, Judge Bennett estimates he has accumulated between 150,000 and 180,000 rulings during his tenure on the bench. Among the many positions Judge Bennett has held, he was president of the National Conference

of Bankruptcy Judges from 2007–2008 and previously a member of its Executive Committee. Moreover, Bennett is on the editorial advisory board of the *American Bankruptcy Law Journal*; serves as a peer reviewer for articles submitted to *ABLJ*; and has been an active member of the Texas and West Virginia Bars for approximately 35 years.

The *Birmingham News* described Chief Judge Bennett as a no-nonsense, by-the-book judge who has shown a detailed understanding of cases with an unprecedented degree of complexity.

"Everything is a fight," Bennett explained. In the past six months, he has had more appeals arising from Jefferson County's \$4.23 billion Chapter 9 filing than his previous 17 years on the bench combined. The most challenging part has been the lack of guidance, Bennett explained. The case presents countless issues of

first impression for Bennett and his clerks to consider and rule on but one thing is for sure, Bennett's opinions are becoming a go-to source for municipal bankruptcy analysis. Bennett has been considered the "ideal" person for the Chapter 9 case, according to the former dean of Samford University's Cumberland School of Law. "He's bright. He's scholarly. He's a deep thinker," Dean John L. Carroll says.

Between Jefferson County's Chapter 9 filing in November 2011 until mid-January 2012, Chief Judge Bennett worked every weekend. "Both days. Long days," Bennett said. Not surprisingly, the *Birmingham News* has reported Chief Judge Bennett's rulings have appeared well after normal business hours. In fact, one of his biggest rulings, granting Jefferson County eligibility to file bankruptcy, appeared on the online court system on a Sunday night in March.

Jefferson County is not the only government to have called upon the chief judge for assistance. In December 2007, Judge Bennett testified before the Senate Judiciary Committee on "The Looming Foreclosure Crisis: How to Help Families Save Their Homes." The judge commented on two proposed Senate bills, both of which affect changes a broad range of mortgages. He also testified as to the effect the proposed bills would have on the property interests of creditors, particularly interest-stream investors, and pointed out the potential repercussions of the proposed changes within the larger economy.

Judge Bennett, who calls himself "a Republican of the Nelson Rockefeller vintage" has well earned a national reputation in recent years. He questions the lack of quantitative and scientific curriculum currently offered by U.S. law schools. It's not about the particular mathematical or scientific subject matter; it's the inability for most lawyers to use quantitative analysis when analyzing legal problems containing multiple variables, according to Judge Bennett.

Judge Bennett's devotion to the bankruptcy court and the practice of law is admirable. His steadfast and learned approach will continue to serve the Northern District of Alabama well. ☺

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