



Judicial Profile

by Christie Cronenweth

Hon. Peter H. Carroll Chief U.S. Bankruptcy Judge Central District of California

Hon. Peter H. Carroll's storied career as a bankruptcy judge culminated in his appointment as chief judge of the U.S. Bankruptcy Court for the Central District of California. This seemingly natural progression does not reveal the colorful and varied journey that has nurtured the skills and values needed to excel in his current position.

Judge Carroll, a fourth-generation native Californian, was born in Eureka, Calif., to a family with strong ties to Humboldt County dating back to 1874. His father, native-born to Eureka, was a student at the University of San Francisco when he met Judge Carroll's mother, whose ancestors settled in Stockton and Hornitos in 1849. She was enrolled at nearby St. Mary's School of Nursing. After marrying, Judge Carroll's father and mother returned to "The Home of the Redwoods" to raise a family. Judge Carroll is the oldest of eight children: four boys and then four girls. Perhaps this explains his reputation among lawyers for having an even temperament on the bench. Before his senior year in high school, their family moved to Sacramento, where most of his siblings still reside today.

Chief Judge Carroll will tell you, half-jokingly, that because his family was largely Irish, they became "either cops or lawyers." To illustrate this point, there is a black and white photo in his chambers of his father as a young child; in it, his father can be seen standing next to his grandfather, a police officer in uniform, by a beautiful, old car. It is a touching photo, reminiscent of a bygone era—one in which family values, hard work, honesty, and concern for one's neighbor prevailed. While speaking with him, one gets the impression that Judge Carroll reflects such old-time values in his everyday life.

Judge Carroll graduated from Christian Brothers High



School in Sacramento in 1970. He attended the University of California, Berkeley, and received a B.A. degree in history in 1974. Three of his colleagues in the Central District—Judge Thomas Donovan, Judge Erithe Smith, and Judge Ernest Robles—also received degrees at Berkeley. A blue and gold blanket adorned with the "Cal" insignia is

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displayed in Judge Carroll's chambers.

Judge Carroll met his soon-to-be wife, Donna, during his final year at Cal. After Judge Carroll started law school at St. Mary's University, they married and relocated to San Antonio, Texas. The idea of becoming a lawyer was never a foreign or remote idea for Judge Carroll. His great-great-grandfather, S.C. Bates, was admitted to practice before the Superior Court in Merced County in 1880, and a cousin, whom he credits with his final decision to attend law school, was the late Hon. Robert F. Peckham, a U.S. District Judge for the Northern District of California. Yet, becoming a lawyer wasn't predestined for Judge Carroll. When he was in high school, Judge Carroll's father—a stockbroker—mentioned the notion of becoming a lawyer, but Judge Carroll admits he did not pay much attention. He chuckles slightly while explaining that it wasn't until his high school football coach told him he would make a good attorney that he gave it serious thought.

During his law school years, Judge Carroll and his wife raised their two children. His wife became the business manager for the Department of Athletics at St. Mary's University, and during her tenure St. Mary's won two NAAIA national championships—she has a championship ring to prove it. Judge Carroll worked as a law clerk for the San Antonio law firm of Brite, Drought, Bobbitt & Halter during the three years he attended St. Mary's, published two articles as a member of the *St. Mary's Law Review*, and obtained his J.D. from St. Mary's in 1978.

Upon graduation from law school, Judge Carroll continued working as a lawyer for the firm with an interest in oil and gas law. The nation was in the midst of an energy crisis, and in Texas—a drilling state—oil and gas was a lucrative field. But when the other associate in the firm, the senior partner's son, continued to receive the best oil and gas matters, Judge Carroll began to look elsewhere for an area in which he could specialize. The Bankruptcy Code of 1978 fundamentally changed the practice of bankruptcy law, and there were few attorneys at the time who knew much about it. Judge Carroll recalls a bankruptcy law seminar held shortly after enactment of the Code that had only about 20 attorneys in attendance; half of them were instructors. It was this seminar that stimulated his interest in bankruptcy law. Soon after, as Judge Carroll puts it, “the wheels fell off the oil and gas industry;” and the resulting stress on the housing market and oil industry-related services caused a sizable uptick in bankruptcies in Texas. Because he was one of the few attorneys who had studied the Bankruptcy Code, he began receiving bankruptcy matters that came to his firm.

Judge Carroll remembers that travel on Southwest Airlines, which was in its infancy at that time, was very affordable and was an integral part of bankruptcy practice in the Western District of Texas. Bankruptcy lawyers and the judge would take flights to and from San Antonio, Austin, and El Paso to attend hearings in the district and matters were likely to settle “in the air.”

In 1984, Judge Carroll became a partner with the firm, which later changed its name to Brite & Drought. During his

tenure, Judge Carroll had the opportunity to represent the firm's institutional clients in a number of challenging cases, including the “PTL Club” case in Columbia, S.C. He was certified by the Texas Board of Legal Specialization in business and consumer bankruptcy law, and remains certified in both specialties by the American Board of Certification. He also served as a member of the Bankruptcy Law Committee of the Business Law Section of the State Bar of Texas. Judge Carroll was managing partner of Brite & Drought from 1986–1987. His work as managing partner introduced him to the administrative aspects of practicing law, and he attributes the management skills learned then as helpful in his role as chief bankruptcy judge.

When asked to compare Texas and California, Judge Carroll perceives more similarities than differences (outside of joking that Texas is flatter). Aside from the political contrasts between the two states, California and Texas share a common heritage in their origin from Mexico. Both are community property states, both have large increasingly well-represented Hispanic populations, and both have been producing oil and gas since the late 1800s.

After many years of private practice, Judge Carroll became restless. Reminded by his wife that he had entered law school with the goal of someday serving in the judiciary, he applied in 1991 for a vacant bankruptcy judgeship in the Central District of California. During the selection process, a circuit judge suggested to him that he should actually be licensed in California in order to be a judge here. He was already admitted to practice in both Texas and Colorado, but he seems to have taken this bit of criticism in stride. He came back to California in 1992 to take the bar, which he passed, so that he could “take another shot at it.” The following year, he and his wife moved to San Francisco, where he took a position with the U.S. Department of Justice. From 1994–2002, Judge Carroll served as assistant U.S. trustee for the U.S. Department of Justice in Fresno, Calif.

As an assistant U.S. trustee, Judge Carroll represented the U.S. trustee on matters pending in bankruptcy courts and appellate courts; managed an office staffed with attorneys, accountants, and paralegals; and supervised trustees appointed to bankruptcy cases pending in the Eastern District of California, Fresno and Modesto Divisions. He also served as a member of the U.S. Trustee Advisory Committee's Chapter 7 Subcommittee, which formulated uniform national policies for the appointment and oversight of Chapter 7 trustees and the administration of Chapter 7 cases. In that capacity, he assisted in drafting the U.S. Trustee Program 1998 Chapter 7 Initiatives and revisions

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to the U.S. Trustee Handbook for Chapter 7 Trustees and the U.S. Trustee Manual. He periodically served as an instructor at the U.S. Department of Justice's National Advocacy Center in Columbia, S.C. While an assistant U.S. trustee, Judge Carroll also served as president of the Central California Bankruptcy Forum from 1998–1999 and as a director of the California Bankruptcy Forum. He credits his experience as an assistant U.S. trustee with teaching him the skills to manage a large operation while also practicing law. His proficiency earned him the 1999 Director's Award for Management Excellence from the U.S. Department of Justice, Office of the U.S. Trustee.

In 2002, Judge Carroll was appointed by the Ninth Circuit Court of Appeals to serve as a bankruptcy judge in the Central District of California, which—according to the court's website—is the “most populous and diverse district in the country.” He has handled some interesting and challenging cases during his time on the bench, including *Valley Health System*, in which he analyzed the eligibility standards for debtors in Chapter 9 and, in particular, § 109(c)(5) (C)'s “impracticability” requirement.

In 2011, Judge Carroll was elevated to chief judge. He feels the experience has given him an entirely new perspective on the problems associated with providing justice effectively and efficiently to the public given the increased demands on the court's reduced resources. He works closely with his clerk of courts, Kathleen J. Campbell, to deal with the fiscal challenges facing the court and is grateful for her insight and extreme competence. Their frequent trips to Washington, D.C., seeking to rectify severe budget concerns has given him a much deeper understanding of what the clerk experiences, as well as the dedication required by the employees of the court to make the system work. It is clear that Chief Judge Carroll views part of his job as doing his best to thwart the impact of decreased funding, which he is concerned could “present a serious problem to the administration of justice and a real degradation of our services to the public.”

Chief Judge Carroll speaks proudly of his two children. His son, David, who retired from the U.S. Navy as a chief petty officer, resides with his wife, Heather, in Wisconsin. While in the Navy,

David volunteered for assignment to the 1st Marine Expeditionary Force and his two tours of duty in Iraq included the First Battle of Fallujah (Operation Vigilant Resolve). Chief Judge Carroll's daughter, Tiphany, a former chef and certified Bikram yoga instructor, just moved back to Texas from Oceanside, Calif., to open a Trader Joe's store. Chief Judge Carroll has three grandchildren.

Aside from enjoying his family, the judge has a passion for automobiles and motorsports. While in Texas, he drove in competition as a member of the Sports Car Club of America (SCCA). As regional executive for SCCA's Alamo Region, he organized amateur sports car races and served as the co-chair of the 1990 IMSA Camel GT Nissan Grand Prix of San Antonio. He has restored two Porsches and a Mustang. Judge Carroll is also a runner who has completed four marathons and eight half-marathons since his appointment to the bench. He and his wife enjoy traveling and visiting wineries in all parts of the country.

When asked about “tips” for attorneys appearing before him, Chief Judge Carroll gave two: “Be candid and be punctual.” A bankruptcy judge before whom Judge Carroll appeared years ago once told him that he prepared his calendar by dividing the papers into three stacks: one for those attorneys who have earned his trust; one for those who have been less than forthright in the past; and one for those who have yet to earn a spot in either pile. Honesty goes a long way in his courtroom. He observed that a single instance of prevarication may have long-term effects on a lawyer's reputation. He continues to make bench-bar presentations and constantly seeks ways to elevate the practice of law.

There is no doubt that his well-developed ability to manage a multileveled career—and life—comes naturally at this point to the chief judge. Furthermore, his dedication to preserving the bankruptcy system for all those who may need it makes one admire his paternal tenacity in fighting for those who most require his support. In light of the challenges he will continue to face, it is an honor to have him as the Central District of California's current chief judge. ☉