



Hon. Cecelia Morris

U.S. Bankruptcy Judge, Southern District of New York

by Sally McDonald Henry



Sally McDonald Henry is the John E. Krahmer Endowed Professor of Banking and Commercial Law at the Texas Tech School of Law. She is one of two 2022 recipients of the Texas Tech University Chancellor's Council Distinguished Teaching Award, the highest award given by the university for teaching. Before joining academia, she was a partner at Skadden, Arps, Slate, Meagher & Flom, LLP, where she represented a diverse group of clients, including debtors-in-possession, secured creditors, financially troubled companies, and Chapter 11 trustees. Ms. Henry received her B.A. from Duke University and her J.D. from the New York University School of Law. She is the editor of each annual edition of the *Portable Bankruptcy Code and Rules* (Business Law Section, ABA) and co-author of *Ordin on Contesting Confirmation* (Wolters Kluwer, 1998), updated semi-annually, as well as a number of law review articles and continuing education outlines.

After 23 years on the bench, Bankruptcy Judge Cecelia Morris is retiring, but she leaves her mark on the Southern District of New York Bankruptcy Court. She has served as the Chief Justice of that court, the Clerk of that court, and the innovator of wonderful programs designed to help the debtor in trouble. She has presided famous cases—*Madoff*, *Delta Airlines*, and *St. Vincent's Hospital*, for example—and innumerable individual Chapter 7 and Chapter 13 cases. To each of these cases she has brought her remarkable abilities of innovation and wisdom.

Her work ethic may have been honed in Chillicote, Texas, where she grew up on a cotton farm near the Oklahoma border. But you couldn't keep the girl on the farm, and she completed her education in Georgia, at the John Marshall School of Law. Her leadership, organizational, and budgeting skills led her to be the clerk of the Atlanta bankruptcy court. Word got out regarding how effective she was, and she soon was recruited to serve as the clerk of court of the Southern District of New York, one of the busiest bankruptcy courts in the nation.

After much cajoling, she took the position. She arrived in the late 80s to a busy office of over 100 clerks but only three computers (two PC's and one computer used solely for noticing). By the time she left to join the bench twelve years later, she had transformed the office to be a leader in electronic filing and noticing. Recognizing her special administrative skills, she was appointed by Chief Justice Rogers to serve on the Judicial Conference of the United States Committee on Information Technology.

Her courtroom has been in Poughkeepsie, New York, in the beautiful Hudson River valley. Once the capital of New York State, it is now a small, quieter city, with fewer than 40,000 inhabitants. As one might expect, her docket included many Chapter 7 and Chapter 13 individual debtor bankruptcies. What might come as a surprise is that she has also handled innumerable complex adversary proceedings involving huge corporate reorganizations or liquidations, and she has served as mediator in many complex cases.



She has made her mark judicially in both small and large cases. For example, she was the first bankruptcy judge to rule in a reported case, *In re Somers*, 448 B.R. 677 (Bankr. S.D.N.Y. 2011), that a matter initiated through a joint petition of a same-sex married couple should not be dismissed for cause under Bankruptcy Code section 707(a), concluding that the definition of marriage in the Defense of Marriage Act did not mandate dismissal. In another matter, *Togut v. Deutsche Bank AG (In re Anthracite Capital, Inc.)*, 492 B.R. 162 (Bankr. S.D.N.Y. 2013), she protected the public's right to know by refusing to approve a "no seal, no deal" settlement that would have kept a settlement confidential.

As astute as she has been in ruling on contested matters, she has recognized the value of settlements, and spearheaded the creation of a successful loss mitigation program to encourage settlements between debtors and creditors when debtors are in danger of having their home foreclosed upon. She followed that up by establishing a student loan mitigation program. Moreover, as Chief Judge of the Bankruptcy Court for the Southern District of New York she kept operations running smoothly throughout the Covid crisis, which had hit New York early and with particular intensity.

In short, Judge Morris's intellect, commitment

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to fairness, hard work and innovation will leave a lasting mark on the law and on the Bankruptcy Court for the Southern District of New York. ☺

Left photo: Judge Morris with Former President Bill Clinton at an event for Tina's Wish Runway for Research. Judge Morris is a founding member of the organization, founded in the memory of Judge Tina Brozman, a dear friend and mentor of Judge Morris who had ovarian cancer. Bottom photo: Judge Morris at a charitable fashion event for Tina's Wish in 2023.



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Roberts' tenure. Through this role, she was able to observe the executive meetings of the Judicial Conference and report on those to the bankruptcy community. She reflects that this role truly allowed her to be in the "room where it happened" and taught her that the most important work is done in the committees for the judiciary.

While she is a career-long bankruptcy fan, her biggest piece of advice is that when a young lawyer makes a career choice, to make a good one (even if it's not bankruptcy). She implores young lawyers to set themselves up to advance and maintain control of their own journeys. Over the years and following her own advice, Judge Gambardella has so much to be proud of, including her body of published opinions, her law clerks, and her interns. She hopes that all the writing she did as a young judge can help judges and attorneys in their practice (though we'd posit all her writing even through today qualifies in this category). She wanted to leave behind something to be proud of, and that she has. Judge Gambardella specifically notes how

proud she is of her law clerks and interns that have all gone on to have great careers, in bankruptcy or otherwise. Even further, she is so proud and thankful over her years to see the diversity on the bench progress, and even though there is a way to go, she is delighted for the change that she has seen.

Outside of her legal career, Judge Gambardella has even more to be proud of. She has a wonderful, close-knit family that lends itself to be her support system and something she loves to boast about—her sister Frances, her brother Ben, her sister-in-law Linda, and her niece April, who is a lawyer herself. She often finds herself reminiscing on the support and love they received from her parents, Ben and Lucy. Her sister? She went on to be a bankruptcy lawyer and even serve as a chapter 13 staff attorney before her retirement.

"You have to love what you do," Judge Gambardella reminded us. Clearly Judge Gambardella loves what she does, and the bankruptcy bench and bar are better because she does. ☺