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Opening Remarks

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**OPENING REMARKS
GIVING AND CREATING:
THE LEGACY OF KEITH J. SHAPIRO**

*G. Ray Warner**

Some take; others give. Tonight's honoree, Keith J. Shapiro, is a giver.

Many of the giants in our field have received this award during its almost 20-year history, and each of them richly deserved it. But of all the recipients, Keith is the person most deserving of this particular award. This is, after all, the *Emory Bankruptcy Developments Journal* lifetime achievement award and Keith and the *Journal* are inextricably linked. Not only did this journal launch Keith's lifetime of stellar bankruptcy achievement, but one of his achievements was pushing this *Journal* to the success and preeminence that it now enjoys.

Keith has received many other lifetime achievement awards, and I have been honored to attend a few of those ceremonies. But the greatest honor for me is to be able to present him with this award because it completes the circle of Keith's bankruptcy life.

Earlier you heard from Judge Sacca that Keith created and endowed the *Journal's* student writing awards because one credential on a resume can change a life. You also heard that the *Journal* was the credential that changed his. But you don't know the half of it. As a student at Emory, Keith was one of the people who created this journal.¹ Thus, Keith didn't *receive* the credential that changed his life. He *created* the credential that changed his life. And that is classic Keith—a creator who does not accept the world he finds, but who changes it to make it better.

Now a taker would have been content to take that credential and move on with his life. Not Keith. He not only breathed life into this *Journal*, he came back as its alumni advisor and primary benefactor to ensure that it gave to other students more than it gave to him.² And he has done that for thirty-plus years. Keith gives thanks to the *Journal* for his success, and he is fiercely loyal

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¹ 1 BANKR. DEV. J. Later the name was changed to the *Emory Bankruptcy Developments Journal*.

² Keith advised Emory students on their note topics and gave them career and life counseling. He also played an instrumental role in creating the lifetime achievement award and encouraging the Atlanta bankruptcy bar to support the *Journal* and this event.

to it. But the owes *Journal* thanks to Keith for its success. That is what makes this award so special.

I first met Keith about a year after he left Emory, as he was coming out of his judicial clerkship—the one that he got with his *Journal* credential. Since then, Keith and I have shared many of our most important professional experiences. Looking back, I now realize how truly special and unusual many of those were. Strangely, although I was the associate who was leaving the firm and who Keith was replacing, I was the person responsible for hiring him. And, as part of that process, I didn't just have lunch with Keith, I had lunch with his wonderful wife, Marci, and with Keith. Very strange. But I mention this because, in my view, Marci is also our honoree tonight. She has been the steadfast force in Keith's life from that day to this. Together they also raised three wonderful sons and, even in the busiest days on the road, Keith would find the time to have a long conversation with each of them.

I went off to an academic life and Keith took over my case load, which I must say included a couple of truly horrible and hopeless cases. He would call periodically when he encountered some new problem and we became great telephone friends. I was ready to fade off into the obscurity of an academic career, but Keith would not let me. He had attended an early American Bankruptcy Institute convention and noticed that he, and all the other younger lawyers, were stuck on the edge of the crowd while the older lawyers schmoozed with each other. So he changed that world. He created a new ABI committee and got the other younger lawyers busy writing research papers.³

That was not enough for Keith, because he never gives less than 110 percent to any project he undertakes. He raised the money for a major empirical study of bankruptcy compensation practices, which back then varied greatly from district to district. Keith also insists on excellence. He knew that a study by a bunch of lawyers would easily be discounted so he hired Northwestern University to do the survey research and convinced me to become the bankruptcy professor reporter for the project. That not only resulted in a major scholarly publication⁴ and corrective legislation,⁵ but it created a large group of energized younger ABI members who became its

³ The committee Keith created, the ABI's Professional Compensation Committee, still exists and many of the research papers were published in the 1991 issue of the *Annual Survey of Bankruptcy Law*.

⁴ See *American Bankruptcy Institute National Report on Professional Compensation in Bankruptcy Cases*, Am. Bankr. Inst. (G. R. Warner, rep.) (1991).

⁵ See Bankruptcy Reform Act of 1994, Pub. L. 103-394, tit. I, § 107, 108 Stat. 4111, (1994), (*amending* 11 U.S.C. § 326(a)). The Report was cited in the legislative history at H.R. Rep. No. 103-835, at 38 n. 4 (1994), *reprinted in* 1994 U.S.C.C.A.N. 3340, 3347.

leadership and made ABI the largest and most important insolvency organization. Keith went on to become its president and Chair.

Keith also got a lot from ABI and those relationships helped him to do exceedingly well professionally and financially. But he gave back more.⁶ Caesar Alvarez will talk about Keith's community and charitable work, but let me use one example here. As president of ABI, Keith instituted a practice of adopting a charity. And the ABI membership, under Keith's leadership, provided substantial support to the Children's Miracle Network, a charity that supports children's hospitals.

At about the same time we were working on the ABI fee study, the Supreme Court issued its opinion in *Peel*⁷ that extended free speech protection to truthful statements about attorney specialty certification. Specialty certification by state bars had pretty much stalled out because of resistance from general practitioners and, in fact, the ABA professional responsibility rules prohibited attorneys from disclosing it. At the time, the only national certifying entity was the National Board of Trial Advocacy. You guessed it, Keith created the second—the American Bankruptcy Board of Certification which is now the American Board of Certification.⁸

Keith is a creative and innovative bankruptcy lawyer. He joined Greenberg Traurig when it was mostly a regional Florida firm. He opened its Chicago office with two other lawyers, Paul Fox and Nancy Peterman, but soon built that into one of Chicago's larger and most sophisticated business practices. He integrated Greenberg's bankruptcy practice into a truly national practice group and was one of the first to open a Delaware office to take advantage of its importance as a bankruptcy venue. Keith helped build Greenberg from a well-respected regional law firm into a global firm that, according to last week's Law 360, is now the second largest law firm in the United States.⁹

⁶ The projects Keith launched at ABI are too numerous to list here. But in each position he held, he expanded ABI's reach. For example, as Vice-President for Education, Keith created three new annual regional conferences that have flourished and remain active today. Those are the Central States Bankruptcy Workshop, the Rocky Mountain Bankruptcy Conference, and the New York City Bankruptcy Conference. Keith also introduced the popular "Great Debates" series of programs that are now a staple of ABI conferences.

⁷ *Peel v. Atty. Registration and Disciplinary Comm. of Ill.*, 496 U.S. 91, (1990).

⁸ The ABA now accredits certifying organizations and the American Board of Certification was one of the first ABA-approved certifiers. See List of ABA Accredited Certification Programs, http://www.americanbar.org/groups/professional_responsibility/committees_commissions/specialization/resources/resources_for_lawyers/sources_of_certification.html (last visited April 2, 2017).

⁹ <https://www.law360.com/articles/772291/law360-reveals-400-largest-us-firms>. Since these remarks were first written, Greenberg Traurig is now the number one largest law firm in the world by number of attorneys. See <http://floridapolitics.com/archives/239256-greenberg-traurig-number-one>.

Keith also changed U.S. bankruptcy law in other formal ways. As mentioned earlier, the ABI fee study changed the statute and had a major impact on compensation practices. Additionally, in the late 1990's, when Keith got involved in the wave of nursing home bankruptcies, he realized that no one was looking out for the patients. So, at the request of Senator Grassley, he drafted the healthcare amendments¹⁰ that, among other things, created a patient care ombudsman to protect them.¹¹

Keith is a creator. He created this journal and he changed our bankruptcy world in so many ways. In my limited time tonight, I could mention only a few of his bankruptcy creations. But, I'll mention one more. Me. Keith forced me to come out of the ivory tower and engage with the practice world. Keith gave me a much more interesting and unique academic career. I know that he gave similar opportunities to some of you. Keith is a giver. But tonight we can give him something. Our thanks and this award to recognize all that he has done.

¹⁰ Of course, with Keith, there is always more to the story. In usual fashion, Keith's move into health care insolvency law involved the creation of a new ABI Health Care Committee and a new publication, the ABI Health Care Insolvency Manual, now in its second edition. The publication of the Health Care Manual brought Keith to the attention of Senator Grassley, who asked Keith to draft the new legislation. (e-mail communication from Keith J. Shapiro to G. Ray Warner (March 31, 2017)).

¹¹ Pub. L. 109-8, title XI, § 1104(a)(1), Apr. 20, 2005, 119 Stat. 191 (*codified at* 11 U.S.C. § 333).