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Introduction of Professor Marjorie L. Girth

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INTRODUCTION OF PROFESSOR MARJORIE L. GIRTH FOR THE DISTINGUISHED SERVICE AWARD FOR LIFETIME ACHIEVEMENT

*Karen Gross**

Let me begin by saying how honored I am to be here with all of you this evening. My congratulations to all the students receiving awards tonight. Your comment topics are engaging, thoughtful, and impressive. It is also very nice for me to be among “bankruptcy types” again, it allows me to return home, so to speak. It is wonderful to see bankruptcy judges, law school deans, bankruptcy lawyers (some of whom I have known for decades, like Keith Shapiro), and law professors (including Professor Rafael Pardo, whose work I greatly admire).¹ This event has been beautifully organized, and I appreciate all the time and attention that went into making this evening a success.

I’d like to begin with a special word of thanks to Keith Shapiro for his most gracious introduction. He and I have known each other for decades—three decades I believe. I agree with him, it is strange that my bio does not make mention of my book on bankruptcy.² And yes, he could have told some tales from our youth that would not have put either of us in the best light. They might have been funny though!

But most importantly, I am so pleased to introduce your Distinguished Service Award for Lifetime Achievement recipient—a person I know well—Professor Marjorie Girth. Indeed, I have known her for more than thirty years (if that is possible, given how young we both are). We have had a long professional and personal friendship. You have Professor Girth’s remarkable biography in your program, and it highlights her amazing career. It identifies her accomplishments as a scholar, teacher, dean, and pioneer.

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¹ See, e.g., Rafael I. Pardo, *The Undue Hardship Thicket: On Access to Justice, Procedural Noncompliance, and Pollutive Litigation in Bankruptcy*, 66 FLA. L. REV. 2101 (2014).

² KAREN GROSS, FAILURE AND FORGIVENESS: REBALANCING THE BANKRUPTCY SYSTEM (1997). *Failure and Forgiveness* won the 1997 Business and Management Award given by the Association of American Publishers, Inc., Professional & Scholarly Publishing Division.

Let me explain a tad more on this last point. When Professor Girth went to Buffalo Law School, she was then the only woman on the faculty.³ She was the first woman to receive tenure at Buffalo.⁴ She was the twenty-seventh woman to become a law school dean nationwide.⁵ I might add that in those days, women law professors in the bankruptcy and commercial law field were rare. In the early years, it felt like you could count us on two hands.

Professor Girth is also a remarkable person. It is to these qualities that I turn to this evening because they do not show up in a resume, but they define this amazing person and provide powerful reasons for why she deserves this Award for Lifetime Achievement. I promise to say nothing embarrassing, but I hope the stories I tell display the warmth, compassion, and wisdom of your honoree.

Law professors (and I say this with some embarrassment on behalf of us all) count the number of people and courts that cite to their work. Yes, really. I used to receive a monthly report during the twenty-plus-years when I was a law professor, showing who had cited me, where I had been cited, and when. Now, two things related to Professor Girth on this subject.

First, her empirical work, published by The Brookings Institution in 1971 and titled *Bankruptcy: Problem, Process, Reform*⁶ was the first real, robust empirical study of the bankruptcy system.⁷ Indeed, empiricism and law was hardly a burgeoning field back then,⁸ and it took courage to conduct empirical studies.⁹ Professor Girth's empirical study became so well known and was so frequently cited that people stopped referring to it in conversation by the book's title—even I had to look up the exact title. Indeed, people just referred

³ *Women's Work: A Tribute to the Women Who Make UB Work—Marjorie Girth*, UNIV. BUFF. LIBRARY ARCHIVES, http://library.buffalo.edu/archives/womens_work/bios/girth.htm (last visited Jan. 3, 2016).

⁴ *Id.*

⁵ Herma Hill Kay, *Women Law School Deans: A Different Breed, Or Just One of the Boys*, 14 YALE J.L. & FEMINISM 219, 240 (2002), <http://scholarship.law.berkeley.edu/facpubs/188>.

⁶ DAVID T. STANLEY & MARJORIE L. GIRTH, *BANKRUPTCY: PROBLEM, PROCESS, REFORM* (Brookings Inst. 1971).

⁷ I offer a nod here to Professor Philip Shuchman at Rutgers, who might co-claim this honor, although I beg to differ. See, e.g., Philip Shuchman, *Profit on Default: An Archival Study of Automobile Repossession and Resale*, 22 STAN. L. REV. 20 (1969); Philip Shuchman, *The Fraud Exception in Consumer Bankruptcy*, 23 STAN. L. REV. 735 (1971).

⁸ See Robert W. Gordon, *Lawyers, Scholars, and the "Middle Ground,"* 91 MICH. L. REV. 2075, 2085 (1993) (arguing that empirical research "remains to this day the most neglected and ridiculously undervalued as well as the most potentially fruitful branch of legal studies").

⁹ It also took courage to co-author at that time because you ran the risk of others assuming your co-author had done all the work.

to it as “Stanley & Girth” or “Girth & Stanley.”¹⁰ Now that’s impressive—to have a work so well known that you do not even need to mention its title. It’s like referring to an album just by the musician’s names.¹¹

Second, while the usual measure of success is citations to one’s work, I think there is another way to reflect on citations and what they mean. Often, as many of you know, law review articles begin with “acknowledgement footnotes”—the place where authors thank the many people who provided input and significant suggestions for their work. Of course, some of these “thank-you” notes just mention prominent scholars who have written on the subject at hand (as if that provides an endorsement of the piece’s quality, given that they are read and judged by law students, in most instances).¹² But overall, the people named in the “thank-you” notes are remarkable people who have taken the time to help others, usually younger scholars, improve their work. This means they have read and provided comments and edits for every article in which they are named. One way to measure Professor Girth’s success is by the dozens of scholarly publications that thank her for her input and guidance. That is a gift so many have received—Professor Girth’s feedback on their work. She has provided guidance for a generation of scholars.

Professor Girth served as a mentor. Indeed, given that I am standing here, it should come as no surprise that Marjorie was my mentor—not just when I was a young professor, but through my entire professional career, and even now. The literature on mentoring suggests that a mentee’s success is directly correlated to the mentoring she has received, so I owe my success to Professor Girth, who has been a wonderful mentor to me.

Some of you may be wondering how we met—how does a mentee meet a mentor? I was a young professor—maybe one or two years in the academy. I had, of course, read Stanley & Girth. I was working on an article involving individual debtors. I wanted Professor Girth’s wisdom on both my approach and the content, but I had not met her. There was a conference of law professors and an accompanying reception. There were not many women

¹⁰ Robert M. Lawless & Elizabeth Warren, *Bankruptcy and Insolvency*, in OXFORD HANDBOOK OF EMPIRICAL LEGAL RESEARCH 198, 204 (Peter Cane, Herbert Kritzer ed., 2010) (“Published in 1971 and more commonly known to bankruptcy academics as ‘Stanley and Girth’ in deference to its authors (public administration expert David T. Stanley and lawyer Marjorie Girth), the Brookings Report analyzed case files from eight judicial districts and interviewed 400 individual debtors from seven of those districts.”).

¹¹ “Madonna,” or “Cher,” or something more contemporary for all you students out there.

¹² I understand the *Emory Bankruptcy Developments Journal* is unique in that there is both academic and practitioner input in the student Comment writing process, adding to the value of the pieces published.

professors in attendance. We were all wearing nametags, and I saw her across the room, standing at a small table. I was nervous. Should I go over? What should I say? My tongue seemed quite tied. But, over I went. I introduced myself, blurted out how meaningful her book had been to my work, and asked if she would be willing to read a draft of my first law review article. I said it all in one breath. Professor Girth was gracious—she invited me to sit down right then and there. She agreed to read my draft, and the rest, as they say, is history. I can only hope to pay it forward.

Now one last story. Professor Girth invited me to be a Southeastern Bankruptcy Law Institute (SBLI) Distinguished Visiting Professor in the 1995–96 academic year.¹³ I was excited to visit and honored to be asked, but I had a request of then Dean Girth before I said yes. I wanted to visit the world-famous primate lab at the Georgia State Language Research Center.¹⁴ She said few people were ever allowed to enter, but that she would see what she could do. Well, she made it happen, and off I went to Atlanta and to the primate lab.

Initially, we were introduced to key personnel, and we learned about how the bonobos learn language. We saw a brief film, their computer keyboards, and their indoor testing room. Then, we went outside with the trainer to see the bonobos in their enormous cages. As I recollect, the bonobo we spent the most time with was named Kanzi. I could be wrong in that recollection, but I remember what happened very clearly—as clearly as if it happened today.

Marjorie was wearing sensible shoes—after all, we were at a primate lab. But I was wearing heels that day, as I tend to do. The bonobo immediately set eyes on my shoes, pointing to them repeatedly. The trainer in the cage with her told us that all the personnel working with the primates wear sneakers, so this was the very first time Kanzi had seen high heels. Moments later, Kanzi started running up and down the runway of her cage, pointing continuously to her feet and my high-heeled shoes. The trainer then explained that Kanzi wanted to see if I could run in high heels. The trainer asked if I would, and I obliged—running up and down the side of the cage with the bonobo running parallel to me while clapping and looking at my feet.

¹³ GA. STATE UNIV. COLL. LAW, 1995–1996 ANNUAL REPORT 5 (1996), <http://readingroom.law.gsu.edu/annual/18>.

¹⁴ *Language Research Center*, GA. ST. U., <http://www2.gsu.edu/~wwwlrc/> (last visited Nov. 15, 2015).

But, that was not enough. The bonobo then asked her trainer if she could see one of the shoes. The trainer asked if I would give her my high heeled shoe to hold, and I did (though not without first wondering if I would get it back). Considering the size of the bonobo, my shoe was not exactly a good fit. The bonobo then asked me to run again, now with just one shoe, while she ran with the other shoe in her hand. Let's just say it was quite the scene to behold. There I was, running with one shoe—not exactly a picture of elegance. All I could imagine was someone coming out to the lab to meet us, and Dean Girth introducing me in that state as the SBLI Distinguished Visiting Professor. All this while, Dean Girth stood on the side smiling, laughing, and not quite believing what was happening to her guest. I am thankful that all of this happened before the age of social media. But decades later, I still smile at the image of me as the one-shoed professor running next to a bonobo, up and down the side of a cage, with the bonobo clapping and Dean Girth cheering me on.

As if that one favor were not enough, I want to ask Professor Girth for another—right here and now. I went and found her book, Stanley & Girth. I have always wanted a signed copy, so I hope she will sign my book before the evening is over. That book inspired me forty years ago, and it inspires me today. I was going to do a dramatic reading from the book,¹⁵ but because the evening is getting late, let me stop here and introduce tonight's extraordinary honoree, Professor Marjorie Girth.

¹⁵ DAVID T. STANLEY & MARJORIE L. GIRTH, *BANKRUPTCY: PROBLEM, PROCESS, REFORM 196–97* (Brookings Inst. 1971) (“Bankruptcy is bad by definition—a negative concept connoting failure and broken agreements. . . . The term has even become a metaphor for ruin or unpleasant finality—‘the mayor’s political career is bankrupt’ But the results of bankruptcy are not necessarily all bad for all creditors and debtors. . . . [W]e have seen that bankruptcy is inevitable and necessary. The process ends a deteriorating but unresolved situation so that those involved can make a fresh start.”).