

2019 Calvin Ashland Award (Trustee of the Year) Howard M. Ehrenberg [Acceptance Speech]

Before I start, I will let you know in advance how long this speech will be. At my daughter's college graduation in May, the commencement speaker said that he was told that if he gives a 20 minute speech no one will remember what he said, but if he gives a 10 minute speech, it would be remembered as the greatest speech ever. So I am going to speak for less than 10 minutes.

It is particularly moving to receive the Calvin A Ashland award. With the exception of my partners here tonight, you probably do not know that Judge Ashland began his legal career at Sulmeyer Kupetz. The future judge was an associate in the firm's commercial collections department. There he learned how to negotiate with debtors to collect the bill. He later transferred to the bankruptcy group where he learned about representing debtors and other parties in a ch.11 case. Arnold Kupetz and Richard Baumann remember Judge Ashland as very smart, hardworking, righteous, straight laced, and always had a smile. They believe that his experiences representing all parties in a bankruptcy gave him a certain empathy with what the parties were going through. They told that while he was an excellent lawyer, he was an even better judge.

I also spoke with Dee Dee Lebovitz, Judge Ashland's first law clerk in 1979. Dee Dee told me that the judge was the nicest, kindest and gentlest person. He treated everyone in chambers as family. As DeeDee was the first clerk after the bankruptcy code was enacted in 1978, she said that no one knew what they were supposed to do as the judges did not have clerks before. She said it was a bit like the wild west. Dee Dee recalled that in November of 1979 Judge Ashland sat her down and told her that no matter what happened with the bar results she could stay on for another year. Fortunately, she passed but she always remembered that kindness.

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I'm so honored that you selected me to receive this award but to be perfectly honest, I am not sure why. I really thought that you didn't like me after I testified in Sacramento in 2015 before the Assembly appropriations committee against the bill to increase certain exemptions including the homestead exemption. The bill failed. But since you have honored me with this award, I have had to figure out why.

First, however, I need to make some thank yous. Sitting at my table are my beautiful wife of nearly 30 years Susan, my son Benjamin and my daughter Mia via the wonders of technology, and Susan's parents Gene and Judy Rubin. They have all been on this crazy ride with me since I became a trustee in 1995, and have learned the hard way that every new case is a blessing and a curse. I thank you and I love you.

Next, I would I like to thank all of the people from my office who are here tonight. 25 years ago the firm enabled me to become a trustee and I am grateful for that opportunity. I think it has worked out well. Also thank you to all of the people who are at the firm today, including my partners, our attorneys and paralegal, my amazing administrator Lupe Cortez, my wonderful assistant Maria Viramontes, our great office manager Marianne Vega, and everyone who works on trustee matters. I need to posthumously thank my field agent of the last 25 years, John Baer, who passed away recently. John was a very special person who had unique talents. For those who may not know, a field agent is a person who assists the trustee with the physical aspects of a case such as gathering the computers and locking up the premises. But John was also very good

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at listening to the thoughts of workers and executives of a failed company to try to learn what can't be gleaned from a Statement of Financial Affairs or the 341a meeting. Together we made lemonade out of lemons on many an occasion.

Thank you to the CDCBAA. You have created an organization like no other. Through your educational efforts, the entire bankruptcy system functions smoothly even with our reduced resources. Thank you Peter Anderson and the entire office of the United States Trustee for your support of my effort to help the system operate in a way that treats everyone involved with respect and fairness. And thank you to Judges Bluebond, Robles and Tighe for being here tonight. We don't always agree but we all come to the court for the purpose of serving the system with integrity. And I shouldn't say this but the three of you are my favorite.

Ok, back to figuring out why you selected me as your honoree. Maybe it is because I allow you to ask for priority so you can be in two places at the same time. Maybe it is because I generally talk fast and do my best to get through each calendar in less than an hour. Maybe it is because I try to not ask questions which I can answer myself because I review all of the cases well in advance of the hearings. These things are all true, but probably not the reason.

Keith Higgenbotham says that I was selected because I am honorable, caring, forthright and direct with a love and respect of the bankruptcy system and process. Ok Keith, you now have permanent priority at my 341a hearings.

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Maybe it is because you enjoy knowing that I am going to squirm when I have to inspect the house of a hoarder, or the house of the debtor that sells blow up dolls, or the bakery that sold butt flavored crackers, or the time I thought I had a million dollars in gold jewelry only to discover that it was all gold sprayed plastic, or the mini market with no power and rotting fruit, or the office of the plastic surgeon with unclothed before and after pictures of his work on the walls, or the time I had a rental house and a kitchen cabinet fell off the wall and the occupant called me from the hospital. Or the time I operated an avocado grove in Somis California and received a call from the Santa Barbara Sheriff that there was a meth lab operating on the property. I was once violently shoved in the elevator of the old Federal Building by an angry debtor. This was before the days of guards at the doors and he got away as I was yelling "stop him". I was once threatened by an associate of a debtor who said he would have my finger cut off if I continued my adversary action. I did not and I still have all of my fingers (show hands). All of these things really happened but are probably not the reason why you selected me.

Before I continue, I need to tell you a couple of trustee rules.

The first is never take possession of something that needs to eat. That includes people and animals.

The second is that I have never had a jewelry case that had any jewelry. Ever.

The last is be nice to Lupe if you want a favor.

Ok, I think I know why you have honored me in this way. It is because we have come to understand that we all have a role to play in helping people get through what we know is traumatic for the debtors. You have told me many many times how nervous a debtor is, so I try

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to ease their nerves by not sounding angry or accusatory. Also, as this is often the only court like experience the debtor will have, I want them to feel that they have been treated equally and respectfully. And you help me by letting your clients know what issues may exist so they are not surprised. You can also help me the most by having you and your client prepared for the meeting. If everyone is ready with their ID and questionnaire and if there is an appearance counsel that he or she has spoken in advance with the debtor, the meeting will usually only take the 2 minutes it needs for the majority of debtors.

When we send a letter asking for additional information, you can be sure that it not from a desire to collect paper. If you call me, I will tell you exactly why I am looking further into the case. If a creditor appears, I try to strike a balance between their need to vent and protect the debtor from being harassed. In 25 years I have never had to press the red button. Before we had a guard I used to joke that if I pressed the button Alvin Mar would come to protect me. Seriously, everyone at the OUST has always had my back and it is greatly appreciated.

Bankruptcy is a constitutional right. The debtors are not bad people. We all know that 98% of them have nothing and did not intend to some day become a debtor in bankruptcy. Of the few that have assets, I try very hard to get the debtor to cooperate so we don't have to go to court, and I don't have to sell the house. While I do this for a living, I do not look at every case as an opportunity to make money. I am much happier when the debtor can keep their house and the creditors receive the same dividend.

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A tiny fraction of the debtors are bad people and the system is well equipped to deal with them, but I don't assume that debtors are bad. We are all just people trying our best to serve the system and maybe have a little fun while doing it.

So thank you very much for this honor. It was not necessary but sincerely appreciated. It is truly an honor for me that I get to work with every one of you. Thank you.