



# Hon. Jim D. Pappas

## U.S. Bankruptcy Judge, District of Idaho

by Ron Kerl



*Ron Kerl is admitted to practice law in all state and federal courts of Idaho and the Ninth Circuit Court of Appeals in San Francisco. He has served as president of the local (Sixth District Bar Association 1982), the statewide Idaho State Bar (1994), and the Portneuf Inns of Court (1996). He has chaired numerous Idaho State Bar committees (Bar Exam Grading, Professional Conduct, Long Range Planning) and has served on the Idaho Law Foundation's Fund Development Committee.*

**O**n March 22, at the end of his second term, U.S. Bankruptcy Judge Jim D. Pappas will step down as one of the District of Idaho's two bankruptcy judges. Fortunately for the District of Idaho and the Ninth Circuit, Judge Pappas has accepted a recall appointment from the Ninth Circuit Court of Appeals and will continue to serve as a bankruptcy judge for the foreseeable future. Judge Pappas' semi-retirement comes at the end of a distinguished career, both as a skilled lawyer and as a widely respected jurist.

Judge Pappas is a native of Pocatello. His father and family emigrated from Greece in the early 20th century. His grandfather supported the family as a shoemaker. His father served the country during World War II as a member of the U.S. Army quartermaster corps. After his service to his country, Mr. Pappas returned to Pocatello and married Judge Pappas' mother, who brought into the family five children. Judge Pappas' father, along with two others, later started a Pocatello-based company that eventually became a major regional road construction company. As the youngest of the six Pappas children, Pappas grew up in the famed Iron Triangle of Pocatello. There, many immigrant and ethnic families formed a diverse community committed to bettering their lots in life.

Teaming up with a friend who went on to become an associate attorney general in Connecticut, Judge Pappas first practiced the art of persuasion by joining the Pocatello High School debate team. His fledgling passion for logical reasoning and persuasive argument served him well during state debate competitions, including one contest with an Idaho Falls High School team featuring now-U.S. Sen. Mike Crapo.

After high school, Judge Pappas, a declared government major, continued debating at Idaho State University (ISU). Scholarships and part-time and summer work helped him pay the cost of his higher education. While at ISU Judge Pappas met and married Julie Roske of Twin Falls, his wife of 45 years. With Julie's encouragement and financial assistance from her full-time job, Judge Pappas redoubled his commitment to further his education. It was at ISU that Judge Pappas



met and became lifelong friends with Hon. Lynn B. Winnill, now the chief district judge for the District of Idaho. Upon graduation in 1974, his love of advocacy and work ethic led Judge Pappas to enroll at the University of Idaho College of Law.

At the law school Judge Pappas flourished as a student, was active in the school's moot court program, and was elected editor-in-chief of the *Idaho Law Review*. Judge Pappas' son, Matt Pappas, now a successful Boise attorney, was born early on the morning of a law school final exam, and—evidencing the multitasking skills required of a successful law student—Judge Pappas scored an A on that day's criminal law test.

Judge Pappas held a strong desire to return to his home town of Pocatello following his law school graduation. Because of this, he declined an offer from a Ninth Circuit judge to serve as a law clerk—a serious and inexplicable mistake in the eyes of future law school dean, Sheldon Vincenti, who at the time admonished Judge Pappas that his choice was likely the worst professional decision he could ever make.

Instead, Judge Pappas signed on as an associate with the Pocatello firm led by Jim Green, Archie Service, and Clark Gasser. The firm had a variety of

individual and corporate clients, which Judge Pappas saw as an exceptional opportunity for him to develop and hone his legal skills and grow his own law practice. In addition to the firm's partners, Judge Pappas was excited by the opportunity to work with Ron Kerl, whom he had admired in law school as another *Idaho Law Review* editor-in-chief. He was also anxious to work at the firm with Alberta Phillips, one of Idaho's very first woman lawyers and the first woman to serve on the University of Idaho's College of Law faculty.

In what was primarily a "people practice," the Pocatello firm's diverse clientele offered Judge Pappas an immediate opportunity to counsel clients face to face

and to make frequent appearances to represent their interests in the courtroom. Shortly after joining the firm, Clark Gasser was retained by famed local bankruptcy trustee L. D. Fitzgerald to represent him in bankruptcy court. Gasser, in turn, asked Judge Pappas to help with the representation. While Gasser was not enamored with the highly technical aspects of bankruptcy practice, Judge Pappas was enthusiastic about the opportunity it presented. He embraced bankruptcy law as a specialty, and began his noteworthy career counseling several bankruptcy trustees and many other clients needing bankruptcy representation.

Then, in 1978, the new Bankruptcy Code was enacted by Congress, which completely overhauled existing bankruptcy laws and procedural rules. One day, Idaho's venerable bank-

ruptcy judge, Merlin Young, invited young Pappas to join him for dinner at a Pocatello restaurant. At the meeting, as he did with other Idaho lawyers, Judge Young encouraged Judge Pappas to become familiar with the new bankruptcy law and urged him to attend a nationally recognized bankruptcy seminar in order to learn more about the new Bankruptcy Code. Recognizing Judge Pappas' enthusiasm for, and his fledgling, but growing knowledge of the new Bankruptcy Code, the law firm concurred with Judge Young's recommendation, and paid for Judge Pappas to attend a seminar in San Francisco where he was schooled for a week by the lawyer-drafters of the new code.

The Bankruptcy Code presented Judge Pappas, still relatively inexperienced, with the opportunity to engage in a "leading edge" bankruptcy law practice where he could help shape the interpretation and application of the "new law" by bankruptcy and appellate judges. Having taken a big gulp of the "bankruptcy Kool-Aid," Judge

Pappas proved to be an exceptional student, counselor, and practitioner. In particular, he developed innovative and effective strategies and argued novel legal theories designed to enforce the bankruptcy trustee's special powers. Over the years, he contested matters with and against some of the best debtor and creditor lawyers practicing in the District of Idaho and throughout the Intermountain West. Judge Pappas' bankruptcy practice soon included representation of major regional lenders in Idaho, Utah, and Montana, where he honed his skills and gained a reputation as a formidable bankruptcy law advocate.

While in practice, along with a group of other mostly young bankruptcy lawyers, Judge Pappas organized a voluntary group to promote the practical education of bankruptcy lawyers in Idaho. At the suggestion of Pocatello friend and lawyer Don Burnett, now dean emeritus of the University of Idaho College of Law, who at the time was president of the Idaho State Bar, the group formed what became the Idaho State Bar's first practice section: the Commercial and Bankruptcy Law Section. Judge Pappas served on the original board, and then as chair of the section.

In 1989, Congress granted the District of Idaho a second bankruptcy judgeship. The first appointee for this position was Hon. Edward Lodge. When Judge Lodge was elevated to the district court, Judge Pappas was encouraged by his friends and colleagues to apply for the vacant bankruptcy judgeship. Competing with many other excellent bankruptcy lawyers from Idaho and across the country, after a merit selection process, on March 23, 1990, the 38-year old Judge Pappas was sworn in to serve a 14-year term as the fourth bankruptcy judge for the District of Idaho. He was reappointed to a second term in 2004.

During his tenure, Judge Pappas served as the district's chief bankruptcy judge for 11 years. Over his two terms, Judge Pappas presided over more than 100,000 bankruptcy cases in Idaho, always displaying:

- A near-encyclopedic knowledge of the Bankruptcy Code and the case law interpreting it;
- Grace and compassion for the debtors who have come before him for relief from their financial woes;
- High expectations of, but respect for, the bankruptcy trustees and lawyers who have appeared before him;
- An always collegial attitude toward the judges, court clerks, and courthouse staff with whom he has served.

In 2005, Judge Pappas was afforded the high honor of an appointment by the Ninth Circuit Court of Appeals to serve as one of six judges on its Bankruptcy Appellate Panel (BAP). The BAP decides appeals from the bankruptcy courts in Alaska, Hawaii, Guam, Northern Mariana Islands, Washington, Oregon, California, Arizona, Nevada, Idaho, and Montana. In addition to performing his regular duties as a full-time bankruptcy judge in the

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District of Idaho, and while serving in other districts as a visiting judge on various assignments, Judge Pappas participated in the disposition of over 3,000 appeals while with the BAP, and authored hundreds of appellate decisions and opinions. Judge Pappas was chief judge of the BAP for three of his 10 years on the BAP.

Judge Pappas' accomplishments while on the bankruptcy bench have been remarkable. In addition to his judicial duties, as a scholar and an educator of judges, lawyers, students, and the public, Judge Pappas has:

- Authored and edited numerous scholarly articles, including those published in the *American Bankruptcy Law Journal* where Judge Pappas served as an associate editor;
- Served two terms on its Board of Governors and contributed as a frequent program speaker for the National Conference of Bankruptcy Judges;
- Was appointed by the chief justice of the United States and served two terms on the U.S. Judicial Conference Bankruptcy Judge Education Committee, where Judge Pappas helped design and deliver professional instruction to America's new and experienced bankruptcy judges;
- Served as adjunct professor, teaching bankruptcy law, at the University of Idaho College of Law at its Boise campus;
- Lectured regularly at continuing education panels for lawyers and judges, and at public forums, throughout Idaho and the country.

Judge Pappas, throughout his career, has been a fervent proponent for "taking justice to the people" by maintaining an active presence of the federal courts in all regions of Idaho. As a result, Pappas has traveled almost 500,000 miles driving between Idaho's federal courthouses. Perhaps as one of his proudest achievements, Judge Pappas, with the other judges, advocated for and helped design and construct the U.S. Courthouse and Federal Building located in Pocatello. Opened in 1999, the courthouse included Idaho's first fully electronic courtroom. When he assumes a recall status, Judge Pappas will maintain chambers at the Pocatello courthouse.

Notwithstanding his personal and professional accomplishments, Judge Pappas is quick to attribute his success to the support of his family, especially his wife Julie and the hard work of his support staff and law clerks. Judge Pappas also gives credit for the many opportunities he had to make important decisions on challenging legal issues to Idaho's practicing bankruptcy bar, which he considers to be one of the most ethical, collegial bars in America.

Upon recall, Judge Pappas and Julie hope to travel, golf, and spend time with their children and grandchildren, including son Matt and his wife Nikki, a legal assistant, in Boise, and daughter Staci and her husband Jeff Hoseley, both accomplished Meridian high school teachers. In addition to judging part time, Judge Pappas plans to continue to write, teach, and lecture. ☺

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