

Very Nice Profile of Judge Sheri Bluebond

By M. Jonathan Hayes | November 2, 2017 | Courts, Judges Corner | No comments

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ILC Profile Series: United States Bankruptcy Judge Sheri Bluebond

The following is a profile of the Honorable Sheri Bluebond – the eighth in a series of profiles of Ninth Circuit bankruptcy judges. Judge Bluebond and members of the Insolvency Law Committee met in her chambers and discussed her personal and professional background, observations from the bench, and issues of interest. Judge Bluebond was appointed to the United States Bankruptcy Court, Central District of California, on February 1, 2001. She was reappointed for a second 14-year term in December 2014 (effective February 2015), and became the Chief Judge on January 1, 2015, a position she currently occupies. Judge Bluebond regularly presides over interesting and high profile cases, including currently *In re East Coast Foods, Inc.* (the Roscoe's Chicken & Waffles bankruptcy case).

Private Practice

Judge Bluebond grew up in Los Angeles and during high school was active in musical theater and teaching songs in synagogue. During college at UCLA, Judge Bluebond continued to enjoy music, sang at weddings and bar mitzvahs, and considered becoming a cantor.

She graduated with a B.A., *summa cum laude*, from UCLA. The judge then went to law school, also at UCLA, where she graduated first in her class and was elected to the Order of the Coif. Based on her achievements during law school, she earned a summer associate position with Gendel, Raskoff, Shapiro & Quittner, a mid-sized firm on the west side. After working at the firm her first summer, she decided to remain with the firm after law school and did not interview elsewhere.

After graduating law school, Judge Bluebond started in Gendel's litigation group. In her first few years of private practice, Judge Bluebond's caseload was a mix of bankruptcy, state court, and general business litigation. Over time, she found herself increasingly interested in the bankruptcy-related aspects of her practice, in large part given the often overly-adversarial nature of litigation. The judge recalls a relatively small litigation matter involving only about \$50,000, which she described as a "grudge match" between two secured lenders. The prevailing secured creditor spent \$75,000 to win \$50,000. She thought that "they would have been happier flipping coins." Cases like these led her to become increasingly more disenchanted with straight litigation and more interested in bankruptcy. Judge Bluebond's caseload included work for lending institutions, which also involved receivership matters. Many of the receivership cases resulted in bankruptcy filings. The judge wanted to stay involved in the cases after they transitioned to bankruptcy cases, and a bankruptcy partner at the firm agreed to supervise her. She switched from the litigation department to the bankruptcy department after approximately three years at Gendel. As a bankruptcy attorney, the judge handled cases representing secured creditors, committees, trustees, and debtors, but "no humans." Judge Bluebond left Gendel when it dissolved in 1991, and, after a stint as a shareholder at Murphy, Weir & Butler, joined Irell & Manella LLP in 1995 in order to build its now well-known Southern California bankruptcy practice. It was a 20-person office in downtown Los Angeles, and "a great environment" where partners and associates worked well together. When the lease expired on the downtown office, she and the other attorneys in the downtown location moved to Irell's Century City office.

Deciding to Move From the Bar to the Bench

Judge Bluebond enjoyed speaking, teaching and writing, and developed an interest in becoming a bankruptcy judge. In 2000, an unexpected opening on the bench was created when Judge Lisa Hill Fenning retired. The judge decided that, even though she still enjoyed private practice, she wanted to become a judge. She applied.

As one of over 40 applicants, Judge Bluebond did not think that she would be selected this first time. She was selected as a finalist and started the interview process. **She met with judges on the Ninth Circuit Court of Appeals, including Judge Alex Kozinski**, as well as Judge Pappas from the Bankruptcy Appellate Panel.

Contrary to her expectations upon applying for the position, Judge Bluebond was appointed and was sworn in as a bankruptcy judge in 2001. Shortly after moving from the bench to the bar, in 2003, Judge Bluebond got married and in 2005 became the proud mother of boy/girl twins.

On the Transition From the Bar to the Bench

Upon taking the bench, Judge Bluebond was impressed by the caliber of her judicial colleagues and court employees. Judge Bluebond speaks of all her judicial colleagues and the court's staff with high praise, and specifically identifies Kathleen J. (Kathy) Campbell, Clerk of Court, as "fantastic." A few challenges in transitioning from the bar to the bench became immediately clear to Judge Bluebond. For instance, her instincts as an advocate and a practitioner initially carried over into the courtroom. This was manifest when she found herself spending time correcting and modifying proposed orders submitted to her. Over time, she realized that she should not make every draft order that crosses her desk "perfect," and she now tries to restrain from editing the text of orders unless it is necessary to conform to her rulings, or resolve an ambiguity that she believes could otherwise lead to issues down the road. She also commented that it took her some time to realize that, as a judge, she does not have to persuade the attorneys appearing before her that her decision is right.

Judge Bluebond believes that contact between the bench and the bar is important and tries to make her interactions with the bankruptcy bar as engaging as possible. She regularly appears at Los Angeles Bankruptcy Forum presentations, providing updates and analysis regarding subjects of interest and new case law. Practitioners also look forward to the "Bankruptcy Gameshow" programs that Judge Bluebond has hosted in recent years at the California Bankruptcy Forum's Annual Insolvency Conference. The gameshows are fun and interactive and feature a panel of Central District bankruptcy judges who discuss bankruptcy-related opinions from across the Ninth Circuit. The humor-laced discussions between the judges are always presented to a "sell-out" crowd. Judge Bluebond comments that the gameshows "liven up the programs" and "give something entertaining" to bankruptcy practitioners.

Insights From the Bench

Tentative Rulings: Judge Bluebond relies upon and works with her law clerks to fully vet the issues before her. Judge Bluebond drafts tentative rulings herself. She finds that not only does the process of drafting tentative rulings help her decide how to rule, but the tentative rulings themselves help her manage her docket. The tentative rulings often cut to the heart of the issues presented and include pointed questions to address during oral arguments. The judge reviews the tentative rulings from the bench during hearings to help her recall her conclusions and the underlying analysis. However, Judge Bluebond notes that her tentative rulings will not always be the final ruling – while she estimates that more than one-half of the time her tentative will become a final ruling, she can be persuaded to change her tentative ruling. The final ruling is not usually 180 degrees different from the tentative unless she determines that she missed something in the tentative ruling. In such cases, Judge Bluebond may be swayed by oral argument. Counsel should not be dissuaded from advocating their position simply because the tentative ruling is not in their favor. And regarding oral argument, Judge Bluebond advises that, if she interrupts, it is usually because she desires to immediately address an issue so that it does not get overlooked later.

Technology: The judge believes that technology has improved the process. This is especially true with respect to the LOU system used to upload orders, the ability to search through electronic dockets, and the ability to share documents and information through e-mails. The judge prefers to review pleadings on paper, and uses sticky notes or bent pages to flag important issues. The Court currently is discussing implementing a system to allow submission of trial exhibits electronically, with regard to which Judge Bluebond commented that "we don't want rooms full of paper." Judge Bluebond's courtroom will be one of the first courtrooms outfitted with new technology as part of the Roybal Realignment. During Judge Bluebond's tenure as Chief Judge, bankruptcy judges began using Surface Pros, allowing judges to replace multiple devices and provide greater mobility.

Demeanor and Practice Tips: Judge Bluebond expects that lawyers will maintain a certain level of civility, both in pleadings and in oral argument. She does not like briefs that include significant amounts of bold, "all caps," or underlined text because it reads as "yelling." In oral argument, the judge wants to see attorneys treating their opposing counsel, the Court, chambers, and witnesses with respect. She also recommends that, for trial binders and exhibits at trial, attorneys pick one system of identifying exhibits in the pre-trial order and stick with that same system through trial even if the exhibit numbers are not consecutive in declarations. Keeping the numbering consistent avoids confusion and streamlines the identification and admission of evidence at trial.

On Being the Chief Judge and, Next Year, "Chief of the Chiefs"

The Chief Judge of the Bankruptcy Court for the Central District of California is selected by the District Court for a four year term based on recommendations from the bankruptcy judges within the district. Chief Judges in the Central District are usually selected based upon seniority. It is possible to serve more than one term as chief judge, but Judge Bluebond notes that the judges prefer to have a rotating system to allow more judges to have the opportunity to serve as chief judge.

Much of the court's work is done through committees. The Chief Judge is the chair of the Court's Executive Committee, and is an *ex officio* member of all of the Central District's other judicial committees (Executive Committee, Educating & Training/Retreat, Alternative Dispute Resolution, Case Management, Chapter 13, Community Outreach, IT, *Pro Se*, Rules and Space & Security Committees). She tries to attend all of the committee meetings. The Chief

Judge is responsible for assigning judges to the committees, but the assignments are usually based upon the interests and requests of the judges.

The Chief Judge also works on a day-to-day basis with the Clerk of Court and chairs the Board of Judges Meetings. Along with her responsibilities, Judge Bluebond serves as the back-stop for all decision making and is responsible for issues regarding judicial oversight. During her tenure, Judge Bluebond has been very involved in the Roybal Reassignment Project, a multi-year project involving construction and repurposing of portions of the Roybal Courthouse. As part of the project, Judge Bluebond oversees big picture items, such as implementation of new technology, but also oversees issues such as design decisions regarding the Court's office facilities, picking furniture and fabrics, and looking at color palates.

As Chief Judge, Judge Bluebond serves on the Ninth Circuit Conference of Chief Bankruptcy Judges, which meets twice a year. The gathering brings together the chief bankruptcy judges from across the Ninth Circuit and provides a great opportunity to collaborate, discuss pending issues and participate in educational panels. On October 1 of this year, Judge Bluebond became "Chief of the Chiefs," the chair of the Ninth Circuit Conference of Chief Bankruptcy Judges, and will serve in that position for a one-year term.

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Best regards,

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