

**Introduction on the Presentation of the Distinguished Service Award
by the American College of Bankruptcy to
The Honorable Barbara J. Houser
(October 5, 2021)**

Colleagues, College inductees, ladies and gentlemen, especially family and friends of Barbara Houser:

It is a privilege to be with you this evening. It is where we can collectively assemble and acknowledge the truth: that Article I judges are every bit as good as their Article III cousins.

Watching almost anyone do almost anything well is a great good. Seeing someone perform at the top of her craft is special. Barbara Houser is special.

Whether sitting first-chair in major Chapter 11s, as a judge in command of every nuance in a bankruptcy case (and hence expecting you to be as prepared as she), as a named plaintiff heading the charge for bankruptcy judges' pay, or in her most recent challenge as the lead mediator in the Puerto Rico insolvencies, Barbara is a professional in full: fully in command, fully understanding the issues and the players, fully willing to thread new ideas with the old, and, when appropriate, to commit to them and carry them through.

I focus on where I have observed Barbara most closely and personally – the Puerto Rico cases that, by my recollection, are among the three largest in American history. You had not only the Commonwealth and its then roughly 3.3 million people (though now much less), but also its several instrumentalities, ranging from a special purpose entity known as COFINA to its Aqueduct and Sewer Authority and numerous others. Their reorganization is under an insolvency law that, while it borrows much from the Bankruptcy Code, contains many provisions and constructs unique to the Commonwealth entities.

In the late Spring of 2017, Barbara came new to these insolvencies containing disputes that had been brewing for decades. She was the lead mediator on a team where only one of its

mediators, Judge Nancy Atlas, had significant experience in mediation. (I had next to none.) Nearly every initial estimate we made was, in hindsight, woefully understated. Just asking the parties to identify issues resulted in a deluge of binders (I repeat, binders) in which teams of talented attorneys attempted to issue-spot as they had not done since law school. Needless to say, our initial projection of a two-year project looks now as surpassing strange. In the course of our over four years to date, there were bravura highs (for example, mediating a plan of adjustment for COFINA by late summer 2018) followed by, as night the day, desperate lows of near despair. There were many creditors and others swimming in the distrusting currents of their colleagues who seemed never to ask what were the concerns of the other side.

Mistrust and suspicion are expected. But not expected were the non-legal setbacks that came like clockwork. Here I quote another member of the mediation team, Judge Robbie Colton:

When asked about Barbara's mediation work, I struggled to find a way to express the enormity of the Puerto Rico experience without disclosing anything from the mediation. I wish I saved it, but it was something like this:

In 2017, Barbara had a strategy, started work, and then Hurricane Maria showed up to blow it all away.

In 2018, she had a new strategy. She started work and civil unrest came along and toppled the government.

In 2019, she had a strategy. She started work and then came waves of earthquake after earthquake.

In 2020, she had a new strategy, and the Commonwealth even filed a plan of adjustment. And, of course, the pandemic came and wiped out that work.

Before the change of U. S. Administrations, she developed another strategy, but President Trump decided that it was very important to shake up the composition of the Puerto Rico Oversight Board as he skipped out of the White House.

So, what happened? Barbara, after all these false starts and Sisyphean slides, cut the trail, and the rest followed - - at first skeptically, then tepidly, then picking up speed, and ending with breakthroughs based on trust.

And why so? I offer the following thoughts in the lookback.

1. Barbara was prepared, no less so than any professional in the resolution process. And unlike those professionals, she worked for free. Without exaggeration, I believe that Barbara has spent at least ten thousand hours in the nearly four and one-half years to date of the Puerto Rico insolvencies. (Indeed, I can think of no item so small as not to attract her attention and focus.)

2. She countered complexities with damn-right ideas that were flashcard simple to understand.

3. For a judge some said did not listen as often as she quickly jumped to the conclusion ahead of counsel (I call it going from first base to third across the pitcher's mound), Barbara became in mediation so patient a listener (alright, most of the time) you might have mistaken her for a psychotherapist. She spoke with everyone of every station – from the Governor to the Commonwealth's pensioners.

4. To the seemingly endless, and often repetitious, complaints of suspicion, mistrust, and motifs of contempt never fully explained, Barb's responses were thoughtful, measured, and practical. She did so with no malice, no sentimentality, and no excuses.

5. The upshot: Barbara Houser became the most trusted person in the Puerto Rico insolvencies. She kept the plates spinning as she set the table for a settlement. A slow crawl through the dark emerged with a consensus no one of us at times imagined.

During the course of myriad mediation sessions, Barbara often exclaimed, "I just want to finish this before I am in a retirement home." My response: Don't even think about it, Baby.

You have too much talent and so much more to give. In the meantime, please come

forward to accept this most merited recognition - - the American College of Bankruptcy's
Distinguished Service Award.