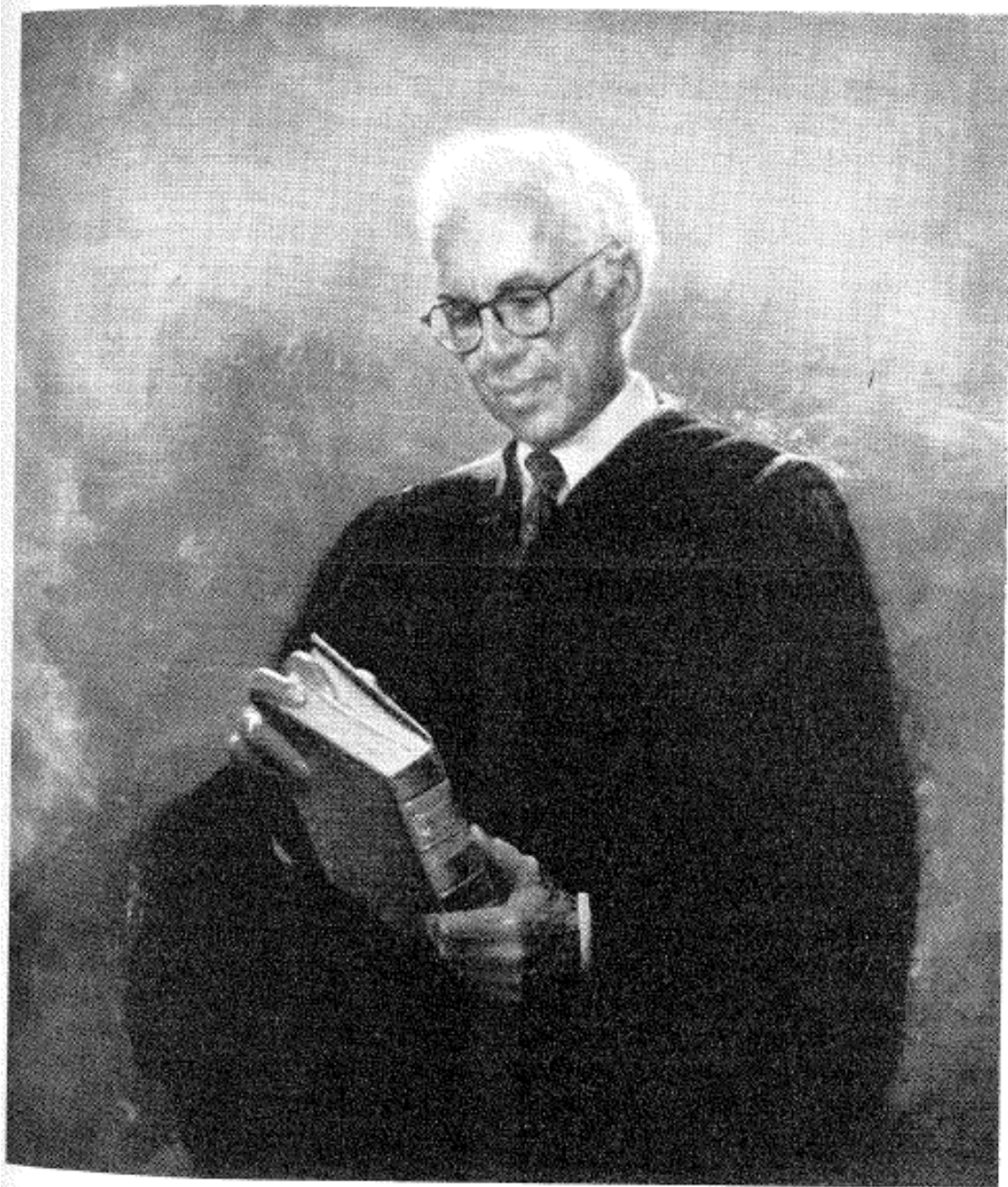


In the United States Bankruptcy Court  
for the District of South Carolina

## **Special Session**

Honoring  
**HONORABLE**  
**J. BRATTON DAVIS**  
Chief Judge

September 22, 2000



HONORABLE J. BRATTON DAVIS

# Proceedings

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FORMER LAW CLERKS: Oye, Oye, Oye. All persons having business with this, the United States Bankruptcy Court at Columbia, South Carolina, draw near and give your attention, ye shall be heard. The Honorable J. Bratton Davis, presiding.

God save the United States and this Honorable Court.

JUDGE BISHOP: Thank you. Please be seated. This special session of the Bankruptcy Court will now come to order.

The invocation will be given by John B. Butler III, former law clerk to and close personal friend of Judge Davis.

MR. BUTLER: Will you join me in prayer, please.

Heavenly Father, we are grateful to have the opportunity today to visibly and publicly express our respect and love for this man who has so positively touched so many of our lives.

We pray that what is said and what is done here today will be pleasing in Your sight and will be a constant source of joy to our friend, J. Bratton Davis, in the months and years to come.

Thank You for blessing us with his service, his leadership, and his friendship. Amen.

JUDGE BISHOP: On this rainy day, I want to welcome all of you to this special session to recognize Chief Judge J. Bratton Davis, who retires on October the 1st. We're so pleased to have so many special guests that I want to acknowledge and recognize. Because we have so many, I may try to do it somewhat collectively.

From the Congress, South Carolina Senator Ernest F. Hollings—Senator Hollings.

Members of the Federal Judiciary made up of Court of Appeals Judges, District Judges, Bankruptcy Judges, Magistrate Judges, Administrative Law Judges, if you would stand.

Members of the Judiciary of South Carolina, both active and retired.

State and local government elected government officials.

Well, I know one group that's present, the Davis family: Judge Davis' wife Margaret; their children and grandchildren; sons and daughters-in-law. We're glad to have you with us.

This day honors one who is held in such high esteem in this Court and in this District. It honors one who has served this community and this state with distinction in so many different ways.

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Judge Waites and I and Ms. Argoe, the Clerk, and others have tried our best to dissuade Judge Davis from making this move to retire, but, unfortunate to us, to no avail.

Bratton has so many good and positive qualities. Foremost to me is his ability and propensity to make other people feel good about themselves, and this is true outside the courthouse as well. His kind and his courtly manner personify the very best in that term "Southern gentleman."

There are very few judges in this nation who have seen bankruptcy, the Bankruptcy Courts, undergo more change than has Judge Davis. When he came on the bench in 1968, he came on this District's first full-time referee. He had no office, as such. He had no staff. Everything was beneath the District Court. As I understand it, he had one little desk in the corner of the District Clerk's Office.

His first year, Judge Davis had 184 cases. Since the first of the year, we have had over 8,000 cases. But high case filings and high case numbers is not something that this District or any district brags about. It would be almost like a funeral home bragging about the number of deaths that it has. But like death, it's inevitable that sometimes some people have substantial and severe financial problems, and they need to be able to see a light at the end of the tunnel.

Congress recognized this years ago when they passed the Bankruptcy Code to give debtors a fresh start, and we're very fortunate that that has happened.

Many debtors have nobody to blame but themselves for the situation they're in, but that's not always true. Many times, unforeseen circumstances cause people to have to file. Adverse weather conditions often cause them to file. And what we're seeing a lot of us in this state is the propensity of these big credit card companies to make it so easy for debtors to be able to get a card. It's almost like dangling it on a hook, and they make no investigation as to the propensity to pay it back and the ability to pay it back. And this has prompted many of these bankruptcies.

Prior to 1987, Judge Davis handled this whole state by himself. And though the caseload was not what it is now, for many years before I came on the bench, it more than justified two judges.

He held court in Charleston, here in Columbia, and in Spartanburg. When he got up in the morning and got in his car, he didn't get back home until late in the evening.

This reminds me of a story—you may have heard it—of a big Texas rancher who was vacationing up in Vermont. One day he was walking around this small town, looking at the small piece of land, and the landowner walked up. And the Texan said, "Is this your farm?" The landowner said, "Yes, it is." He said, "You must have about 50 acres." The Vermont farmer said, "Yes, that's right, about 50 acres." The Texan, being the braggart that Texans often are about the size of everything, he said, "You know, deep down in Texas, where the stars are bright, I've got a spread that's such that, when I get up in the morning and get in my truck to inspect it, I don't get back home until late in the evening." The Vermont farmer, impressed, said, "Oh, yeah? I used to have a truck like that."

There wasn't anything wrong with Bratton's car. It was the caseload, stupid.

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In 1987, I came on to help alleviate this problem, and then later Judge Waites came on to further help alleviate it. Judge Davis couldn't have been nicer to me when I came on the bench. He shared his office space with me. He was more than fair in the division of cases. And the times that I have had a personal conflict, he would always ask me if he could fill in for me, even before I would ask him.

So, Bratton, as soon-to-be Chief Judge, trying to fill your big shoes, and on behalf of this Court, I want to tell you how much we're going to miss you. We want to thank you for everything that you have done for us, and we insist that you come back and visit us often.

Judge Waites?

JUDGE WAITES: Ladies and gentlemen, it is my privilege to announce to you that earlier this afternoon Judge Davis was presented with the Order of the Palmetto by the Governor of our great state. Allow me to read from the Governor's order:

"In grateful recognition for his interest and friendship to the State of South Carolina and to her people, I do hereby confer upon J. Bratton Davis the Order of the Palmetto, with all the rights and privileges appertaining thereto, and do hereby designate him a Palmetto Gentleman."

How fitting it is a recognition for a person described by many as the greatest gentleman that they know. If you will, join me now in congratulating Judge Davis on this award.

Today you will hear many wonderful commendations of Judge Davis, and I want to join in all of them. On a personal note, I'd like to speak for a moment from the perspective of the many people like me who have worked for and with Judge Davis as employees of this Court over the years.

I, like so many people in this room today, have made my career in this area of the law and in public service primarily because of Judge Davis. For the many law clerks, secretaries, members of the clerk's office, trustees, and for Judge Bishop and myself, we know what an honor and a fulfilling experience it is to work on a daily basis with Judge Davis. From his telephoning each of us on our birthdays to his simply stopping to speak in the hall, he has always reached out to each of us individually and strikes up a conversation about our jobs, about our families, and about our interests. He has been a great leader and a friend who has shown a sincere interest in each of us as people, and his personal consideration and generosity has endeared himself to us all.

I first appeared in this Court and before Judge Davis as a new lawyer, fresh out of law school. And while I never planned on making my career in the bankruptcy law and, in fact, never took a class in that area in law school, like so many of the lawyers here today know, Judge Davis' demeanor in the courtroom, his courtesy to all that appear, his thoughtful attention to every issue, and the fairness which he displays in his rulings made it easy for me to decide that it was this Court at which I wished to make my career practicing law.

It was entirely because of the opportunity to work more closely with Judge Davis that, after a few years of practicing before this Court, I accepted a job with it as the Estate Administrator, a lawyer position with the clerk's office.

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In that job, I got the opportunity to work with Judge Davis behind the scenes and on a daily basis. And I learned what the people of this Court have known: that Judge Davis is truly as thoughtful, fair, and dedicated to his job, this Court, and the litigants which appear before him as he appears in the courtroom. But also he is almost unique in the way that he consistently demonstrates his full confidence in the people who work here. He allows us the opportunity to do our jobs without second-guessing, and he relies upon our work. He simply respects what we do and what we have to say. This, in turn, has motivated us to do our very best and allows us to grow and excel as professionals. His manner of supportive strength has made him an outstanding leader of this Court and made this Court one of the best of its kind in the country.

In 1987, with Judge Davis' support, I was selected to become the United States Trustee for the Fourth Judicial Circuit. At that time, the U.S. Trustee Program was a new program within the Department of Justice, which, because of the explosion in the number of bankruptcy cases being filed, was created to assist the courts in case administration and trustee supervision.

In that service, I'm reminded of one occasion which demonstrates the support which Judge Davis gives to those who have worked for him.

I was asked by the U.S. Trustee Program to represent it at a conference of Chief Bankruptcy Judges in Minneapolis. In those days, the U.S. Trustee Program was new, and, because it was an unknown, it was not particularly in favor with many of the Bankruptcy Judges across the country. And while I took the invitation to appear as an honor, little did I know that I was probably the sacrificial lamb being offered.

When I arrived at the conference, much to my great pleasure, I found Judge Davis was in attendance. I remember well, after making my presentation and right before I was questioned by a group of doubting judges, that Judge Davis interceded on my behalf. He told these judges, who held him in high regard and friendship, what a success the U.S. Trustee Program was in South Carolina, what a good job I was doing, and how much help we provided the Court. Well, before I knew it, I was being roundly congratulated by those judges present. This is just one example of how Bratton Davis has helped many of us succeed in our endeavors.

It is true that, in some great measure, I aspired to the position of Bankruptcy Judge because of the sterling example I had seen in Judge Davis, as a judge and as a person. If I accomplish anything in my years of service, it springs from his inspiration. Not only did he give me advice and friendship as I went through a difficult judicial selection process, but I know his opinion of my potential weighed heavy with the selection committee and the Fourth Circuit Judges.

And it has certainly been one of my special privileges in life to have served with Judge Davis as a colleague on the bench. He has been a tremendous Chief Judge, always sharing information in the decision-making process with Judge Bishop and myself. Just his presence in this courthouse has given me the strength and confidence that I needed in my first years as a judge.

I cannot tell you how many difficult decisions with which I have struggled have led me upstairs to Judge Davis' office. He has always had the time and the patience to lend me his experience. While we have not always found the answers to the

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esoteric legal questions which I was struggling with, I have always left his office reassured, with a renewed confidence and a dedication to duty. How often do I remember his simple advice, and that is do what you think is right.

It is said that a great leader knows how to select and surround himself with capable people. But few leaders have the greatness to allow those around him to grow and fulfill their potential. Well, Judge Davis does, and I know that many people in this room will agree with that.

Judge Davis, on behalf of all the people who have ever served with you at this Court, we will always think of ourselves as members of your family and your extended family. You will always have our love, respect, and admiration, and we wish you the best.

Thank you, Judge Bishop.

JUDGE BISHOP: Senator Thurmond is unable to be here today and asked me to express his regrets to you. He's having difficulty now getting on and off of an airplane. But he did send this letter, which he asked me to publish:

"Dear Bratton: I am pleased to have this opportunity to join your family and friends in celebrating your long and distinguished career as a judge. Through your service on the federal bench, you have made many vital contributions to the United States Bankruptcy Court and to the judicial system. The position of judge is one which is demanding and heavy with responsibility. You have met the many challenges of this vital job easily, and in the process, you have earned the respect of your peers, those who have appeared before you, and members of the community at large. You can be proud of the manner in which you have discharged your duties and the reputation which you enjoy. I am pleased to note that you began your career in public service by working for me when I was Governor. You have certainly met all the expectations I had for you, and you have set a shining example for commitment to the law, proper judicial temperament, and dedication to public-spiritedness. It is my hope that those who have had the pleasure of working with you will emulate your many fine qualities. I imagine that after such a long and rewarding career, you must have mixed emotions about stepping down from the bench. You may hang up your robes with the satisfying knowledge that through your work, you have rendered an honorable service and have made an important difference. I encourage you to look to the future and to enjoy the extra time that you may now spend with your lovely wife Margaret, the rest of your family, and your wide circle of friends. This is a reward you have certainly earned. Congratulations again on a long and distinguished career. I wish you great health and happiness in the coming years, and please do not hesitate to call upon me if I may ever be of assistance to you as your United States Senator. With warmest regards. Sincerely, Strom Thurmond."

We are extremely pleased, though, that Senator Hollings could be with us today. And at this time, the Court recognizes Senator Hollings.

SENATOR HOLLINGS: May it please the Court.

JUDGE BISHOP: Senator Hollings.

SENATOR HOLLINGS: Judge Bishop, Judge Waites, distinguished members of the Fourth Circuit Appellate Court, I'm delighted for you to see the high esteem,



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Bratton. You've got them all up here. The District Judges, I'm glad to see. I thought I'd see them all, but evidently some do like to play in the rain.

Judge Davis, Margaret, family, and friends, you can't say Bratton Davis without thinking of gentleman. You can't say Bratton Davis without thinking of manners. He's not only the most well-mannered individual I've known in the 50 years I've been at the Bar, but more particularly he teaches you manners.

I was only in the Governor's Office a week, and Bratton and Maggie put on this wonderful formal dinner. I hope all of y'all could have seen that dining room with a long table that juts from here to the wall, and they had numerous folks there: Senator Edgar Brown, Speaker Sol Blatt, the whole power structure. And I'm wanting to be well-mannered, and, you know, graceful, and relaxed and everything else like that. So I'm talking to Maggie right at the—she's at this head, Bratton is way down at the other head.

So I'm talking to Margaret Davis just as well I could, keeping up with the conversation. The main course had been completed, and they put this cut-glass little bowl in front of me, and I kept talking and was telling the stories. And the next thing you know, they brought a bowl of berries and fruit, and I took and helped myself to the berries and everything. Then when they brought the whipped cream, I took that thing and did like that, and it started floating away. And in a big voice down at the other end of the table, Bratton said, "Look at that damn fool from Charleston." He said, "He's got no couth. He's done put the dessert in the finger bowl." I can tell you right now, don't get me near a finger bowl. I watch that thing all the time in Washington.

But you can tell that I've been a friend and an admirer for all these years. And not only was I embarrassed, but I'm embarrassed again today because I see the list of all the honors that Bratton is to receive and the various gifts and otherwise. I had a recognition because I thought it was most fitting in that the distinguished jurist had served now 30—I heard '68, I thought it was '69—at least 32 years—

JUDGE DAVIS: '69.

SENATOR HOLLINGS: That's right—and with tremendous distinction. Living here in Columbia, I've watched him, and he headed up our Development Board, he participated in every civic endeavor that helped make this an All-American City. And so I said, "You know, it's got to be we're going down there, and I'm going to name that courthouse the J. Bratton Davis United States Bankruptcy Courthouse." And we've got a little restriction on naming things, Matthew, as you well know.

So what I did is I went to my good friend—you can't get anything through now. We've only got two more weeks, and everything that's not a regular bill, three readings in the House and three in the Senate. Whatever is to be done has got to be done on the appropriations bills. Those are the bills that we must pass. The fiscal year ends here next week, October the 1st, and we're going to have to get some extensions, and we'll be in touch-and-go for the first ten days, I guess, now in October—because what happened yesterday was not good news. We had what we call the Treasury's post office appropriations bill. And the way to get yourself a pay raise is take the legislative bill that's got the pay raise in it and attach it to the Treasury post office. And so when you vote for it, you can say, "Well, I voted for Treasury post office." We have to get it passed, just had the vote. And, incidentally,



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I was delighted to vote for a pay raise. I notice the dean that they just hired over here at the University gets \$300,000, Bratton. And you folks are not paid, and I'm trying to help out the District Judges as best I can and everything else of that kind. But we've got to get ourselves a cost-of-living or pay raise before you can actually pay the judges and all. It's just that situation.

In any event, the majority leader, Trent Lott, he doesn't bring anything until it's pretty well arranged, and he knew he had to vote at the time. And, sure enough, we were voting right along, and then someone on his side changed their votes. I take it to their candidates and running, and then they began changing their votes back. I had already voted. I had to go all the way back to the floor after I had voted and gone to the office, and change my vote. And we so far have not passed the Treasury post office. But by a good friend, Ben Lighthorse Campbell, the chairman of the Treasury post office appropriations bills assures me that we are going to pass that bill and that the definite honor will be coming your way. I'm sorry that I couldn't announce it today.

But, in any event, mind you me, if there's one deserving individual—and I've been really working for 30—I'm still the Junior Senator, I know—but I've been working 33, almost 34, years, and each year with that appropriations bill and the Justice Department and the Bankruptcy Courts, you are our most eminent Bankruptcy Judge, Bratton. I wanted to come and say that, and you're the finest citizen this state has ever had, and the greatest gentleman. Thank you very much.

JUDGE BISHOP: This court now recognizes the Honorable Robert D. Coble, Mayor of the City of Columbia.

MAYOR COBLE: Thank you. Ladies and gentlemen, it's a pleasure for me to be here. I have known Judge Davis, as you have, for many years, and I can say really three things. One, he has really graced our city over many years with his demeanor and kindness. We talk about him as a gentleman, and I can't think of anyone else who fits that definition, but our City has been graced by him.

This Court and all those who have come in, whether lawyers or individuals facing problems, have been graced by his presence and all that he has meant. And we have all been enriched by that.

But I have one thing—connection—with him that probably more than other than his family or co-workers here and people who work in the Court. City Hall is right next door, and the driveways are right next to each other. So I, generally speaking, would run into Judge Davis about once a week, he in his car. And it was always a pleasure, and always is, to see him, because he's always so pleasant, takes the time to wave, takes the time to say hello. And I've been Mayor for ten years. In ten years' worth of saying hello, I can't think of any citizen in the City of Columbia I'd rather see coming, because I know there's never going to be a complaint, there's always going to be a smile.

So, Judge Davis, if you could step forward, I'd like to make this presentation to you.

The key to the City is a symbol that we give to visitors and honored citizens. And on behalf of all the citizens of Columbia, I'd like to present this key to you. And as I've said many times, but I can't think of it more appropriate than in this occasion. This key opens the hearts of our City and all of our citizens.

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Thank you, Judge Davis.

JUDGE BISHOP: This court now recognizes Francis F. Szczebak, Chief of Bankruptcy Judges Division of the Administrative Office of the U.S. Courts.

MR. SZCZEBAK: Judge Davis, Your Honors, and may it please the Court.

JUDGE BISHOP: Mr. Szczebak.

MR. SZCZEBAK: Probably the greatest and most rewarding aspect of my job as the Chief of the Bankruptcy Judges Division at the Administrative Office is that I get to eventually meet all 325 of the nation's Bankruptcy Judges. And over the years, you get to know them, get to be friends with them, and realize that you're very, very lucky because you would not, in your normal working career, get to meet this many good, hardworking, and dedicated people. And with all deference to the higher bench and the coroner, the Bankruptcy Judges of this country really have done yeoman work in terms of providing the relief, that Judge Bishop described earlier, to the needy citizens of this country.

I'll use just one anecdote to describe the friendship and the kindness of Judge Davis. Just as Judge Waites described a certain degree of hostility that he anticipated receiving, I, when I first came on board as Chief of the Division some 15-plus years ago, came on at a time when the relationship between the Article Three bench and the Bankruptcy bench was not its smoothest or most pleasant. At that time, there were a number of judges who were trying to get legislation that was going to be passed to give Article Three status to Bankruptcy Judges. And so the Judicial Conference, which is our policy-making body, and the AO as its staff, was very adamant against it and did some less-than-pleasant things to the Bankruptcy bench of the country.

When I came on board, part of my job was to go around and represent the position of the Administrative Office, and I ran into a good deal of hostility from time to time. And I remember going to make my first speech, and I gave it, and I got sort of polite cold reaction, except for Bratton Davis, who immediately came up afterwards, introduced himself, shook my hand, and said, "Good job." And I'll never forget your kindness for doing that. Thank you for being a friend.

It's my honor to recognize Judge Davis for all the things he has done for the National Bankruptcy Court system. I'm sure you know all the good that he has done for the District of South Carolina. But I have to tell you you're probably not aware that he really has been a national treasure to us back at the Judicial Conference. So, if I might just read the citation. It's a testimonial presented by the Administrative Office of the United States Court to J. Bratton Davis, on the occasion of his retirement, in recognition of faithful and devoted to the Federal Judiciary.

"A grateful judiciary acknowledges the more than 31 years of service and varied and valuable contributions in positions of leadership. Over the course of his judiciary tenure, Bratton Davis served as Chief Bankruptcy Judge, District of South Carolina; member of the Space and Facilities Committee of the Judicial Conference of the United States; Governor of the National Conference of Bankruptcy Judges; member of the South Carolina Bar Association; member of the American Bar Association; and a faculty at the Federal Judicial Center seminars that we hold for Bankruptcy Judges. In these and other capacities too numerous to mention, Judge Davis gave generously of his wise counsel and

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enormous energies to a Bankruptcy Court system characterized by continuous change and unprecedented growth. During the period of service as Bankruptcy Judge, national filings increased from 194,930 to over 1.4 million, requiring the implementation of new techniques and increased levels of administrative effectiveness. In times of fiscal austerity, Judge Davis' mature judgment and effective assistance enabled the District of South Carolina and the National Bankruptcy System to fashion imaginative, appropriate procedures to address the un-resourced needs of the Bankruptcy Courts. Bratton Davis' commitment, enthusiasm, leadership, boundless energy, personal sacrifice, and devotion to the administration of the bankruptcy system of this nation have earned and received the respect, admiration, and gratitude of all with whom he has served. Signed, Leonidas Ralph Mecham, Director of the Administrative Office."

Thank you very much.

JUDGE BISHOP: The Court now recognizes Kevin Campbell, President of the South Carolina Bankruptcy Law Association.

MR. CAMPBELL: May it please the Court. I'm honored to be asked to announce the creation of the J. Bratton Davis Professionalism Award. The idea for this annual award originated with Johnny Butler, one of Judge Davis' first clerks. I am honored, first, because I represent an association that is absolutely the best group of professionals that I have ever been involved with, the South Carolina Bankruptcy Law Association. I'm also honored because the creation of this award speaks volumes about Judge Davis, much more than I could ever hope to tell you. Please listen as the description of this award speaks to us:

"This award is named in the honor of J. Bratton Davis, the District's first and longest-serving Bankruptcy Judge. Judge Davis epitomizes the best of the legal profession, academic scholarship and perfection in his written opinions, considerate and polite to all who appeared before him, and the consummate gentleman in all that he does. He set the standard of professionalism for bench and bar, and it is hoped that the standard he set will remain the goal for all who are involved in bankruptcy in this District. The recipient of this award shall be that individual who most exhibits the following traits: unimpeachable integrity, devotion to legal scholarship, civility to all, unfailing professionalism in all ways, and impressive contributions and improvements to the legal profession."

Judge Davis, it was an honor to practice before you. And on behalf of the South Carolina Bankruptcy Law Association, I wish you well, and God bless you.

JUDGE BISHOP: This Court now recognizes Michael M. Beal, President-Elect of the South Carolina Bankruptcy Law Association and former law clerk for Judge Davis.

MR. BEAL: May it please the Court, Your Honor.

MR. BISHOP: Mr. Beal.

MR. BEAL: Judge Davis, I believe the last time this courtroom was this crowded, Tammy Faye Bakker cried her face off.

The South Carolina Bankruptcy Law Association is a nonprofit organization of approximately 200 bankruptcy professionals committed to the education of its

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members and the improvement of bankruptcy process, particularly in South Carolina.

Before I tell you about the scholarship which we have established for Judge Davis, I want to tell you a little bit about my relationship with him and how I think he is about his relationship with others, most of whom are in this courtroom.

I had the distinct pleasure of serving as his law clerk from 1984 to 1986. Those were two of the best years of my life. He taught me a great deal about writing, including split infinitives and dangling participles, and he also taught me a lot about the law. But more importantly, he taught me many great lessons about life. In those two years, as we traveled down I-26, he'd work his crossword puzzles, and we had magnificent conversations, and I enjoyed every moment of that.

He was born in Hartville, South Carolina, and I believe he could have done anything that he wanted to, whether it be medicine, law, politics. His entrepreneurial spirit first manifested itself when he was about ten. He would be the first in line at the movie theater on Saturday afternoon. He'd pay his nickel to go in and position himself right in the back row, right dead center. Young Bratton knew that that was a coveted place for hand-holding teenagers. And when they arrived, they would bribe him with ten cents or fifteen cents to move to another spot. So he'd then buy Coke and popcorn and go home with a little jingle in his pocket.

After graduating from the University of South Carolina and its law school, Judge Davis did postgraduate study at Harvard University, and that was interrupted by World War II. He served as a naval officer and has told me many stories about his adventures in World War II.

Perhaps my favorite is the one which he tells about reporting to Officer Candidate School at Columbia University in New York. His orders required him to bring toiletries and many other things, including a pair of white pajamas. Well, Ensign Davis went to Macy's and purchased his pair of white pajamas. He reported, unpacked his bags, and to his disbelief, his white pajamas were not white at all, they were red. He thought to himself, "Well, I'll just slide these on and get in bed, and nobody'll ever be the wiser." Well, about 15 minutes later, his luck ran out. There was a loud knock on the door, and it was time for him and the other 299 men to report on the quadrangle. There were 299 men in white pajamas, and right in the middle, Judge Davis in his fine, brand-new red pajamas. And he is today, sitting here in front of me, as unique as he was 50 years ago in his red pajamas in a sea of white.

After the war, he returned to Columbia to practice law with a fine law firm and to be with mother, whom he dearly loved. His friends tell me he was Columbia's most eligible bachelor, and he didn't marry until he was 35, when he met Margaret, the love of his life.

Although I know he was offered many opportunities in business and law which would have caused him to travel extensively, he declined because he did not want to sacrifice time away from his family. He was determined to be a devoted husband and loving father, to make sure that Woody and Will didn't learn any lessons and to watch Jean, whom he still refers to as the sweetest girl in the whole wide world, grow up. There's no greater testament to this man than this family which is here with him today.

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In many respects—and I mean this with the utmost respect—Judge Davis is a throwback to the knights of old and Sir Walter Raleigh. I recall one day, when I was his law clerk, driving him to one of his favorite barbecue places, when he asked me to suddenly stop and pull over. I watched in amazement as this federal judge got out of the car, walked out into a busy street, picked up a two-by-four and cast it off to the side because it had a nail in it and he was concerned somebody might puncture their tire.

I believe that his integrity and honor, coupled with a brilliant mind, the wisdom of Solomon, an excellent temperament, and a desire to protect the weak are what uniquely qualified him to be a great judge. He treats the most forsaken debtor with the same amount of respect as he does a Wall Street lawyer or investment banker. In fact, I have seen lawyers and their clients in disbelief when, at the conclusion of a hearing, he would come down from his bench and he would shake hands with every one of them, and he'd tell them what a pleasure it was for him to have them in his Court.

I'm a sports fan. When I first learned that Judge Davis was retiring, all I could think of was that old sports saying—it was uttered by a little boy under completely different circumstances—"Say it ain't so." I thought to myself, "Judge Davis, I know you can give us 30 more years. I know you can do it."

Over the course of the last few years, he had asked me and others to let him know discreetly if we thought that he wasn't up to the task, if he wasn't doing a good job on the bench. He was very concerned about that. Well, I never said anything to him because he's as sharp today as he was when I met him 16 years ago. But, like Elway, Gretzky, and Jordan, the great ones have an impeccable sense of timing, and they leave on their own terms while they're on top of their game.

Your Honor, selfishly we all wish you would reconsider your decision and give us a few more years. In fact, I'm confident that, if we had appealed your decision, these District Judges would have reversed you for the first time ever.

Judge Davis, I hope you're proud of your legacy, because we're all extremely proud of you. You have raised the bar considerably in the bankruptcy area and the bankruptcy practice. You've raised the bar considerably in the bankruptcy practice and made it not only acceptable but downright cool to be a bankruptcy lawyer. If we could only get this economy to go south, perhaps it might even be a little bit more fashionable.

The Bankruptcy Court in South Carolina is in excellent shape as you leave it. We have two fine judges in Judge Bishop and Judge Waites and one of the best clerk's staff in the country.

Your Honor, you are universally revered by all who appeared before you and worked with you. Therefore, when you announced your retirement, the Board of Directors of the South Carolina Bankruptcy Law Association decided it wanted to do something very, very special.

Accordingly, we've established the J. Bratton Davis Scholarship at the University of South Carolina School of Law. The scholarship will be awarded annually to a law student interested in bankruptcy and related areas of the law.

Although we've tried to keep it a secret, many people have learned about it and already contributed, including the entire Court staff.

## SPECIAL SESSION

Judge Davis, we love you, we thank you. We will miss those twinkling eyes and that engaging smile on the bench, and we will forever remember you as the Judge. Godspeed.

JUDGE BISHOP: This Court now recognizes its Clerk, Brenda K. Argoe.

MS. ARGOE: Thank you, Judge Bishop.

Well, Judge Davis, its been 22 years since I first began working for you, and that's really hard to believe. But they have certainly been wonderful. They've gone very quickly. There's been a lot of fun and enjoyment along the way, and that is because you are truly the quintessential gentleman.

You always, always have exhibited sincere courtesy and consideration, much encouragement and trust, tremendous wisdom, and an unparalleled wit that we all treasure. I've learned so very much from you, like Michael, about split infinitives and dangling participles. Everything I've learned has been a good thing, and all of it has improved me.

I'm grateful from the bottom of my heart for the opportunity to have worked with you, to have known you and your wonderful family, and also to have as my very special friends all the law clerks that you have employed over the years, as well as the two previous Clerks of Court. And I am just thrilled today that we have all of them here with us today. I think that speaks—since we have one that came all the way from Texas to be here and one who drove down from Charlotte. We are just thrilled that they could be here, and I think that says a lot about you and what you mean to them.

You've been an inspiration to everyone who has ever worked in this Court. From the days when it consisted of you, Janelle Hedgepath, me, two other Deputy Clerks who are not with us anymore, we occupied about 700 square feet if we took a deep breath and held it, and we only had about 400 pending cases. And now we have two more Bankruptcy Judges and their staffs, we have 44 people in the Clerk's Office, we occupy almost all of this building, from the very top to the basement, and we have over 16,000 pending cases.

I can remember your holding court in Greenville, standing behind the U.S. Marshal's intake counter, because there was no courtroom for you to use. I can remember you at a conference table in the U.S. Attorney's Office, because there was nowhere for you to hold court, and I can remember you at a desk in a visiting judge's office, because every courtroom was filled.

But even in these informal and extremely non-court-like atmospheres, you were dignified, and you treated those persons standing on the other side, who may well have been wondering whether they were anywhere close to a court, with great respect, so much so that they left knowing that they had, indeed, been in court.

And I remember the first time I was brave enough to tackle cleaning off your desk. Now, anyone who has ever seen Judge Davis' desk will know that that can be rather daunting. But Keenan Stevenson, your very first law clerk, encouraged me to do that and even assisted in doing it. And we decided that there were so many things on there that you probably wouldn't miss that we could get rid of a lot of it, and we did. And when you came back from your trip, I told you that we had cleaned it off, which I'm sure you could tell when you walked in the door, but that I had kept anything of importance, whereupon Keenan convinced you to come ask me for



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something that he knew I had thrown away. I was in great distress for a few moments, and I've never forgiven Keenan for that.

I don't have time to remember all the things that I could tell people here today about how wonderful it's been to work with you, and everybody on our staff could do the same thing. You have meant so much to all of us and touched everyone's lives.

But there is one thing that I'm going to mention, and Judge Waites also mentioned it, but we didn't compare notes. But that is your practice of calling everyone on their birthday. It means so much, even though it may only take a moment or two of your time. I can't tell you how many of my staff have said what that means to them and how much they look forward to it. And some of them have said the first few times it happened, they kind of panicked because they figured they had done something really, really bad. But then they knew better in future years, and they treasured those calls.

When you told me in January that you were going to retire on October the 1st, you also told me that you were putting me in charge of ensuring that nothing was done to commemorate the occasion. There was not to be a reception. There was not to be a gift. There was not to be a speech. You even said—and I think I'm quoting you exactly, "I want it to be like any other day. I just won't be there." Well, I'm sorry, but I just couldn't do that, nor could many others. I had quite a few co-conspirators, and you've already heard from quite a few of them. And I'm more than willing to share the blame. But no one could have let you leave this Court without doing all that we could think of to commemorate it and to honor you.

In the Clerk's Office, when we discussed what tangible thing could we give to you that you could use to remember us by, we decided to put together a scrapbook and to invite others who know and love you to contribute to it.

So I have for you today a book which contains many, many letters from judges and others all across the United States, the appointment papers that appointed you to a six-year term as a referee on July 1, 1969, the orders dismissing the two complaints that two of your very favorite debtors filed against you, calendars of your court schedules, and one of those calendars is on a three-by-five card. It's from a court session in 1971. It has two cases on it. The last one was your calendar from this past Wednesday, and you had 73 pages on the calendar and over 300 cases on it. It has pictures, past and present, and national recognitions, and many other things that your secretary, Reggie Reinovsky, helped us scavenge out of your office and put into this book.

On behalf of the Clerk's Office and from myself, I wish you nothing but fun and happiness in your retirement. But we've all decided we will not say goodbye. We expect you to be available to us, and we expect you to come back to see us.

You set the standard of excellence, professionalism, and courtesy for which this Court is recognized here and in many other places across the country. It is a standard we all strive to reach, not only because it is right but also to honor you. I thank you, sir, for everything you are, for everything you have been to all of us, to this Court and to the bankruptcy system.

JUDGE BISHOP: This Court now recognizes the honoree, Bratton Davis.

JUDGE DAVIS: May it please the Court.



## SPECIAL SESSION

JUDGE BISHOP: Judge Davis.

JUDGE DAVIS: Well, this is certainly the best-kept secret that's ever been held anywhere. I did not know until I walked in here this afternoon what was in store. It was such a great secret to me that, when early this morning my daughter Jean came running into our house to see Margaret and me, I said, "What's the matter, Jean?" She said, "I just heard from the man who's putting up wallpaper in my house that you're going to receive an honor today. Why didn't I know about that?"

Senator, if the CIA has any problems getting people who can keep secrets, I've got a lot of numbers.

Back when I first started practicing law, I was with Mr. Clint Graydon, who was a very distinguished trial lawyer at the time, and I owe so much to him. One of the remarks that I have kept in my mind ever since those days when I was with him was the expression he often used when he was predicting that something that people had said would never come true. For instance, he would say, "If so and so happens like Mr. So-and-So said, there'll be a big brass band walking down main Street playing 'Who'd a-thunk it?'"

Back in 1937, I, a student at the University of South Carolina, not yet in law school, knew that this courthouse was being dedicated and that the distinguished members of the Circuit Court of Appeals, the District Judges, the members of the State Bar Association, in special session were going to be here, I thought. And at that time, there weren't many buildings being built. That was just in the middle of the Depression. So, when they said there was going to be a dedication of a building, that was an unusual event. I came up, standing right out in the—the street was blocked—standing out in the middle. The members of the bar and the judiciary were all up on the steps. The photographer was taking a picture. And little did I think or believe that this building which was being dedicated that day would result in my being a judge on this Court, and coming here today, and hearing what has been said. It's been a surprise to me. But I expect, when I go out of that door, I'll be surprised again. I believe there's going to be a big brass band playing "Who'd a-thunk it?"

Your Honors, I want to tell you, it has been a pleasure and a treasure to me to have the honor and privilege of serving on the bench with you two. No judge could have been more blessed than I have been, and I thank you for your friendship, and service, and loyalty. I want to say to you—and I'll go down the program as it is here.

Senator, I thank you more than I can tell you for your coming here today. Your mentioning the courthouse naming is something I did not know anything about, but I appreciate that very much.

And now that His Honor, the Mayor, has given me a key, if it ever is, I hope that key will fit this door.

Thank you so much, Mayor Coble. It's been a treat for me to share those visits in the driveway out here, and I hope you'll let me come back often. You and your predecessor—well, your predecessors. It was before your time when there was no facility here for this Court exclusively to use. The District Court was using this courtroom often, when we had big bankruptcy cases involving lots of creditors and

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we didn't have a place to hold creditors' meetings and we had to hear them within the time specified by the law. But the current mayor at the time was very generous in letting us use the courtroom which is in City Hall, and which, incidentally, you may be interested in knowing, was the federal courtroom at one time.

Mr. Szczebak, you and your office have been of enormous help and assistance to us here in South Carolina, as well as to all of the judges from throughout the United States. And I know that my good friend, Bill Anderson, and all of my colleagues on the bankruptcy bench will agree with what I say, that we appreciate so much the tone and tenor of your service to us.

Kevin Campbell, I am just overwhelmed by your statement there's going to be an establishment of a professionalism award. I want to thank you and your colleagues for all that this expression indicates in me. Kevin was one of the first lawyers to come into this Court. He has served with distinction as a United States Trustee, and I appreciate all that you've done.

And, Michael, thank you for being so kind, and generous, and witty in what you had to say. Those stories are true. And I thank you.

And in addressing my comments to our distinguished Clerk of Court, I would like to make the comment that she this year is the recipient of the most prestigious award that is made annually by the Director of the Administrative Office of the Courts in Washington.

There are approximately 30,000 people in the court system, in the Court of Appeals, in the District Court, the Bankruptcy Court, the Magistrate's Court, all of the other offices and courts in the Canal Zone, Guam, Puerto Rico. All of those persons were eligible for the award, but the award was given to Brenda.

And we are all grateful to her for her distinguished service. But I want to say in commending her that I want to thank everybody in the Clerk's Office, many of whom are here this afternoon, because as able, and efficient, and conscientious, and hardworking as she is, what she has accomplished couldn't be accomplished without the support from you. And I know she'll agree with me on that.

And as I look around and see the members of the bar who are here, I just am overwhelmed and touched that you took your time to come. Who is the great golfer from Australia? Norman. Once, after losing a golf game one day, said, "I'm a winner. I just didn't win today." And I want to say to the lawyers who are here that I think all of you are winners. Sometimes you come in here, you just didn't win that day.

And I want to thank the United States Trustees Office. We in South Carolina have been blessed in having amongst our own the only two United States Trustees for the Fourth Circuit. For the benefit of those of you who may not know, that's Maryland, Virginia, West Virginia, North and South Carolina, and the District of Columbia. And the United States Trustee has come from South Carolina since that position was established. First, it was Judge Waites, and then it was my good friend, Mr. McDow from Rock Hill, who I see here.

This certainly couldn't come to a close without my acknowledging with appreciation the cooperation that I've received from all of the judiciary with the Circuit Court of Appeals and the District Court. I've had the pleasure of working with all of you, and I especially have had the pleasure of working with the Chief Judges of that

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Court. And, Judge Houck, I see your term is coming to an end just about the time mine is. Thank you so much for coming here this afternoon, and thank all of you.

I see my good friend sitting over here, Sol Blatt. He and I were at Carolina. He was, of course, as you can tell, much younger than I, and he was everybody's favorite freshman. But, Sol, someone has just recently mentioned Marvin McCrory, who's a member of the South Carolina Bar, has just recently given us a photograph of the dedication ceremonies that took place when this building was dedicated in 1937. And your father, who was then the Speaker of the House of Representatives of South Carolina, was there on the first row. I know he's looking down with great pride knowing what you've done in this courthouse and other courthouses since that time.

And I didn't know that I was going to have the pleasure of seeing my good friend General Westmoreland sitting right here. General, I appreciate your coming. You add much distinction to this occasion. The general has been a South Carolinian whom I've had the pleasure of knowing for a long time. He's been my neighbor up in Linville. And thank you for coming this afternoon. And speaking of Linville, I notice my friend Judge Chapman over there, who is my friend and neighbor and who has with him a very charming lady whom I call Queen Mary, soon to be our neighbor in Linville.

And then just before coming into the courtroom, I saw my friend the United States Marshal, who's been—well, he's probably gone now. There he is back there in the door. The Marshal's Office has cooperated with us inordinately and I thank you. Every now and then, the Marshal would take me out to see the University of South Carolina football practice. I always enjoy going, particularly in his company, because when the people out there—the players, the coaches, and all—learn that the High Marshal is in attendance, we get attention. I'd like to say that I commend you on the record the Gamecocks are making this year.

Now, I want to especially thank everyone whose name I haven't called this afternoon. When I look around, I've got godsons, too. I see Timmy Cantey over here, with the Fants, the Fant family, Simpson Fant—so many of you wonderful people who have come here this afternoon, thank you.

People are standing up. I won't prolong this any longer. But thank you very much. I thank you from the bottom of my heart, to all of you.

JUDGE BISHOP: Before this Court adjourns, I'd like to invite all of you to a reception at the Bank of America building, just about a block away. Go out the front door, make a right, go down to Main Street, turn left, and one block from there. I know Judge Davis is going to want to speak with all of you at the reception. Having done the business for which this Court was convened, this Court will be adjourned.