

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

In re:

Chapter 11

PALM BEACH FINANCE PARTNERS, L.P.,  
PAL BEACH FINANCE II, L.P.,

Case No.: 09-36379-PGH  
Case No.: 09-36396-PGH  
(Jointly Administered)

Debtors.

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**LIQUIDATING TRUSTEE'S APPLICATION TO EMPLOY  
NANCY B. RAPOPORT *NUNC PRO TUNC* TO MARCH 20, 2014**

Barry E. Mukamal, in his capacity as liquidating trustee (the “*Liquidating Trustee*”) for the Palm Beach Finance Partners Liquidating Trust and Palm Beach Finance II Liquidating Trust, by and through undersigned counsel and pursuant to 11 U.S.C. § 327(a) and *Fed. R. Bank. P.* 2014(a), respectfully requests an Order of the Court, *nunc pro tunc* to March 20, 2014, authorizing the employment of Nancy B. Rapoport (the “*Applicant*”). In support, the Liquidating Trustee states as follows:

1. On November 30, 2009, the Debtors filed voluntary petitions under Chapter 11 of the United States Bankruptcy Code [ECF No. 1]. By subsequent Order of this Court, the cases are jointly administered.
2. On January 28, 2010, the Court entered the Agreed Order Directing Appointment of Chapter 11 Trustee and Denying United States Trustee's Motion to Convert Cases to Cases under Chapter 7 [ECF No. 100].
3. On January 29, 2010, the United States Trustee appointed the Liquidating Trustee as Chapter 11 Trustee in both of the Debtors' estates [ECF No. 107].

4. The Liquidating Trustee is the Liquidating Trustee by virtue of this Court's Order Confirming Second Amended Joint Plan of Liquidation dated October 21, 2010 [ECF No. 444].

5. The Liquidating Trustee desires to employ the Applicant as a consultant (expert), *nunc pro tunc* to March 20, 2014. Ms. Rapoport is the Gordon Silver Professor of Law at William S. Boyd School of Law, UNLV, located at 4505 S. Maryland Parkway, Las Vegas, NV 89154.

6. The Liquidating Trustee believes that the Applicant is qualified to advise the Liquidating Trustee on certain issues relating to professional ethics, professional malpractice, and related items. In support, Ms. Rapoport's resume is attached as Exhibit 1.

7. The Applicant will assist the Liquidating Trustee in an objective and independent evaluation of certain issues relating to professional ethics and professional malpractice, as well as any other related or similar analyses and tasks that the Liquidating Trustee may request. This will include consulting services, and may include expert testifying services, in contested matters or one or more adversary proceedings commenced by the Liquidating Trustee.

8. To the best of the Liquidating Trustee's knowledge, the Applicant does not (i) have any connection with the Debtors or the Debtors' estates; and (ii) represent any interest adverse to the Liquidating Trustee, the Debtors, or the Debtors' estates. The Applicant is professionally acquainted with Linda Addison of Fulbright & Jaworski, L.L.P., as well as many other Fulbright lawyers.

9. Attached as Exhibit 2 is Ms. Rapoport's fully executed and notarized affidavit demonstrating that she is disinterested as required by 11 U.S.C. § 327(a) and a verified statement as required under *Fed. R. Bank. P. 2014*.

10. Attached as Exhibit 3 is the Consulting Expert Agreement between undersigned counsel and the Applicant (the “*Agreement*”). As more specifically set forth therein, the Applicant will provide services at an hourly rate of \$800.00 per hour. In addition, as the Applicant’s primary employment is with the William S. Boyd School of Law, an additional payment to “UNLV Foundation – Boyd School of Law” will be made in the amount of \$250.00 per month to compensate the Boyd School of Law for the use of any of its resources.

11. The Liquidating Trustee believes that the employment of the Applicant is in the best interests of the Debtors’ estates and their creditors.

**WHEREFORE**, the Liquidating Trustee respectfully requests the Court enter an Order (substantially similar in form to the attached Exhibit 4) (i) authorizing the retention of the Applicant, *nunc pro tunc* to March 20, 2014, as his expert upon the terms and conditions set forth above; and (ii) for all other relief this Court deems just and proper.

Dated: March 28, 2014.

s/ James C. Moon  
James C. Moon, Esquire  
Florida Bar No. 938211  
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*Attorneys for Liquidating Trustee*

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that, on March 28, 2014, a true and correct copy of the foregoing was served via the Court's Notice of Electronic Filing upon all Registered Users on the list attached as Exhibit 5 and was mailed via U.S. Regular Mail to all parties on the list attached as Exhibit 6.

s/ James C. Moon  
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*Attorneys for Liquidating Trustee*

**NANCY B. RAPOPORT**

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Google Scholar page: <http://scholar.google.com/citations?user=s7ElcsEAAAAJ&hl=en>

IMDB.com page: <http://imdb.com/name/nm1904564/>

Blog: <http://nancyrapoport.blogspot.com>

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**EMPLOYMENT**

**William S. Boyd School of Law, University of Nevada, Las Vegas (Las Vegas, NV)**  
**Interim Dean (July 1, 2012-June 30, 2013).**  
**Gordon Silver Professor of Law (July 1, 2007-present).**  
**Leadership Development Academy Coordinator (2013-present).**  
**Co-Chair, Task Force on Scholarship, Lee Business School Strategic Planning Team (2014-present).**

Works in progress:

Randy D. Gordon & Nancy B. Rapoport, *Virtuous Billing*, 15 NEV. L.J. \_\_\_\_ (forthcoming 2014) (solicited manuscript).

Nancy B. Rapoport, "Nudging" Better Lawyer Behavior: Using Default Rules and Incentives to Change Behavior in Law Firms, 4 ST. MARY'S J. L. ETHICS & MALPRACTICE \_\_\_\_ (forthcoming 2014) (solicited manuscript for symposium on Legal Malpractice and Ethics).

BLOOMBERG BANKRUPTCY LAW TREATISE (contributing editor) (Bloomberg, forthcoming 2014).

TERESA BROWN-EDWARDS, C.R. BOWLES, EDWARD T. GAVIN, JUDITH GREENSTONE MILLER & NANCY B. RAPOPORT, ABI BOOK ON CHAPTER 11 ETHICS (title TBA) (forthcoming 2014).

AMERICAN BAR ASSOCIATION, CORPORATE COUNSEL TOOLKIT (co-editor, forthcoming 2014).

BERNARD BURK, STEVEN ALAN CHILDRESS, MICHAEL S. FRISCH & NANCY B. RAPOPORT, *ETHICAL LAWYERING IN REAL LIFE: MATERIALS AND PROBLEMS* (Aspen Publishers / Wolters Kluwer, forthcoming 2016).

Teaching:

Basic Bankruptcy Law; Contracts; Professional Responsibility; Seminar on Enron and Other Corporate Scandals; Colloquium on Lawyers in Pop Culture.

Service:

Advisor to the NEVADA LAW JOURNAL and the UNLV GAMING LAW JOURNAL; UNLV Law's representative to the REYNOLDS COURTS & MEDIA LAW JOURNAL; Dean's Advisory Committee (2007-2008; 2008-2009; 2010-2011) (elected position); member of administration subcommittee of 2011-12 self-study.

Accomplishments as Interim Dean:

Managed a budget of roughly \$20 million; facilitated the conversion process for legal writing professors to move from long-term contracts to tenure-track positions and facilitated the hiring of two new tenure-track professors; raised funds for a stipend for the Director of the Saltman Center for Conflict Resolution; facilitated a faculty-staff annual giving program; facilitated the dissemination of the achievements of our faculty and staff with *Boyd Briefs*; systematized certain internal functions; acted as point person for the sabbatical visits of the American Bar Association and Association of American Law Schools; chaired the search for the Lee Business School Dean; facilitated a review of our curriculum to see whether we might be able to respond to changes in law practice and the new pressures on legal education; and facilitated various technological changes to make the internal workings of the school more stable.

The Associate Dean for Academic Affairs, the Associate Dean for Student Affairs, the Associate Dean for Administration and External Affairs, the Associate Dean for Faculty Development and Research, the Director of the Wiener-Rogers Law Library, the Director of Information Technology and the Budget Director all reported to me.

Honors:

Named "Dean of the Year" by Boyd law students in 2013.

**University of Houston Law Center (Houston, TX)**

**Professor of Law (June 1, 2006-June 30, 2007).**

**Dean and Professor of Law (August 2000-May 31, 2006).**

Responsibilities as Dean:

Managed all areas of Law Center life; served as primary external spokesperson for the Law Center; facilitated internal programs of the Law Center; raised public and private funds for the Law Center; highlighted the University's and Law Center's programs in discussions with

various Texas legislators; and served the state of Texas as CEO of the state's premier urban, public law school. As Dean, taught one course per year.

The Associate Dean for Academic Affairs, the Associate Dean for Student Affairs, the Director of the O'Quinn Law Library, the Associate Dean for Information Technology, the Associate Dean for Finance and Administration and Chief Operating Officer of the Law Foundation, the Associate Dean for External Affairs and Executive Director of the Law Foundation, and the Director of CLE all reported directly to me.

#### Significant accomplishments as Dean:

Facilitated the establishment of several new centers, programs, and institutes, including the Criminal Justice Institute, the Institute for Energy, Law & Enterprise (now the Program In Energy, Environment & Natural Resources), and the Center for Consumer Law; reinvigorated the Blakely Advocacy Institute (BAI) and acquired the A.A. White Center for Dispute Resolution as part of the BAI; encouraged the first major revamping of the Law Center's curriculum in twenty years; hired fourteen new faculty members (three of which hold endowed chairs at the Law Center); presided over a record increase in the amount and size of gifts to the Law Center, even during a downturn in the economy. Raised seven new Law Center professorships, in partnership with a special campaign of the University of Houston, in under two months. Facilitated the Law Center's recovery from the devastation caused by Tropical Storm Allison on June 9, 2001, which poured over 12 feet of water into the Law Center's sub-basement and destroyed much of its library collection (over 175,000 volumes and 1,000,000 microfiche lost) as well as much of its facilities.

#### Service highlights:

The Hon. Arthur L. Moller / David B. Foltz, Jr. Inn of Court (Bankruptcy Inn) (2003-2007), Executive Committee (2004-2006); UH Faculty Senate Commission on University Governance (2004-2006); Texas General Counsel Forum Statewide Advisory Committee (2004-2006); member, Search Committee for Vice President/Vice Chancellor of University Advancement (2004-2005); Garland Walker Inn of Court (2004-2007); State Bar of Texas's Women in the Profession Committee (2002-2005); Texas Supreme Court's Gender Equity Taskforce (2002-2006); Rice University Business & Professional Women (2002-2006); Texas Accountants & Lawyers for the Arts (2002-2006); Houston Bar Association (2000-2007); Houston Bar Foundation, Selection Committee for the Best Article Award (2000-2006); City of Houston Mayor's Pension Governance Advisory Committee (2004-2006); UH Commission on Women (ex officio) (2004-2005); Houston Bar Foundation Fellow (2003-2007); Texas Supreme Court's Gender Fairness Task Force (2002-2006); Executive Committee, A.A. White Inn of Court (2000-2002); community associate, Wiess College (Rice University) (2000-2007).

#### **University of Nebraska College of Law (Lincoln, NE) Dean and Professor of Law (July 1998-August 2000).**

#### Responsibilities as Dean:

CEO of Nebraska's land-grant law school. 1999-2000 state budget for the Law College

(excluding the Schmid Law Library) was approximately \$3.5 million; 1998-1999 private funds had a market value of approximately \$35.5 million and a book value of approximately \$15.9 million. The Associate Dean, the Assistant Dean for Administration and Student Services, the Assistant Dean for Career Services and Alumni Relations, the Director of the Law Library, the Director of Development, the Office Manager, and the Acting Head of the Nebraska Institute for Technology in the Practice of Law all reported directly to me.

Significant accomplishments as Dean:

Instituted the creation of a new Access database to enable all Law College administrative units to organize and share information; encouraged the establishment of new student organizations (including an organization for law students who prefer non-traditional career paths and a GLBT student organization); encouraged the development of a link between an undergraduate “learning community” and the Law College; helped to organize a campus-wide cross-disciplinary ethics initiative; instituted systems facilitating the scheduling of Law College events, the timely review of employees, and the cultivation and stewardship of donors; initiated the design of the new “image” of the Law College; revamped the furnishings of the student lounge (at zero cost to the Law College); and raised significant funds for such needs as scholarships and professorships. I was the point person for completing the fund-raising for, and coordinating the design and construction of, the planned addition to the Schmid Law Library. I also taught at least one course a year, including Sales, Images of Lawyers in Film, and the Skills course for first-year law students; I supervised several independent studies; and I maintained an active research agenda in my areas of professional responsibility and bankruptcy ethics.

Service:

Rotary Club #14, Lincoln, Nebraska (1999-2000); chair, UNL Search Committee for Dean of College of Arts & Sciences (2000); chair, UNL Search Committee for Dean of College of Architecture (1999-2000); member, Chancellor’s Special Budget Advisory Committee (1999); member, UNL’s Robert Wood Johnson Foundation Partnership Initiative, Policy and Enforcement Workgroup (1998-2000); UNL Mentoring Program (mentoring then-Assistant Professor Julia McQuillan) (1998-2000); member, University-Wide Assessment Committee (1998-2000); member, NSBA Bankruptcy Section Sub-Committee on Legislative Issues (1999-2000); co-chair of Homestead Girl Scout Council’s Task Force on Diversity (1999); head of portion of YMCA’s “Building Strong Kids” Campaign dealing with UNL contributions (1999).

**The Ohio State University College of Law (now Moritz College of Law) (Columbus, OH) Professor (promoted to the rank of Professor in 1998 as I was leaving to become Dean at Nebraska); Associate Dean for Student Affairs (1996-98).**

Responsibilities:

Supervised admissions, financial aid, and placement offices; managed a staff that included the Assistant Dean of Admissions and Financial Aid, the Financial Aid Counselor and Staff Assistant, the Placement Director, and their associated support personnel; was directly responsible for admissions budget; supervised budgets for financial aid and placement;



counseled potential applicants regarding admission to College of Law; counseled existing students on academic and non-academic issues; worked with Development Director regarding the establishment and maintenance of scholarships and other relationships with donors; worked with Assistant Dean of Alumni Affairs to use alumni in recruiting activities; acted as “Chief Morale Officer” of College. Concurrently taught a half-load of courses.

### **Associate Professor (with tenure) (1995-98).**

#### Teaching innovations:

Established e/mail listservs in all of my courses, leading to significant additional out-of-class contacts with students; integrated in-class exercises on drafting and negotiation in my Sales and Contracts courses; created “Friday Learning Sessions” to bring 1L, 2L, and 3L students together for discussions of general interest.

### **Assistant Professor (1991-95).**

#### Principal subjects:

Debtor-Creditor Law; Advanced Bankruptcy Seminar (Chapter 11 Issues); Contracts; Sales; Professional Responsibility; Contract Drafting and Negotiation; Legal Writing & Analysis (OSU used full-time faculty to teach this course).

#### Service:

Member, leadership learning community, Leadership for Institutional Change (1998); member, College of Law Teaching Retreat Planning Committee (1998); member, University Search Committee for the Student Gender & Sexuality Services Director (1997); member, College Search Committee for various internal positions, including Placement Director (1997), Assistant to the Registrar (1997), Assistant to the Dean (1996), and Assistant Dean for Admissions and Financial Aid (1996); vice chair, Special Committee on College Housing (1997-98); member, Faculty Advisory Board, OSU Pro Bono Research Group (1997-98); member, College of Law Affirmative Action/Minority Affairs Committee (1996-98); coordinator, Ohio Women in Legal Education (1995-96); chair, College of Law Admissions Committee (1995-96; 1997-98); member, College of Law Planning Committee (1994-95); member, College of Law Placement and Judicial Clerkship Committee (1991-94); member, College of Law Administration Committee (1991-92); member, College of Law Admissions Committee (1992-94; 1996-97); member, College of Law Minority Affairs Committee (1996-98); faculty advisor to the following College organizations: the College’s chapter of the Association of Trial Lawyers of America (1996-98); Delta Theta Phi (1997-98); the Jewish Law Students’ Network (1991-98); and the Women’s Law Caucus (1991-98); faculty advisor to the Ballroom Dance Association at Ohio State (1992-98); invited speaker at various College of Law events, including *How to Survive the First-Year Blues* and *How to Outline Law School Courses*, College of Law (1993-96), and various brown-bag discussions (1991-98); member, Teachers’ Round Table (affiliated with the Center for Instructional Resources at Ohio State) (1993-96); advisor to The Ohio State University Press regarding the 25th anniversary edition of GRANT GILMORE, *THE DEATH OF CONTRACT* (25th anniv. ed. 1994); founding member, Junior Faculty Support Network (affiliated with the Office of Faculty &

TA Development at Ohio State) (1994-96); dance demonstrator, Hispanic Awareness Week (1993-94); consultant on drafts of lender liability provisions in pending Ohio environmental legislation (1993); co-leader, Brownie Troop 2426 (Discovery Service Unit), Seal of Ohio Girl Scout Council, Inc. (1996-97); co-leader, Junior Girl Scout Troop 654 (Discovery Service Unit), Seal of Ohio Girl Scout Council, Inc. (1996); representative for the North-Central Region, United States Dance Sport Council Rules Committee (the national rules-making committee of the United States Amateur Ballroom Dancers Association) (1995-98); vice-president, Mid-Ohio Chapter of the United States Amateur Ballroom Dancers Association (1993-95).

**Morrison & Foerster (San Francisco, CA)**

**Associate; Bankruptcy and Workouts Group, Business Department (1986-91).**

Bankruptcy cases included *In re Toy Liquidating Co. (Worlds of Wonder)*, *Plexus*, *Greyhound*, *Nucorp*, and *California Land & Cattle Co.*; significant experience in bankruptcies involving industries such as toy manufacturers, computers, livestock, and television stations. Advised clients on such matters as pre-bankruptcy planning (creditor side), environmental issues, purchase of assets from bankruptcy estates, and creditor protection generally.

**The Hon. Joseph T. Sneed, United States Court of Appeals for the Ninth Circuit (San Francisco, CA)**

**Judicial Clerk (1985-86).**

**EDUCATION**

**Stanford Law School (Stanford, CA)**

**J.D. (1985).**

Note Editor, STANFORD LAW REVIEW (1984-85).

Thesis: *Computer Program for Secured Transactions* (1985).

Activities and Honors:

Member, STANFORD LAW REVIEW (1983-84); member, Student Assistants to Admissions Program (1984); member, Law School Film Society (1982-85); member, Orientation Committee (1983-84); Vice-President (Alumni Programs), Law Forum (1983-84); technical assistant in various law school and all-university plays (1983-85); First Place, Stanford Women's Intramural Powerlifting Competition (1985).

**Rice University (Houston, TX)**

**B.A., *summa cum laude* (1982).**

*Majors:* Legal Studies, Honors Psychology.

Senior Thesis: *The Effects of Time of Day on Cognitive Performance*, Psychology Department (1982).

Activities, Honors, and Scholarships:

Phi Beta Kappa (1981); Houston Psychological Association Award for Excellence in Psychology (1982); Jones College Scholar (1981-82); Academic Coordinator, Jones College

(1980-82); President, Rice Hillel (1980-82); Student Advisor, Lovett College (1979-80); member, Student Admissions Committee (1979-82); Rice Pre-Law Society (1979-82); founder, Rapoport Prize in Legal Studies (1982); Max Roy Scholarship (1979-80, 1981-82); Jones College Scholarship (1981-82); Board of Governors Scholarship (1980-81).

## **PUBLICATIONS, GRANTS, SPECIAL TRAINING, AND PRESENTATIONS**

### **Publications—Books**

NANCY B. RAPOPORT & JEFFREY D. VAN NIEL, *LAW FIRM JOB SURVIVAL MANUAL: FROM FIRST INTERVIEW TO PARTNERSHIP* (Wolters Kluwer 2014).

NANCY B. RAPOPORT & JEFFREY D. VAN NIEL, *LAW SCHOOL SURVIVAL MANUAL: FROM LSAT TO BAR EXAM* (Aspen Publishers / Wolters Kluwer 2010).

NANCY B. RAPOPORT, JEFFREY D. VAN NIEL & BALA G. DHARAN, *ENRON AND OTHER CORPORATE FIASCOS: THE CORPORATE SCANDAL READER* (Foundation Press 2d ed. 2009).

STEVEN L. EMANUEL, *STRATEGIES & TACTICS FOR THE MBE* (Aspen Publishers / Wolters Kluwer 2009) (one of several revision authors).

ENRON: CORPORATE FIASCOS AND THEIR IMPLICATIONS (Nancy B. Rapoport & Bala G. Dharan, eds., 2004).

DAVID B. GOODWIN & NANCY B. RAPOPORT, *AN ORAL HISTORY OF THE HONORABLE JOSEPH T. SNEED*, Ninth Circuit Historical Society (1994) (solicited oral history).

### **Publications—Reports**

LOIS R. LUPICA & NANCY B. RAPOPORT, CO-REPORTERS, *FINAL REPORT OF THE ABI NATIONAL ETHICS TASK FORCE* (2013), available at [http://materials.abi.org/sites/default/files/2013/Apr/Final\\_Report\\_ABI\\_Ethics\\_Task\\_Force.PDF](http://materials.abi.org/sites/default/files/2013/Apr/Final_Report_ABI_Ethics_Task_Force.PDF).

### **Publications—Book Chapters**

Nancy B. Rapoport, *Analysis and the Arts*, in ZENON BANKOWSKI, MAKSYMILIAN DEL MAR & PAUL MAHARG, *THE ARTS AND THE LEGAL ACADEMY: BEYOND TEXT IN LEGAL EDUCATION* 101 (Ashgate Press 2012) (solicited essay).

COLLIER COMPENSATION, EMPLOYMENT AND APPOINTMENT OF TRUSTEES AND PROFESSIONALS IN BANKRUPTCY CASES (Lexis-Nexis 2009) (one of several revision authors).

Nancy B. Rapoport, *Swimming with Shark*, in *LAWYERS IN YOUR LIVING ROOM! LAW ON TELEVISION* 163 (Michael Asimow, ed., 2009) (solicited manuscript), chapter available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1157053](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1157053).

Nancy B. Rapoport, *Reflections of a Former Dean*, in LAW SCHOOL LEADERSHIP STRATEGIES: TOP DEANS ON BENCHMARKING SUCCESS, INCORPORATING FEEDBACK FROM FACULTY AND STUDENTS, AND BUILDING THE ENDOWMENT 199 (Aspatore Books 2006) (solicited), abstract available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=979321](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=979321).

Nancy B. Rapoport, *Bankruptcy Ethics Issues for Solos and Small Firms*, in ATTORNEY LIABILITY IN BANKRUPTCY (Corinne Cooper, ed. & Catherine E. Vance, contributing ed., ABA 2006) (solicited manuscript).

Nancy B. Rapoport, *Lord of the Flies: The Development of Rules Within an Adolescent Culture*, in SCREENING JUSTICE—THE CINEMA OF LAW: FIFTY SIGNIFICANT FILMS OF LAW, ORDER AND SOCIAL JUSTICE 253 (Rennard Strickland, Teree Foster & Taunya Banks, eds. 2006) (solicited manuscript), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=949168](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=949168).

Nancy B. Rapoport, *Dr. Jeekyll & Mr. Skilling: How Enron's Public Image Morphed from the Most Innovative Company in the Fortune 500 to the Most Notorious Company Ever*, in ENRON: CORPORATE FIASCOS AND THEIR IMPLICATIONS 77 (Nancy B. Rapoport & Bala G. Dharan, eds.) (Foundation Press 2004) (essay co-written with Jeffrey D. Van Niel), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=505662](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=505662).

### **Publications—Articles, Book Reviews, and Essays**

Nancy B. Rapoport, *The Client Who Did Too Much*, 47 AKRON L. REV. 121 (2014) (solicited as part of the Joseph G. Miller and William C. Becker Center for Professional Responsibility's Symposium on Navigating the Practice of Law in the Wake of Ethics 20/20), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2412496](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2412496).

Nancy B. Rapoport, *Plus Ça Change, Plus C'est La Même Chose*, 17 GREEN BAG 55 (2013) (solicited manuscript), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2404069](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2404069).

Lois R. Lupica & Nancy B. Rapoport, *Best Practices for Working with Fee Examiners*, 32 AM. BANKR. INST. J. 20 (June 2013), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2279642](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2279642).

Nancy B. Rapoport, *Rethinking U.S. Legal Education: No More "Same Old, Same Old,"* 45 CONN. L. REV. 1409 (2013), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2275315](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2275315).

Nancy B. Rapoport, *Managing U.S. News & World Report—The Enron Way*, 42 GONZAGA L. REV. 423 (2013), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2255194](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2255194).

Nancy B. Rapoport, Book Review, Brian Z. Tamanaha, *Failing Law Schools* (2012), 47 L. & SOC. REV. 229 (2013) (solicited review), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2233617](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2233617).

Nancy B. Rapoport, *Black Swans, Ostriches, and Ponzi Schemes*, 42 GOLDEN GATE L. REV. 627 (manuscript solicited as part of a symposium) (2012), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2131393](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2131393).

Nancy B. Rapoport, *The Case for Value Billing in Chapter 11*, 7 J. BUS. L. & TECH. LAW 117 (2012), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2039506](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2039506).

Nancy B. Rapoport, *Changing the Modal Law School: Rethinking U.S. Legal Education in (Most) Schools*, 116 PENN ST. L. REV. 1119 (2012), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2038409](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2038409).

Jennifer Gross & Nancy B. Rapoport, *Is the Attorney-Client Privilege Under Attack?*, GP | SOLO MAGAZINE 47 (October-November 2010), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1704026](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1704026).

Nancy B. Rapoport, *Rethinking Fees in Chapter 11 Bankruptcy Cases*, 5 J. BUS. & TECH. LAW 263 (2010) (solicited manuscript for University of Maryland School of Law's symposium on Examining Government Reform in the Financial Crisis), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1625102](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1625102).

Nancy B. Rapoport, *Through Gritted Teeth and Clenched Jaw: Court-Initiated Sanctions Opinions in Bankruptcy Courts*, 41 ST. MARY'S L.J. 701 (2010) (solicited manuscript for St. Mary's 9<sup>th</sup> Annual Symposium on *Legal Malpractice and Professional Responsibility*), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1628275](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1628275).

C.R. Bowles & Nancy B. Rapoport, *Debtor Counsel's Fiduciary Duty: Is There a Duty to Rat in Chapter 11?*, 29 AM. BANKR. INST. JOURNAL 16 (2010), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1544930](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1544930).

Nancy B. Rapoport, *Academic Freedom and Academic Responsibility* (reviewing MATTHEW W. FINKIN & ROBERT C. POST, *FOR THE COMMON GOOD: PRINCIPLES OF AMERICAN ACADEMIC FREEDOM* (Yale University Press 2009)), in 13 GREEN BAG 2D 191 (Winter 2010) (solicited manuscript), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1544932](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1544932).

Eric Van Horn & Nancy B. Rapoport, *Restructuring the Misperception of Lawyers: Another Task for Bankruptcy Professionals*, 28 AM. BANKR. INST. JOURNAL 44 (2009), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1472211](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1472211).

Nancy B. Rapoport, *Where Have All the (Legal) Stories Gone?*, M/E INSIGHTS 7 (Fall 2009) (publication of the Association of Media and Entertainment Counsel), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1545443](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1545443).

Nancy B. Rapoport, *The real reason why businesses make bad decisions* (reviewing JONATHAN R. MACEY, *CORPORATE GOVERNANCE: PROMISES KEPT, PROMISES BROKEN* (Princeton University Press 2008)), in 18 BUS. LAW TODAY 52 (July/Aug. 2009) (solicited manuscript), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1425118](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1425118).

Nancy B. Rapoport, *Lessons From Enron—And Why We Don't Learn From Them*, May/June 2009 COMMERCIAL LENDING REVIEW 23, available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1413937](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1413937).



Colin Marks & Nancy B. Rapoport, *Corporate Ethical Responsibility and the Lawyer's Role in a Contemporary Democracy*, 77 FORDHAM L. REV. 1269 (2009) (solicited manuscript), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1376475](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1376475).

Nancy B. Rapoport & Roland Bernier III, *(Almost) Everything We Learned About Pleasing Bankruptcy Judges, We Learned in Kindergarten*, 27 AM. BANKR. INST. J. 16 (July/August 2008), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1157103](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1157103).

Nancy B. Rapoport, *The Curious Incident of the Law Firm That Did Nothing in the Night-Time* (reviewing MILTON C. REGAN, JR., *EAT WHAT YOU KILL: THE FALL OF A WALL STREET LAWYER* (Univ. of Michigan Press 2004)), in 10 LEGAL ETHICS 98 (2007) (<http://www.hartjournals.co.uk/le/index.html>), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1017627](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1017627).

Nancy B. Rapoport & Roland Bernier, *Bankruptcy Pro Bono Representation of Consumers: The Seven Deadly Sins*, 44 HOUS. LAWYER 18 (June 2007), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1051221](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1051221).

Nancy B. Rapoport, *Not Quite "Them," Not Quite "Us": Why It's Difficult for Former Deans to Go Home Again*, 38 U. TOLEDO L. REV. 581 (2006) (solicited manuscript), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=936251](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=936251).

Nancy B. Rapoport, *Eating Our Cake and Having It, Too: Why Real Change Is So Difficult in Law Schools*, 81 IND. L.J. 359 (2006) (solicited manuscript) (symposium at Indiana University-Bloomington School of Law—*The Next Generation of Law School Rankings*), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=703843](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=703843).

Nancy B. Rapoport, *Enron and the New Disinterestedness—The Foxes Are Guarding the Henhouse*, 13 AM. BANKR. INST. L. REV. 521 (2005) (solicited manuscript), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=936167](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=936167).

Nancy B. Rapoport, *Decanal Haiku*, 37 U. TOLEDO L. REV. 131 (2005) (solicited manuscript), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=936166](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=936166).

Nancy B. Rapoport, *Recent Developments in Bankruptcy Law*, 35 TEXAS TECH. L. REV. 543 (2004) (solicited manuscript), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=938551](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=938551).

Nancy B. Rapoport, *Zen and the Art of Shared Governance*, 35 U. TOLEDO L. REV. 169 (2003) (solicited manuscript), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=936247](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=936247).

Nancy B. Rapoport, *Examining Enron's enablers: Watkins' perspective makes Swartz's account stand out*, HOUSTON CHRONICLE, March 23, 2003, at Zest 15 (solicited book review).

Nancy B. Rapoport, *Enron, Titanic, and the Perfect Storm*, 71 FORDHAM L. REV. 1373 (2003) (solicited essay for a special issue on ethics), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=498122](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=498122); also included as an essay in *ENRON: CORPORATE FIASCOS AND THEIR IMPLICATIONS* 927 (Nancy B. Rapoport & Bala G. Dharan, eds.) (Foundation Press 2004).

Nancy B. Rapoport, *The Intractable Problem of Bankruptcy Ethics: Square Peg, Round Hole*, 30 HOFSTRA L. REV. 977 (2002) (solicited essay for ethics symposium), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=936235](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=936235).

Nancy B. Rapoport, *In Memoriam: Yale Rosenberg*, 39 HOUS. L. REV. 869 (2002) (solicited essay), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1598446](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1598446).

Nancy B. Rapoport & Jeffrey D. Van Niel, "Retail Choice" Is Coming: Have You Hugged Your Utilities Lawyer Today? (Part II), August 2002 NORTON BANKRUPTCY LAW ADVISER 2, available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=963913](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=963913).

Nancy B. Rapoport, *Multidisciplinary Practice After In Re Enron: Should the Debate on MDP Change At All?*, TEXAS BAR JOURNAL 446 (May 2002), available at <http://www.texasbar.com/Template.cfm?Section=Home&Template=/ContentManagement/ContentDisplay.cfm&ContentID=5999>.

Nancy B. Rapoport & Jeffrey D. Van Niel, "Retail Choice" Is Coming: Have You Hugged Your Utilities Lawyer Today? (Part I), February 2002 NORTON BANKRUPTCY LAW ADVISER 4, available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=963912](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=963912).

Nancy B. Rapoport, *Is "Thinking Like a Lawyer" Really What We Want to Teach?*, in *Erasing Lines: Integrating the Law School Curriculum*, 2001 ALWD CONF. PROCEEDINGS 91, available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=936248](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=936248).

Nancy B. Rapoport, *When Local IS Global: Using a Consortium of Law Schools to Encourage Global Thinking*, 20 PENN STATE INT'L LAW REVIEW 19 (2001) (transcript of AALS Annual Meeting session).

Nancy B. Rapoport, *Of Cat-Herders, Conductors, Fearless Leaders, and Tour Guides*, 33 U. TOLEDO L. REV. 161 (2001) (solicited manuscript), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=936245](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=936245).

Nancy B. Rapoport, *Presidential Ethics: Should a Law Degree Make a Difference?*, 14 GEO. J. L. ETHICS 725 (2001), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=260021](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=260021).

Nancy B. Rapoport, *Going from "Us" to "Them" in Sixty Seconds*, 31 U. TOLEDO L. REV. 703 (2000) (solicited manuscript), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=936171](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=936171).

Nancy B. Rapoport, *Dressed for Excess: How Hollywood Affects the Professional Behavior of Lawyers*, 14 NOTRE DAME J. OF LAW, ETHICS & PUBLIC POLICY 49 (2000) (solicited manuscript), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=936188](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=936188).

Nancy B. Rapoport, *Ratings, Not Rankings: Why U.S. News & World Report Shouldn't Want To Be Compared To Time and Newsweek—or The New Yorker*, 60 OHIO ST. L.J. 1097 (1999), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=936246](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=936246).

Nancy B. Rapoport, *Living "Top-Down" in a "Bottom-Up" World: Musings on the Relationship Between Jewish Ethics and Legal Ethics*, 78 NEB. L. REV. 18 (1999), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=936241](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=936241).

Nancy B. Rapoport, *Moral Bankruptcy: Modeling Appropriate Attorney Behavior in Bankruptcy Cases*, THE NEBRASKA LAWYER 14 (March 1999) (solicited manuscript), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1598447](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1598447).

Nancy B. Rapoport, *The Need For New Bankruptcy Ethics Rules: How Can "One Size Fits All" Fit Anybody?*, 10 PROFESSIONAL LAWYER 20 (1998) (solicited manuscript), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=939448](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=939448).

Nancy B. Rapoport, *Our House, Our Rules: The Need for a Uniform Code of Bankruptcy Ethics*, 6 AM. BANKR. INST. L. REV. 45 (1998) (solicited manuscript), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=936343](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=936343).

C.R. Bowles & Nancy B. Rapoport, *Has the DIP's Attorney Become the Ultimate Creditors' Lawyer in Bankruptcy Reorganization Proceedings?*, 5 AM. BANKR. INST. L. REV. 47 (1997) (symposium manuscript), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=936240](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=936240).

Nancy B. Rapoport, *Ethics: Is Disinterestedness Still a Viable Concept? A Roundtable Discussion*, 5 AM. BANKR. INST. L. REV. 201 (1997) (solicited transcript) (with co-panelists John D. Ayer, the Hon. Charles N. Clevert, the Hon. Joel Pelofsky & Bettina Whyte), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=936340](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=936340).

Nancy B. Rapoport, *Turning the Microscope on Ourselves: Self-Assessment by Bankruptcy Lawyers of Potential Conflicts of Interest in Columbus, Ohio*, 58 OHIO ST. L.J. 1421 (1997), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=938611](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=938611).

Nancy B. Rapoport, *Avoiding Judicial Wrath: The Ten Commandments for Bankruptcy Practitioners*, 5 J. BANKR. L. & PRAC. 615 (September/October 1996) (solicited manuscript), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=940769](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=940769).

Nancy B. Rapoport, *Seeing the Forest and The Trees: The Proper Role of the Bankruptcy Attorney*, 70 IND. L.J. 783 (1995), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=938527](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=938527).

Nancy B. Rapoport, *Worth Reading: Review of Annual Survey of Bankruptcy Law*, TURNAROUNDS AND WORKOUTS (Beard Group, Inc.), January 15, 1995, at 6 (solicited book review).

Nancy B. Rapoport, *Turning and Turning in the Widening Gyre: The Problem of Potential Conflicts of Interest in Bankruptcy*, 26 CONN. L. REV. 913 (1994), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=936337](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=936337).



**Publications—Op-Eds**

Lois R. Lupica & Nancy Rapoport, *Consumer Debtors Should Not Have To Go It Alone*, DOW JONES DAILY BANKRUPTCY REVIEW (May 1, 2013), available at <http://bankruptcynews.dowjones.com/article?an=DJFDBR0020130501e951qbfa8&from=alert&pid=10&ReturnUrl=http%3a%2f%2fbankruptcynews.dowjones.com%3a80%2farticle%3fan%3dDJFDBR0020130501e951qbfa8%26from%3dalert%26pid%3d10>.

Nancy Rapoport, *Board Smart Not to Raise the Superintendent Salary Stakes*, LAS VEGAS SUN, September 5, 2010, available at <http://www.lasvegassun.com/news/2010/sep/05/board-smart-not-raise-superintendent-salary-stakes/>.

Nancy B. Rapoport, *Enron an Example: Grads Lost in Trees*, HOUSTON CHRONICLE, February 24, 2002, at 4H.

Nancy B. Rapoport, *Wrestling with the Problem of Potential Conflicts of Interest in Bankruptcy*, 26 BANKRUPTCY COURT DECISIONS WEEKLY NEWS AND COMMENT (LRP Publications), March 7, 1995, at A3 (solicited editorial).

**Grants**

2002 Participant, Harvard Institutes for Higher Education MLE Program (partial scholarship from Harvard, \$1,000 in 2001—had to withdraw, due to the aftermath of Tropical Storm Allison, but returned to participate in 2002).

1999 Participant, Harvard Institutes for Higher Education Management Development Program (partial scholarship from Harvard, \$1,000).

1995 Instructional Technology Small Grant (Ohio State funds; \$850).

1995 West Publishing/NCAIR Fellow (\$15,000 grant for developing a computer program that teaches law students about conflicts of interest in bankruptcy law).

1994 participant in Summer Institute of the Law & Society Association (Wellesley, Massachusetts).

1993 University Seed Grant for the study of creditor representation in bankruptcy (1993 grant from Ohio State University's Office of Research & the College of Law).

**Special training**

Attended STAR: A Systematic Approach to Mediation Strategies, Straus Institute for Dispute Resolution, Pepperdine University School of Law (June 2008) (attended on a grant from Pepperdine).

**Selected academic presentations**

Boyd School of Law, Conference on Psychology and Lawyering: Coalescing the Field, *Using Psychology to Change Law Firms' Default Incentive Structures* (with Randy D. Gordon) (invited panelist) (February 2014).

The Ohio State University Moritz College of Law, faculty workshop presentation on “Nudging” *Better Lawyer Behavior: Using Default Rules and Incentives to Change Behavior in Law Firms* (November 2013).

The Joseph G. Miller and William C. Becker Center for Professional Responsibility's Symposium on Navigating the Practice of Law in the Wake of Ethics 20/20, *What It Means To Be a Lawyer in These Uncertain Times (Part I)* (invited panelist) (April 2013).

Roger Williams University School of Law, Women Who Lead Series, *Why the World Needs Nay-Sayers* (keynote speaker) (March 2010).

Distinguished Lecturer, The Chapman Dialogue Series, Chapman University School of Law, *Why No Amount of Regulation Is Likely to Prevent Corporate Scandals* (February 2010).

Presentation at Fordham Law School's Colloquium, *The Lawyers' Role in a Contemporary Democracy* (with Colin Marks) (September 2008).

Adjunct professor, St. John's University School of Law, LL.M. in Bankruptcy Program (Enron seminar), St. John's University School of Law Faculty, *Enron: Is It Still Relevant?* (March 2006 & March-April 2007).

Symposium at Indiana University-Bloomington School of Law, *Eating Our Cake and Having It, Too: Why Real Change Is So Difficult in Law Schools* (March 2005).

Annual Meeting of the Association of American Law Schools, Creditors' & Debtors' Rights Section, *Local Cultures + Judicial Discretion = National Confusion?: Equities, Equations, and the “Uniformity” of the Bankruptcy Code* (January 1998).

Annual Meeting of National Conference of Bankruptcy Judges, *Disinterestedness and the Chapter 11 Professional* (October 1997).

Eastern District of Pennsylvania Bankruptcy Conference, *Bankruptcy Issues* (January 1996, January 1997, January 1998, and January 1999).

**Selected CLE and other professional presentations**

National Association of Estate Planners and Councils, 50<sup>th</sup> Annual Conference, *Social Science, Human Error & Behavior* (November 2013).

Federal Judicial Center, *Judicial Ethics* (with the Hon. Peter Bowie, the Hon. Arthur Federman, and Prof. Elizabeth Thornburg) (April 2013 and August 2013).

ABA Annual Meeting, Business Law Section, *Cognitive Biases, Blind Spots, and Other Impairments of Ethical Vision: How Good Lawyers Can Go Astray* (with Dr. Larry Richard, James Jones, and Charles McCallum) (August 2013).

Texas Bankruptcy Law Section Bench/Bar Conference, *Recent Attorney Fee Issues* (June 2013).

Gardere Women's Council Ethics CLE, keynote speaker, *Women on Boards* (June 2013).

Rocky Mountain Bankruptcy Conference: IWIRC session on bankruptcy ethics; keynote speaker on *Bankruptcy Ethics in Pop Culture* (January 2013).

Speaker at three sessions of the 86<sup>th</sup> Annual National Conference of Bankruptcy Judges: ABA session on *Ethical Issues Involving Pro Bono Representation: Spotting the Issues, Solving the Problems*; NCBJ session on *The Ethics of Organizers—Ethical Challenges in Forming Official and Unofficial Committees*; and CLLA session on *Pre-Bankruptcy Ethics—How to Avoid the Minefields Before Battle Begins* (October 2012).

Sacramento Valley Bankruptcy Forum's 11<sup>th</sup> Annual Northern California Bankruptcy Conference, *Stupid Lawyer Tricks* (March 2012).

National Association of Bankruptcy Trustees' Spring Meeting, panelist on *Friend Me? Ethics and Professionalism Issues Related to the Use of Social Media* (March 2012).

ABA Business Law Section's Annual Spring Meeting, panelist for the sessions on *Ethical Issues in Commercial Transactions*, *Should In-House Counsel Be Navigating in the Choppy Waters of Corporate Compliance?*, and *Consumer Bankruptcy Clinics for Law Schools* (March 2012).

Southeastern Bankruptcy Law Institute, SBLI Visiting Scholar Presentation, *The Case for Value Billing in Chapter 11* (October 2011).

Bankruptcy Law Section of the State Bar of Texas Bench/Bar Conference, *"Money, Money, Money" Red Flags to Fee Examiners and Solutions to Those Red Flags* (with the Hon. H. Christopher Mott, Kemp Sawers, and Warren H. Smith) (June 2011).

American Bankruptcy Institute's Annual Spring Meeting, *Fulfilling the Fiduciary Duty in a Complex Commercial World* (with Richard M. Meth & Judith Greenstone Miller (plenary session) (April 2011).

Annual Meeting of Association of American Law Schools, Section on Continuing Legal Education (co-sponsored by Section for the Law School Dean), *Exploring the Options for the Future of Legal Education* (with Kellye Y. Teste, Daniel McCarroll, Gary A. Munneke, and Ellen Y. Suni) (January 2010).

Annual Meeting of National Conference of Bankruptcy Judges, *(Almost) Everything You Wanted to Know About...Getting Retained and Committee Solicitation Issues – The Problems, the Rules and the Enforcers* (October 2009).

ABI Southwest Bankruptcy Conference, *Multimedia Ethics Presentation; Perspectives from the Bench and Ethical Issues*; and *Ethics—Walking in the Grey Areas: Advising Clients and Avoiding Pitfalls in Ethically Unsettled Areas* (September 2009).

Department of Energy & Contractor Attorneys' Association, Inc.'s Annual Meeting, *Ethics in the Corporate World* (May 2009).

National Conference of Bankruptcy Judges, 82d Annual Conference, *Ethical Fee Limits: Getting Paid and Getting What You Deserve* (Sept. 2008).

American Bankruptcy Institute's 16<sup>th</sup> Annual Southwest Bankruptcy Conference, *Multimedia Ethics Extravaganza* (plenary speaker) (Sept. 2008).

Emanuel Bar Review Lecturer (2008-2010).

National Conference of Consumer Bankruptcy Attorneys, 16<sup>th</sup> Annual Conference, *Ethics Issues* (May 2008).

American Bankruptcy Institute's 26th Anniversary Annual Spring Meeting, *Beyond Ethics: The Coexistence of Zealousness, Professionalism and Civility in the Insolvency Community* (April 2008).

American Bankruptcy Institute's 15<sup>th</sup> Annual Southwest Bankruptcy Conference, *Ethics: Negotiating the Sanctions Minefield* (September 2007).

American Bankruptcy Institute's 25<sup>th</sup> Annual Spring Meeting, *The Application of State Ethics Rules in Bankruptcy: Are We Just Holding Our Noses and Looking the Other Way?* (April 2007).

25<sup>th</sup> Anniversary Jay L. Westbrook Bankruptcy Conference, University of Texas CLE (with Martin Bienenstock), *Conflicts Writ Large: Intercreditor Issues and Issues with Fees and Overbilling* (November 2006).

10<sup>th</sup> Annual Southwest Bankruptcy Conference, American Bankruptcy Institute, *A Look Inside the Mega-Case* (September 2002).

The University of Texas School of Law CLE: The 24<sup>th</sup> Annual Corporate Counsel Institute, *Conflicts, Ethical Duties and Independence: Lessons from Enron* (August 2002).

NASA National Managers Association, *Lessons in Character from Enron* (April 2002).

Twenty-Fourth Annual Bankruptcy Law & Practice Seminar, Stetson University College of Law, *Ethical Problems: Dual Representation in Chapter 11*, and *Ethics: Pre-Bankruptcy Planning and Ethical Limitations* (December 1999).

American Bar Association's Workshop for New Law Deans, *Reflections of an Ex-Novice Dean* (June 1999).

Annual Conference of the National Association for Law Placement, *Reliable Evaluation of Law Schools: Going Beyond Law School Rankings* (April 1999).

**Media appearances**

Appearances on a variety of local, national, and international news broadcasts, and in local, national, and international news articles, on various bankruptcy, corporate law, and other legal issues, including the Enron bankruptcy case, the Arthur Andersen trial, and the Anna Nicole death (December 2001-present).

Appeared in Academy Award®-nominated documentary, *Enron: The Smartest Guys in the Room* (Magnolia Pictures 2005).

*Due Process* with William F. Schenck, Prosecuting Attorney, Greene County, Ohio (October 23, 1996) (discussing legal education).

**Contributor to the following blogs:**

NANCY RAPOPORT'S BLOGSPOT, <http://nancyrapoport.blogspot.com/>.

LAW SCHOOL SURVIVAL MANUAL, <http://lawschoolsurvivalmanual.blogspot.com/>.

CORPORATE SCANDAL WATCH, <http://corporatescandalwatch.blogspot.com/>.

UNLV LAW BLOG, Contributing Editor, <http://unlvlawblog.blogspot.com>.

MONEYLAW, Contributing Editor, <http://money-law.blogspot.com/>.

LEGAL PROFESSION, Contributing Editor: [http://lawprofessors.typepad.com/legal\\_profession/](http://lawprofessors.typepad.com/legal_profession/).

JURIST, Contributing Editor, <http://jurist.law.pitt.edu/>.

CREDIT SLIPS, Guest Blogger, <http://www.creditslips.org/>.

THE FACULTY LOUNGE, Guest Blogger, <http://www.thefacultylounge.org/>.

THE CONGLOMERATE, Guest Blogger, <http://www.theconglomerate.org/>.

FEMINIST LAW PROFESSORS, Guest Blogger, <http://feministlawprofs.law.sc.edu/>.

RACE TO THE BOTTOM, Guest Blogger, <http://www.theracetothetbottom.org/home/>.

**EXPERT WITNESS ACTIVITY**

Expert for the Trustee in *In re* Fundamental Long Term Care, Inc., United States Bankruptcy Court, Middle District of Florida, Case No. 8:11-bk-22258-MGW (2014-present).

Expert for the law firm of Lipson Neilson Cole Seltzer Garin, P.C. in a case involving conflicts of interest (2014-present).

Consultant for the Liquidating Trust for *In re* Residential Capital, LLC, United States Bankruptcy Court, Southern District of New York, Case No. 12-12020 (MG), regarding the reasonableness of fees (2014-present).

Expert for the law firm of Frank J. Cremen in Grievance File #SG 1-1156, State Bar of Nevada (2013-2014) (testified at hearing).

Expert for a Nevada law firm (firm and client names kept confidential) in a matter involving attorney disciplinary procedures (2012).

Expert for Irell & Manella LLP, in State of Nevada v. Gary Trafford, et al., Clark County District Court, Case No. C-11-277573-1 (2013).

Expert for the Fee Examiner in Matter of Lehman Brothers Holdings, Inc., U.S. Bankruptcy Court, Southern District of New York, Case No. Case No. 08-13555-jmp (2012).

Expert for the Fee Examiner in *In re* Motors Liquidation Co. (f/k/a General Motors Corp.), U.S. Bankruptcy Court, Southern District of New York, Case No. 09-50026 (2011-2012).

Expert for Alverson Taylor Mortensen & Sanders in Stanish et al. v. Catholic Healthcare West, Nevada District Court, Clark County, Case No. A-11-639674-C (2011).

Expert for a multinational firm (name kept confidential) on bankruptcy conflicts of interest.

Fee examiner in the various Station Casino bankruptcy cases, U.S. Bankruptcy Court, District of Nevada, Case Nos. BK-09-52477 through BK-11-51219 (2011).

Expert for the Office of the United States Trustee in three cases: *In re* Mark Andrew Brown, U.S. Bankruptcy Court, Western District of Maryland, Case No. 09-44254-jwv7; *In re* Tracy L. Quarm, U.S. Bankruptcy Court, Northern District of Ohio, Case No. 09-20498; and *In re* John W. Young, U.S. Bankruptcy Court, Northern District of Ohio, Case No. 10-11404 (2010) (testified in discovery depositions and at trial; deposition and trial testimony done via videotape).

Expert for the Trustee in The Pappg Grantor Trust v. Scott (*In re* Baltimore Emergency Services II, LLC, et al.), U.S. Bankruptcy Court, District of Maryland, Adversary No. 03-8294-esd (2010).

Expert for Lionel, Sawyer & Collins in Michael Racusin v. Lionel Sawyer & Collins, American Arbitration Association, Case No. 79 194 Y 00108 08 (2009-2010) (testified in arbitration).

Expert for the Reorganized Debtor in *In re* ASARCO, LLC, et al., U.S. Bankruptcy Court, Southern District of Texas, Case No. 05-21207 (2010) (testified at trial).

Expert for BuckleySandler LLP in Pulte Homes, Inc. v. Terry Goddard, In His Official Capacity as Attorney General for the State of Arizona and Catherine Cortez Masto, In Her Official Capacity as Attorney General for the State of Nevada, D.C. Circuit, Civil Action No. 1:10-cv-00377 (2010).



Court's fee expert and chair of the Fee Review Committee in *In re Pilgrim's Pride Corp.*, U.S. Bankruptcy Court, Northern District of Texas, Case No. 08-45664 (DML) (2009-2010) (testified at hearing).

Expert for plaintiff in *Judy M. Jackson, M.D. v. Ira Levine et al.*, Nevada District Court, Clark County, Case No. A538983 (2009-2010) (testified in deposition and at trial).

Expert for the Trustee in *Asset Funding Group, L.L.C., Scobar Adventures, L.L.C., AFG Investment Fund 2, L.L.C., and HW Burbank, L.L.C. v. Adams and Reese, L.L.P.*, U.S. District Court, Eastern District of Louisiana, Case No. 07-2965 (2009) (testified in deposition; made available for trial, but case settled).

Expert for Clausen Miller in *In re Raymond Professional Group, Inc.* (Raymond Professional Group, Inc. v. William A. Pope Company), Adv. No. 07-A-00639, U.S. Bankruptcy Court, Northern District of Illinois (2008-2009) (testified in deposition and at hearing).

Expert for the plaintiff in *Todd v. Guidance Software, Inc.*, U.S. District Court, Central District of California, Case No. SACV 08-1354 JVS (ANx) (2008-2009).

Expert for the Debtor in *Sports Shinko Co. v. Franklin K. Mukai*, U.S. District Court, D. Hawaii, Case No. CV 04-00127 ACK/BMK (2007-2008).

Expert for the Trustee in *In re Mego Financial Corp., et al.*, U.S. Bankruptcy Court, D. Nev., Case Nos. BK-N-03-52300-GWZ through BK-N-03-52304-GWZ and BK-N-03-52470-GWZ through BK-N-03-52474-GWZ (2007-2008) (testified at deposition).

Expert for Pillsbury Winthrop in *In re SONICBlue Incorporated*, U.S. Bankruptcy Court, Northern District of California, Case Nos. 03-51775 through 03-51778 MM (2007) (made available to testify in court early in the case; did not testify).

Expert for the Trustee in *In re Southwest Florida Heart Group, P.A.*, U.S. Bankruptcy Court, Middle District of Florida, Case No. 9:05-bk-17167-ALP (2007) (testified in deposition).

Expert for Beirne, Maynard & Parsons in *Brazos Electric Power Cooperative, Inc. v. Tenaska IV Texas Partners* and related cases (2003-2004; 2006-2007) (testified in depositions).

Expert for Beirne, Maynard & Parsons in *Hicks v. Charles Pfizer & Co.*, U.S. District Court, Eastern District of Texas, Civil Action No. 1:04CV201 (2006).

Expert for Benjamin Hall, Esq., in *Costilla Energy, Inc.*, by and through its litigation trustee, *George Hicks v. Joint Energy Development Investments II*, 49<sup>th</sup> Judicial District, Zapata County, Texas (2006-2008) (testified in deposition).

Expert for Winstead, Secrest & Minick in an issue involving conflicts of interest (2005).

Expert for Beckley, Singleton in *Fremont Investment & Loan v. Beckley Singleton, Chtd. and Sidney Bailey*, U.S. District Court, D. Nevada, Case No. CV-S-03-1406-JCM-RJJ (2003) (2005-2006) (testified in deposition).

Expert for the debtor in *In re ACandS, Inc.*, U.S. Bankruptcy Court, D. Delaware, Case No. 02-12687 (2004-2005) (testified at hearing).

Court's fee expert and chair of the Fee Review Committee in *In re Mirant Corporation*, U.S. Bankruptcy Court, Northern District of Texas, Case No. 03-46590 (2003-2006; 2011-2012) (testified in deposition and at hearing).

Expert witness for Latham & Watkins regarding Section 414 of H.R. 333 (changes in "disinterestedness" standard of 11 U.S.C. § 101(14)) (March-April 2003).

Expert witness for the Office of Disciplinary Counsel, *In re Charles William Ewing*, Case No. 97-5, before the Board of Commissioners on Grievances and Discipline of the Bar of the Supreme Court of Ohio (1998).

## **PUBLIC TESTIMONY**

Testified at the June 2012 public meeting of the United States Trustee Program regarding the proposed new fee guidelines for larger chapter 11 cases (testimony available at [http://www.justice.gov/ust/eo/rules\\_regulations/guidelines/docs/proposed/Prof\\_Rapoport\\_Comment.pdf](http://www.justice.gov/ust/eo/rules_regulations/guidelines/docs/proposed/Prof_Rapoport_Comment.pdf), [http://www.justice.gov/ust/eo/rules\\_regulations/guidelines/docs/proposed/Prof\\_Rapoport\\_SupplementalComment.pdf](http://www.justice.gov/ust/eo/rules_regulations/guidelines/docs/proposed/Prof_Rapoport_SupplementalComment.pdf), and [http://www.justice.gov/ust/eo/rules\\_regulations/guidelines/docs/proposed/Prof\\_Rapoport\\_Comment2.pdf](http://www.justice.gov/ust/eo/rules_regulations/guidelines/docs/proposed/Prof_Rapoport_Comment2.pdf); transcript available at [http://www.justice.gov/ust/eo/rules\\_regulations/guidelines/docs/proposed/Transcript\\_June4\\_Public\\_Meeting.pdf](http://www.justice.gov/ust/eo/rules_regulations/guidelines/docs/proposed/Transcript_June4_Public_Meeting.pdf); Director Clifford J. White III's statement on the adopted guidelines, available at [http://www.justice.gov/ust/eo/rules\\_regulations/guidelines/docs/Fee\\_Guidelines\\_Cliff\\_White\\_Statement.pdf](http://www.justice.gov/ust/eo/rules_regulations/guidelines/docs/Fee_Guidelines_Cliff_White_Statement.pdf)).

## **ADVICE COLUMN**

"Ms. Ps and Qs": ethics advice column for the National Association of Chapter 13 Trustees (2011-present).

## **SELECTED AMICUS BRIEFS**

*Brief of Amici Curiae, In re David Marshall Brown*, Case No. 12-Cv-60016-KAM, United States District Court, Southern District of Florida (filed by co-counsel George Castrataro) (April 11, 2012), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2038267](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2038267).



*Brief in Support of Respondent for Amici Curiae Professors Richard Aaron, Laura Beth Bartell, Jagdeep S. Bhandari, Susan Block-Lieb, Robert D'Agostino, Jessica Dawn Gabel, Kenneth N. Klee, George W. Kuney, C. Scott Pryor, Nancy B. Rapoport, Marie T. Reilly, Lynne F. Riley, Keith Sharfman, and Michael Sousa, RadLAX Gateway Hotel, LLC and RadLAX Gateway Deck, LLC v. Amalgamated Bank, Case No. 11-166, United States Supreme Court (March 5, 2012).*

*Brief of Legal Ethics Professors and Practitioners and the Ethics Bureau at Yale as Amici Curiae in Support of Petitioner, Maples v. Thomas, Case No. 10-63, United States Supreme Court (May 25, 2011).*

*Brief of Amicus Curiae, Warren v. Seidel, United States District Court for the District of Ohio, Case No. 2:10-cv-01049-MHW (2010), available at*  
[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1843496](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1843496).

*Brief of 30 Leading Ethicists as Amici Curiae in Support of the Petitioner, Charles Dean Hood v. State of Texas, Case No. 09-8610, United States Supreme Court (February 18, 2010), available at 2010 WL 638469.*

*Brief of Amicus Curiae, Danny Joe McClure and Kimberly Deskins McClure, Plaintiffs, v. Bank of America, Creditors Financial Group, LLC, and Peter Rebelo, Defendants, Bankr. N.D. Tex. 2010, Adv. No. 08-04000-DML, available at*  
[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1550353](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1550353).

## **HONORS, BAR ADMISSIONS, MEMBERSHIPS, AND COMMUNITY SERVICE**

### **Honors**

Southeastern Bankruptcy Law Institute Distinguished Visiting Scholar (week-long visits at Georgia State College of Law) (2011).

2008 Public Service Counsel of the Year, 4<sup>th</sup> annual event, Association of Media and Entertainment Counsel (2009).

Fellow, American College of Bankruptcy (2005-present) (Class 16).

Named a "Woman of Vision" by the Houston Delta Gamma Foundation (2004).

Admitted to American Leadership Forum, Class XXII (2004). Withdrew due to family illness.

Named "Best Local Girl Made Good," HOUSTON PRESS, September 25, 2003, at 24.

Fellow, American Bar Foundation (2002-present).

Received a Distinguished Alumna Award from Rice University (2002).

Named by the Greater Houston Area Chapter of the National Council of Jewish Women as a "Woman of Influence" (2001).

Elected to membership in the American Law Institute (2001).

Honored in 2000 by the Nebraska State Bar Association as a Legal Pioneer for Women in the Law (first woman to serve as the dean of a Nebraska law school).

Awarded 1998 Fellowship from the AMERICAN BANKRUPTCY LAW JOURNAL (awarded to five academics attending the 1998 National Conference of Bankruptcy Judges).

1998 Louis Nemzer Memorial Lecture (yearly lecture honoring a Jewish member of the Ohio State faculty).

1997 Outstanding Professor of the Year, The Ohio State University College of Law (third-year students voting) (co-winner, with Professor Barbara Rook Snyder).

### **Bar admissions**

United States District Court, District of Nevada (2009).

Nevada Supreme Court (2008).

United States District Court, Northern District of Texas (2003).

Texas Supreme Court (2001).

United States Supreme Court (2000).

Nebraska Supreme Court (1999).

Ohio Supreme Court (1993).

United States District Court for the District of Hawaii (1988).

California Supreme Court (1987).

United States Court of Appeals for the Ninth Circuit (1987).

United States District Courts for the Northern, Eastern, Central, and Southern Districts of California (1987).

### **Editorial boards**

REYNOLDS COURTS & MEDIA LAW JOURNAL (2011-present).

Association of American Law Schools, JOURNAL OF LEGAL EDUCATION (2007-2010).

State Bar of Texas, TEXAS BAR JOURNAL Board of Editors (2003-06); State Bar of Texas, TEXAS BAR JOURNAL, Editorial Board Committee (2001-2004).

CALIFORNIA BANKRUPTCY JOURNAL (1995-2002).

### **Selected board memberships**

National Museum of Organized Crime & Law Enforcement (“The Mob Museum”) (2013-2016).

JURIST Board of Directors (<http://jurist.law.pitt.edu/>) (2008-present).

American Bankruptcy Institute Board of Directors (2008-present); Executive Committee (2012-present); Vice President of Research/Grants (2013-present).

American Board of Certification (board certification for bankruptcy lawyers) (2007-present) (Dean of Faculty, 2011-2013).

Association of Rice Alumni Board (2006-2009).

Rice Alumni Volunteers for Admission (2007-present) and liaison for RAVA to Association of Rice Alumni Board (2007-2009).

NALP Foundation for Law Career Research and Education (2005-2009).

Texas Center for Legal Ethics (2004-2006).

Texas Supreme Court Historical Society (2004); Advisory Board (2004-2006).

Vinson & Elkins Women’s Initiative Advisory Board (2003-2010).

Houston Area Women’s Center (2003-2006).

Houston World Affairs Council (2002-2005).

Houston Hillel (2002-2007).

Anti-Defamation League Southwest Regional Board (2001-2006).

Law School Admission Council Board of Trustees (2001-2004).

### **Selected national service activities and memberships**

Member, Law School Admission Council Diversity Retention Workshop 2015 Planning Work Group (2014-present).

Member, Federalist Society (2013-present).

Member, Federal Bar Association (2012-present).

Member, Advisory Committee to the American Bankruptcy Institute’s Commission to Study the Reform of Chapter 11 (2012-present) (Governance Subcommittee).

Co-Reporter, American Bankruptcy Institute's National Ethics Standards Task Force (2011-2013).

Co-Chair, American Bankruptcy Institute's Task Force on Young and New Members (2011-2012).

Association of Media and Entertainment Counsel, Law School Section (Co-Chair, 2010-2011; member and temporary Co-Chair, 2012-2013); member, Law School Advisory Board (2014-present).

American Bar Association, Section on Legal Education, Committee on Law School Administration (2008-2010); Chair-Elect (2010); Chair (2011-2013).

American Bar Association, Section on Business Law, Committee on Corporate Counsel, Subcommittee on Corporate Governance (co-chair, with Roberta Torian) (2007-2010).

Advisory Committee, American Bankruptcy Institute's consumer bankruptcy fee study (advisor to Professor Lois Lupica) (2008-2011).

Advisory Committee, American Bankruptcy Institute's Chapter 11 fee study (advisor to Professor Stephen Lubben) (2005-2007).

American Bankruptcy Institute's Task Force on Pro Bono (2007).

American Bar Association's Task Force on Attorney Discipline (2005).

American Bar Association, Advisory Group on Loan Repayment, Standing Committee on Legal Aid & Indigent Defendants (SCLAID) (2003-2006).

Faculty member, ABA New Deans' School (May-June 2003, June 2004, and June 2005).

Advisory Committee, Baylor College of Medicine-UH Law Center MD/JD Program (2004-2006).

Academic advisor, National Governmental Affairs Committee, Commercial Law League of America (CLLA) (2002-2006).

Co-chair (with Dean Stuart Deutsch), ABA Deans' Workshop (for mid-year ABA meeting in 2003).

Advisory Committee, *The Birth of the Dot-Com Era*, project for the Library of Congress (Project Manager, Prof. David Kirsch, University of Maryland) (advising the Library of Congress on what to do with the records of now-defunct law firm of Brobeck, Phleger & Harrison) (2004-2007).

ABA Commission on Loan Repayment & Forgiveness (2001-2003).

Member, AALS Professional Development Committee (2000-2003).

Communication Skills Committee, ABA Section of Legal Education and Admissions to the Bar (1998-2002).

Chair, AALS Planning Committee for the *Mini-Workshop on Major Issues of the 21<sup>st</sup> Century: the Impact on the Legal Academy and Law Students* (1999-2000).

Member, Law School Admission Council (LSAC) Services & Programs Committee (1999-2000), Workgroup on Alternative Admissions Models (2000-2003), and Gay, Lesbian, Bisexual & Transgendered Issues Workgroup (2000-2001).

Nebraska State Bar Association (1999-present).

National Association of College & University Attorneys (1998-2006).

Commercial Law League of America (1998-present).

Ohio State Bar Association (1997-present).

American Bankruptcy Institute (1994-present).

AIDS Legal Referral Panel of the Bar Association of San Francisco (1989-91).

Bar Association of San Francisco (1987-91).

American Bar Association (1987-present).

## **PERSONAL INFORMATION**

Native Texan: born in Bryan, Texas. Married to Jeffrey D. Van Niel. No children; two cats (Grace and Shadow).

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION

[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

In re:

Chapter 11

PALM BEACH FINANCE PARTNERS, L.P.,  
PAL BEACH FINANCE II, L.P.,

Case No.: 09-36379-PGH  
Case No.: 09-36396-PGH  
(Jointly Administered)

Debtors.

**AFFIDAVIT OF NANCY B. RAPOPORT**

STATE OF NEVADA                     )  
  ) ss:  
COUNTY OF CLARK                 )

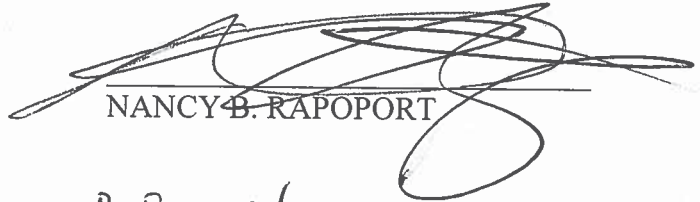
Nancy B. Rapoport, being duly sworn, says:

1. I am over the age of eighteen and of sound mind.
2. I am the Gordon Silver Professor of Law at William S. Boyd School of Law, UNLV, located at 4505 S. Maryland Parkway, Las Vegas, NV 89154 (the "*University*").
3. To the best of my knowledge, neither I nor the University represents any interest adverse to the Liquidating Trustee, the Debtor, or the estate with respect to the matters for which I am to be employed. Further, although I am professionally acquainted with Linda Addison, the Managing Partner of Fulbright & Jaworski, L.L.P., as well as many other Fulbright lawyers. I believe that I am "disinterested," as that term is used in 11 U.S.C. § 327(a).

*[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]*

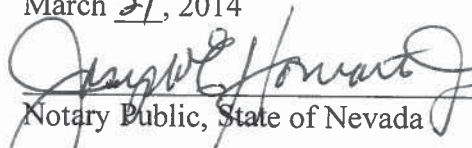
4. Except for the performance of services for the Liquidating Trustee, I do not and will nor represent any other entity in connection with this case, and I will not accept any fee from any other party or parties in this case in connection with my work in the instant case.

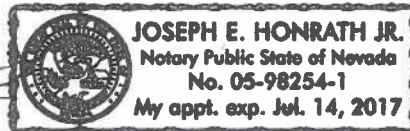
FURTHER AFFIANT SAYETH NAUGHT.

  
NANCY B. RAPOPORT

State of Nevada  
County of Clark

Sworn to and Subscribed before me by Nancy B. Rapoport on  
March 27, 2014

  
Notary Public, State of Nevada



My Commission Expires:

**Nancy B. Rapoport**  
**530 Farrington Court**  
**Las Vegas, NV 89123-0622**

## **CONSULTING (EXPERT) AGREEMENT**

This Consulting (Expert) Witness Agreement is between and Barry E. Mukamal, in his capacity as Liquidating Trustee of the Palm Beach Finance Partners Liquidating Trust and Palm Beach Finance II Liquidating Trust (the "Liquidating Trustee") and Nancy B. Rapoport, 530 Farrington Court, Las Vegas, NV ("Rapoport"). The Liquidating Trustee and Rapoport are sometimes collectively referred to as the "Parties."

**1. Agreement.** Rapoport agrees to act as a Consultant (Expert) on behalf of the Liquidating Trustee in exchange for timely payment of her fees and expenses. The Liquidating Trustee agrees to pay Rapoport timely for work performed under this Agreement and to reimburse Rapoport for her reasonable expenses related to performing her obligations under this Agreement pursuant to the terms of Section 7.1.11 of the Second Amended Joint Plan of Liquidation (the "Second Amended Plan") [ECF No. 245] as confirmed by the Court's Order [ECF No. 444], and to provide Rapoport with all of the necessary files and information to enable her to provide her opinion and/or advice.

### **2. Responsibilities of the Parties:**

A. Rapoport agrees to:

- Provide all computers and other office equipment necessary to generate her work product under this Agreement.
- Make herself reasonably available to confer with the Liquidating Trustee and/or his counsel regarding the matter that is the subject of this Agreement.
- Be available to testify and to be deposed regarding the matter that is the subject of this Agreement.
- Bill time worked at her current hourly rate.
- Bill travel time at her current hourly rate, from start of travel to end of travel, unless she spends a portion of her travel time on work for other clients.
- Bill all work-related expenses incurred at actual cost.
- Submit monthly bills to the Liquidating Trustee for time worked, travel time, and all work-related expenses incurred within 15 days of the end of each month.

B. The Liquidating Trustee agrees to:

- Provide Rapoport with all documents and information reasonably necessary in order for Rapoport to perform her required tasks under this Agreement.
- Pay all invoices submitted by Rapoport pursuant to the terms of Section 7.1.11 of the Second Amended Plan.
- Pay interest at a rate of 1% per month for any unpaid invoice after 30 days from the date of emailed receipt of that invoice.
- Reimburse Rapoport for the reasonable cost of litigation, including attorneys' fees, if Rapoport is required to pursue collection efforts to collect unpaid invoices.



Agreement between

Nancy B. Rapoport and Barry Mukamal, as Liquidating Trustee

Page 2

**3. Rapoport's Current Hourly Rate.** Rapoport's current hourly rate is \$800/hour, billed in quarter-hour increments. Fees are typically adjusted in January of each year. **Travel time is billed at Rapoport's Current Hourly Rate;** provided, however, that should Rapoport work on other client matters during her travel pursuant to this Agreement, she shall deduct from her travel time any time billed to other clients.

**4. Unenumerated Expenses to Be Paid to University of Nevada, Las Vegas, Boyd School of Law.** Because Rapoport's primary job is as an employee of the William S. Boyd School of Law, the Liquidating Trustee agrees to pay, each month during the duration of this Agreement, an additional \$250 directly to "UNLV FOUNDATION—BOYD SCHOOL OF LAW" to compensate the Boyd School of Law for any inadvertent use of its resources.

**5. UNLV Not a Party to this Agreement.** The Liquidating Trustee and Rapoport acknowledge that Rapoport is acting as her own agent and not as an agent of the University of Nevada, Las Vegas ("UNLV") and that UNLV is in no way involved in this Agreement or responsible for Rapoport's conduct.

**6. Amendments.** The Parties agree that either party may, subject to the consent of the other party, seek to amend this Agreement at any time. Any modifications or amendments to this Agreement must be in writing, executed by the Parties.

**7. Effective Date.** This Agreement shall become effective *nunc pro tunc* to March 20, 2014, on the entry of an order of the Bankruptcy Court for the Southern District of Florida in Case No. 09-36379-BKC-PGH approving the retention of Rapoport.

**8. Independent Contractor.** The relationship between Rapoport and the Liquidating Trustee shall be that of an independent contractor and her client. The Parties agree that this Agreement is not intended to create, nor shall be deemed or construed to create, any relationship between Parties other than of independent parties contracting with each other solely for the purpose of effectuating the provisions of this Agreement. It is expressly agreed that Rapoport and the Liquidating Trustee personnel, if any, shall not for any purpose be deemed to be an employee, agent, partner, joint venturer, ostensible or apparent agent, servant, or borrowed servant of the other party.

**9. Termination.** The Parties agree that either party may terminate this Agreement, at any time and for any reason, upon providing thirty (30) days' written notice to the other party. The Parties Agree that, in the event of termination, Rapoport shall immediately stop any and all work under the Agreement and shall issue an invoice to the Liquidating Trustee for time worked, travel time, and expenses incurred within 30 days of the termination. The Parties further agree that the Liquidating Trustee shall pay Rapoport's final invoice within 30 days of receipt or as otherwise provided in section 7.1.11 of the Second Amended Plan.

**10. Term.** The Parties agree that this Agreement shall continue, without termination or need for formal renewal, until one of the Parties exercises its right to terminate under the Termination provision set forth above in paragraph 9.

Agreement between

Nancy B. Rapoport and Barry Mukamal, as Liquidating Trustee

Page 3

**11. Notice.** Any notices required by this agreement shall be delivered to the following addresses:

- For the Liquidating Trustee: James C. Moon, Esq., Meland Russin & Budwick, P.A., 3200 Southeast Financial Center, 200 South Biscayne Blvd., Miami, FL 33131, with email copies to [jmoon@melandrussin.com](mailto:jmoon@melandrussin.com) and [prussin@melandrussin.com](mailto:prussin@melandrussin.com).
- For Rapoport: Nancy B. Rapoport, 530 Farrington Court, Las Vegas, NV 89123, with email copies to Rapoport c/o [nbrapoport@gmail.com](mailto:nbrapoport@gmail.com) and [nancy.raपोport@unlv.edu](mailto:nancy.raपोport@unlv.edu).

**12. Indemnification.** To the extent permitted under the laws of the State of Nevada, the Parties agree to hold each other harmless from all suits, actions, claims, or cost of any character, type, or description brought or made on account of any injuries, death, or damage received or sustained by any person or persons or property, including but not limited to clients, arising out of or occasioned by any negligent acts of either party or party's personnel, if any, or its agents or employees whether occurring during the performance of the services under this Agreement or in the execution of the performance of any of its duties under this Agreement.

**13. Venue.** This Agreement and all of its terms and conditions are subject to and governed in accordance with the laws of the State of Nevada. The parties agree that proper venue for all purposes shall be in Clark County, Nevada.

**14. Entire Agreement.** This Agreement contains the entire agreement between the Parties and expresses the Parties' understanding of the agreement between Rapoport and the Liquidating Trustee. Any prior discussions, promises, representations, and understandings, whether written or oral, relative to the subject matter of this Agreement have no further force or effect.

**15. Force Majeure.** Each party shall be excused from any breach of this Agreement that is proximately caused by government regulation, war, strike, act of God, or other similar circumstance normally deemed outside the control of well-managed businesses.

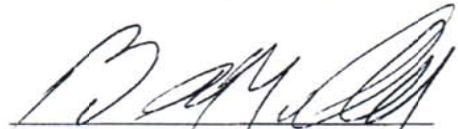
**16. Headings.** Headings appear solely for convenience of reference. Such headings are not part of this Agreement and shall not be used to construe it.

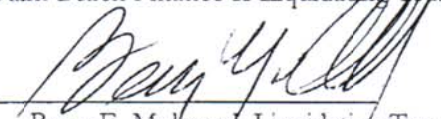
**17. Severability of Provisions.** If any provision of this Agreement shall be held to be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.


Agreement between  
Nancy B. Rapoport and Barry Mukamal, as Liquidating Trustee  
Page 4

18. **Construction of Agreement.** This Agreement shall be interpreted as if it had been drafted by both parties equally.

In witness whereof, the Parties have executed this Agreement as of the Effective Date stated above.

  
Barry E. Mukamal, in his capacity  
as Liquidating Trustee of the Palm  
Beach Finance Partners Liquidating Trust  
and Palm Beach Finance II Liquidating Trust

By:   
Barry E. Mukamal, Liquidating Trustee

  
Nancy B. Rapoport

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

In re:

Chapter 11

PALM BEACH FINANCE PARTNERS, L.P.,  
PAL BEACH FINANCE II, L.P.,

Case No.: 09-36379-PGH  
Case No.: 09-36396-PGH  
(Jointly Administered)

Debtors.

\_\_\_\_\_ /

**ORDER AUTHORIZING THE EMPLOYMENT AND RETENTION  
OF NANCY B. RAPOPORT, *NUNC PRO TUNC* TO MARCH 20, 2014**

**THIS CAUSE** came before the Court on \_\_\_\_\_, 2014 at \_\_\_\_\_.m. upon the Liquidating Trustee's *Application to Employ Nancy B. Rapoport* (the "***Applicant***") *nunc pro tunc to March 20, 2014* [ECF No. \_\_\_\_] (the "***Application***"). Upon the representations that the Applicant (i) is duly qualified, (ii) holds no interest adverse to the Liquidating Trustee or the Debtors' estates in the matters upon which she is engaged, (iii) is a disinterested person as required by 11 U.S.C. § 327(a), (iv) has disclosed any connections with parties set forth in *Fed.*

*R. Bankr. P.* 2014, and (v) her employment is necessary and would be in the best interests of the Debtors' estates and their creditors, it is

**ORDERED** as follows:

1. The Application is **GRANTED**, *nunc pro tunc* to March 20, 2014.
2. The Liquidating Trustee is authorized to retain the Applicant as a consultant (expert) pursuant to 11 U.S.C. §§ 327, 330 and 331, and the terms set forth in the Application.

###

**Submitted By:**

James C. Moon, Esquire  
Florida Bar No. 938211  
[jmoon@melandrussin.com](mailto:jmoon@melandrussin.com)  
MELAND RUSSIN & BUDWICK, P.A.  
Counsel for Liquidating Trustee  
3200 Southeast Financial Center  
200 South Biscayne Boulevard  
Miami, Florida 33131  
Telephone: (305) 358-6363  
Telefax: (305) 358-1221

**Copies Furnished To:**

Attorney James C. Moon is directed to serve copies of this Order on all parties in interest and to file a Certificate of Service.

## Mailing Information for Case 09-36379-PGH

### Electronic Mail Notice List

The following is the list of **parties** who are currently on the list to receive email notice/service for this case.

- **Geoffrey S. Aaronson** gaaronson@aspalaw.com, jevans@aspalaw.com
- **Melissa Alagna** mma@segallgordich.com, jxp@segallgordich.com
- **Vincent F Alexander** vfa@kttlaw.com, lf@kttlaw.com
- **Keith T Appleby** kappleby@hwhlaw.com, lbecker@hwhlaw.com
- **Paul A Avron** pavron@bergersingerman.com, efile@bergersingerman.com
- **Scott L. Baena** sbaena@bilzin.com, eservice@bilzin.com;lflores@bilzin.com
- **Marc P Barmat** ndixon@furrcohen.com, mbarmat@furrcohen.com;atty\_furrcohen@bluestylus.com
- **Sean M. Berkowitz** sean.berkowitz@lw.com, chefiling@lw.com;william.katt@lw.com;roger.schwartz@lw.com;robert.malionek@lw.com;megan.fitzpatrick@lw.com;barbara.pipchok@lw.com
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