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United States Courts for the Ninth Circuit

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NEWS RELEASE

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New Federal Bankruptcy Judges Appointed in Arizona

SAN FRANCISCO — Chief Judge Alex Kozinski of the United States Court of Appeals for the Ninth Circuit announced today the appointment of three new judges to fill upcoming vacancies on the U.S. Bankruptcy Court for the District of Arizona.

Two of the new judges will be assigned to the court's Phoenix division. Attorney Daniel P. Collins, 54, will be sworn into office on January 18, 2013, succeeding Bankruptcy Judge Charles G. Case, II, who will retire after 19 years of service on the court. Maricopa County (Arizona) Superior Court Judge Eddward Phillip Ballinger, Jr., 59, will be sworn into office on February 15, 2013, succeeding Bankruptcy Judge Redfield T. Baum, Sr., who has served 22 years.

The third new judge will be assigned to the court's Tucson division. Attorney Brenda Moody Whinery, 52, will be sworn into office on February 1, 2013, succeeding Chief Bankruptcy Judge James M. Marlar, who has served on the court since 1993.

"We are extremely pleased to welcome such well qualified individuals to the bankruptcy bench. They are highly knowledgeable and experienced lawyers, well regarded by their peers. I am confident that each will prove to be an asset to the court," Chief Judge Kozinski said of the appointees.

Mr. Collins has been a partner since 2004 with Collins, May, Potenza, Baran & Gillespie, P.C., where his practice is primarily commercial bankruptcy. He represents creditors, trustees, and Chapter 11 debtors and has been appointed as an examiner, Chapter 11 plan agent and plan administrator. Mr. Collins works with individuals and corporate debtors and creditor clients seeking to find non-bankruptcy financial solutions.

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He periodically handles real estate, estate planning, and probate matters as well. Mr. Collins had served on the firm's management committee until January 2012. From 1994 to 2003, Mr. Collins was a partner with Leonard, Collins & Kelly, P.C., which merged with his current firm. He worked as an associate, then partner with Rawlins, Burrus, Lewkowitz & Feinstein, P.C., from 1983 to 1994.

Mr. Collins has been an arbitrator on commercial panels for the American Arbitration Association since the early 1990s. In recent years, he has served as a mediator in bankruptcy and state court matters. He was a Ninth Circuit Lawyer Representative from 2007 to 2010 and the co-founder and treasurer of the Arizona Bankruptcy American Inn of Court.

A native of Rochester, Minnesota, Mr. Collins received his B.S. from the University of Arizona in 1980 and his JD in 1983 from UA James E. Rogers College of Law, where he was part of the Moot Court Travel Team during his third year of law school.

Judge Ballinger has sat on the Maricopa County Superior Court since 1998 and serves as the associate presiding judge, and the presiding judge of the Maricopa County Juvenile Court, where he supervises 21 judicial officers who deal with dependency and delinquency cases involving county residents under the age of 18. Judge Ballinger also oversees the operation of the Juvenile Probation Department, including the department's two juvenile detention facilities. Prior to moving to the Juvenile Court, Judge Ballinger completed a civil judge assignment and then moved to the Maricopa County Criminal Court, first as an associate presiding judge then as the presiding criminal court judge. Since 2000, Judge Ballinger has also served as a judge adjudicating two complex water proceedings, which deal with water rights claimed by the federal government, Native American tribes, the State of Arizona, various municipalities, residents, and other government entities.

Before coming onto the bench, Judge Ballinger had worked as an associate since 1981, becoming a partner in 1986 at Brown and Bain P.A. (now Perkins Coie), where he supervised the firm's bankruptcy litigation and handled commercial and intellectual property litigation. While practicing law, Judge Ballinger mostly represented the larger creditor stakeholders, served as debtor's counsel, and argued a number of appeals before the Ninth Circuit Court of Appeals and the Bankruptcy Appellate Panel.

A native of Columbus, Ohio, Judge Ballinger graduated from Ohio State University and received his B.A., *with honors*, in 1976, and his M.B.A. and J.D. in 1979. He received an LL.M. from New York University in 1981. In 1980, while enrolled at NYU, Judge Ballinger co-authored an article in the CPA Journal entitled, “The Foreign Corrupt Practices Act.” He has, more recently, published two law journal articles (2002 and 2007) regarding Arizona’s Economic Loss Rule.

Ms. Whinery has been a partner since 2002 with Mesch, Clark & Rothschild, P.C., where her practice focuses primarily on commercial bankruptcy matters including representation of corporate and individual debtors, Chapter 11 trustees, and official committees of secured and unsecured creditors. She has served as a court-appointed mediator in bankruptcy matters; as an arbitrator in state court matters; and as a Ch. 11 trustee, who has successfully restructured corporate entities through out-of-court negotiations.

From 1998 to 2002, Ms. Whinery served as the U.S. trustee for the District of Arizona. In that position, she was responsible for establishing regional goals and policies, enforcing national policy, supervising selection and oversight of private trustees in Chapter 7, 11 and 13 cases, and providing strategic guidance and legal decisions on matters handled by U.S. Trustee Program attorneys.

Prior to entering public service, Ms. Whinery was an associate, then partner at the Phoenix law firm of Ryley, Carlock & Applewhite. She practiced bankruptcy law and was a commercial litigator. Her practice included representation of creditors, debtors and other entities in both routine and complex bankruptcy cases.

A native of Tucson, Ariz., Ms. Whinery received her B.S., with high distinction, from the University of Arizona in 1982 and her J.D. in 1985 from the UA James E. Rogers College of Law, where she was the note editor of the Arizona Law Review.

The U.S. Bankruptcy Court for the District of Arizona received 36,556 filings in calendar year 2011. The court is authorized seven bankruptcy judges.

Judges of the U.S. Court of Appeals for the Ninth Circuit have statutory responsibility for selecting and appointing bankruptcy judges in the nine western states that comprise the Ninth Circuit. The court uses a comprehensive merit selection process for the initial appointment and for reappointments. Bankruptcy judges serve a 14-year, renewable term, at a salary of \$160,080, and handle all bankruptcy-related matters under the Bankruptcy Code.