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Q&A with Bob Gebhard

Robert S. Gebhard became the Assistant Director for Oversight within the Executive Office for U.S. Trustees in Washington, DC, last June. He recently sat down with NACTT to talk about his job, vision for the office and long career in the bankruptcy field.

What is the essence of the oversight role in the Executive Office for U.S. Trustees?

The U.S. Trustee Program's mission is to promote the integrity and efficiency of the bankruptcy system by, among other things, enforcing the bankruptcy laws, as written, and supervising the private trustees who administer the bankruptcy cases. In the area of trustee oversight, the core functions are recruitment, training, and supervision of trustees. At the Executive Office, we work with the U.S. Trustees and their field offices to promote uniformity in application of the bankruptcy laws and consistency in trustee performance, while keeping in mind the Program's mission and regional differences in terms of applicable case law or local practice. We focus on the big picture, and we also strive to improve the bankruptcy system through our outreach and collaboration with the courts, bankruptcy judges and trustee organizations, including NACTT.

What are your priorities for oversight right now?

Upon my arrival in June, my first priority was to learn the job and the various oversight responsibilities. I am a long-time bankruptcy practitioner, and I previously served as an Assistant U.S. Trustee in a field office, but that prior of tour of duty was many years ago and before the passage of BAPCPA. Within a short period of time after I arrived, the Small Business Reorganization Act (SBRA) was enacted, and I have devoted substantial time and effort for the past six months in the areas of recruitment, education and training of the trustees who will be appointed in each small business case in which the debtor elects SBRA treatment. The law became effective on February 19, and I also continue to devote substantial time and effort on the Program's efforts to foster and support successful implementation of this new law. In addition to many ongoing projects and emerging issues in the areas of trustee oversight, credit counseling and debtor education, I continue to focus on outreach, training, and collaboration efforts with trustees and their organizations.

You served as Assistant U.S. Trustee in San Jose, California, from 1995 to 2002. What was that experience like, and did it help prepare you for your current position?

It was challenging and it definitely helped to prepare me to serve as Assistant Director for Oversight. San Jose is very diverse economically, with Silicon Valley and farming and beach communities, so the cases were diverse. The dot com bubble happened during that time, and there were always many high-tech bankruptcies which often resulted in sales of entire companies in accelerated time frames. But the biggest lesson I learned during that time was that consumer cases are every bit as complicated as business cases. The dollar amounts might be smaller, but the cases are just as challenging and complex, and the outcomes often have a greater impact on people's daily lives. Overall, serving as an Assistant U.S. Trustee was a personally rewarding experience and a real eye opener for me. I had clerked for bankruptcy judges, but this was my

first time playing the watch dog, and it was in the field, so I saw what it was like on the front lines.

You started in the bankruptcy field straight out of law school and never looked back. Why bankruptcy?

I was a summer associate at a law firm in 1986. One of my first assignments was a bankruptcy case. The Bankruptcy Code was still pretty new back then and I could see that bankruptcy law was going to develop over time and it was a great opportunity for me to jump in. Bankruptcy also just struck me as the perfect combination of court practice, problem solving, and negotiation. There simply isn't time to fight to the death in a bankruptcy case.

You have spent most of your thirty-three-year career at well-known law firms in Northern California. Why return to government service now?

Law firms are about client service, which can be very rewarding. Government, on the other hand, is about service to the system and all its stakeholders, which can be just as rewarding and provide a greater impact. At law firms, the impact is case-by-case, but in government, the impact is often macro. That is primarily what drew me back.

What were some of your most challenging cases in private practice?

One case really stands out. It was a statutory construction case. The issue was whether a proof of claim is deemed allowed as filed in a chapter 7 no-asset case for purposes of enforcing a judgment on the purportedly-allowed claim in subsequent litigation. We won all the way up to and including the Fifth Circuit. Appeals are always very challenging and very rewarding. I like to say that my record on appeals is 4-0-1, including two bankruptcy court decision reversals. The tie was a case where we won on one issue and lost on the other.

How are you enjoying your move to Washington, DC?

It's been great. My wife and I raised our two daughters in the Bay Area before moving here. The people are friendly and there is so much history. We really enjoy having so many things to do since we are empty nesters.

About Robert S. Gebhard

Robert S. Gebhard has spent his entire career in the bankruptcy field. Before becoming Assistant Director for Oversight for the U.S. Trustee Program in Washington, DC, he was a partner, counsel or associate at multiple well-known law firms in Northern California, including the former Bronson, Gray Cary and Sedgwick firms, and Clyde & Co., representing debtors, trustees, creditors, creditor committees, and other parties in interest in bankruptcy cases. He has also served as Assistant U.S. Trustee in San Jose and law clerk for two bankruptcy judges. Bob received his juris doctor degree *cum laude* from Indiana University School of Law and graduated with high distinction from Indiana University with a bachelor of arts degree in history and Spanish.