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Dedication:

The Honorable Arthur N. Votolato



Arthur N. Votolato was raised in Burrillville, Rhode Island and graduated from the University of Rhode Island in 1953, where he was a member of the track team. He graduated from Boston University School of Law in 1956 and was admitted to the Rhode Island Bar in the same year.

Subsequently, Judge Votolato practiced with his father in the law firm of Votolato & Votolato. Thereafter, he was appointed to the position of Rhode Island Trustee in Bankruptcy.

Judge Votolato's military service included the United States Air Force and the United States Marine Corps Reserve. He also was the Chief Special Counsel of the Rhode Island Department of Public Works from 1963 up to his judicial appointment.

The Honorable Edward W. Day, then the Chief Judge of the United States District Court for the District of Rhode Island,

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administered the oath of United States Bankruptcy Court Judge to Judge Votolato in 1968. Since then, he has authored approximately eight hundred (800) opinions (all originally handwritten on his 'yellow pads' eschewing computers) on a myriad of subjects. According to a survey of several experienced Rhode Island bankruptcy practitioners, who practiced before Judge Votolato during the majority of his years on the bench¹, he administered thousands of cases during his tenure. His cases include: *In re Max Sugarman Funeral Home, Inc. v. ADB Investors*,² *In re C.J. Pearson Company*,³ *In re Dolan & Bullock, Co.*,⁴ *In re Almac's Inc.*,⁵ *In re American Shipyard Corporation*,⁶ *In re The Newport Creamery, Inc.*,⁷ *In re Bess Eaton Donut Flour Company, Inc.*,⁸ and *In re Arnold Kilberg*.⁹

From 1980 through 1984 and again from 1996 through 2000, Judge Votolato was the Chief Judge of the United States Court of Appeals for the First Circuit Bankruptcy Appellate Panel. He presided by Designation before the Bankruptcy Courts of the Districts of Colorado, Puerto Rico, Maine, Massachusetts and the Western District of Texas.

1. The practitioners included the Honorable William C. Hillman, Judge of the United States Bankruptcy Court for the District of Massachusetts (and formerly a leading Rhode Island commercial law practitioner); the Honorable Michael A. Silverstein, Associate Justice of the Rhode Island Superior Court and the Presiding Justice of the Providence County Superior Court's Business Calendar (another former Rhode Island commercial law practitioner as well as a former member of the Roger Williams University School of Law Board of Directors); the Honorable James M. Lynch, Clerk of the United States Bankruptcy Court for the District of Massachusetts (and the former Clerk of the United States Bankruptcy Court for the District of Rhode Island and Region 1 United States Trustee for the United States Department of Justice); Louis A. Geremia (a former long-tenured Chapter 7 Panel Trustee for the United States Bankruptcy Court for the District of Rhode Island); and Richard S. Mittleman (an insolvency attorney who was the creditors' committee counsel for several of the larger Chapter 11 cases before Judge Votolato over the years).

2. 94 B.R. 16 (Bankr. D.R.I. 1988).

3. BK No. 1:90-bk-11861 (Bankr. D.R.I. Oct. 31, 1990) (CM/ECF).

4. BK No. 1:93-bk-11858 (Bankr. D.R.I. Jul. 9, 1993) (CM/ECF).

5. 159 B.R. 665 (Bankr. D.R.I. 1993) (CM/ECF) (along with historical companion case, *In re Almac's Supermarkets, Inc.*, BK No. 1:93-bk-12090 (Bankr. D.R.I. Sep. 17, 1993) (CM/ECF)).

6. 220 B.R. 734 (Bankr. D.R.I. 1998).

7. 293 B.R. 293 (Bankr. D.R.I. 2003).

8. BK No. 1:04-bk-10630 (Bankr. D.R.I. Mar. 1, 2004) (CM/ECF).

9. BK No. 1:04-bk-10632 (Bankr. D.R.I. Mar. 1, 2004) (CM/ECF).

In testament to the internal workings of Judge Votolato concerning his sense of fairness, in response to the collapse of the residential mortgage system throughout the United States, the Rhode Island Bankruptcy Court established a Loss-Mitigation Program effective November 1, 2009 for Rhode Island debtors. Since this program's adoption and its subsequent amendment, countless homeowners have been permitted the opportunity of attempting to reach some sort of resolution to save their most important tangible asset during the chaotic period of bankruptcy.

Rhode Island bankruptcy practitioners, while attending seminars/conferences or in Bankruptcy Courts outside Rhode Island, often face the question, "so you practice before the judge who doesn't wear his robe?" Our normal response to the inquiry is in the affirmative, because Judge Votolato has observed and followed that tradition throughout his judicial career, which is something that many of those debtors appearing before him found relaxing given the calamitous range of emotions they absorb during their extremely personal bankruptcy travails.

To paraphrase the great actor James Earl Jones in the seminal movie, *Field of Dreams*¹⁰, "the one constant in Rhode Island bankruptcy law has been Arthur Votolato." The Rhode Island Bankruptcy Bar is (and has been) relatively small in numbers, but has been stewarded by an outstanding jurist over these forty-four years. Judge Votolato was instrumental in promoting fairness and an atmosphere of calm some nineteen years **before** my Rhode Island professional career began, which has never subsided. He leaves us with the legacy that the judicial system in his Court worked throughout his tenure.

Illustrative of his commitment, in *In re Lima*¹¹, his final decision issued on the day before his retirement, Judge Votolato voided what was essentially an over the top¹² financing agreement with an unsuspecting homeowner. In holding the debtor engaged the defendants in the adversary proceeding for the narrow purpose of preventing the sale of her house at foreclosure, Judge Votolato found that the defendants embarked on a clandestine

10. *FIELD OF DREAMS* (Universal Pictures 1989). Film adaptation, W.P. Kinsella, *Shoeless Joe* (Houghton Mifflin 1982).

11. BK No. 1:11-ap-01010 2012 WL 3070569 (Bankr. D.R.I. Jul. 30, 2012).

12. *Id.* at *7.

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pattern of equity skimming by repeatedly refinancing the debtor's property, and virtually stealing the proceeds.¹³ Ultimately, the debtor retained her home and was vindicated. Thus, even in his final decision, Judge Votolato used logic and reason to provide clarity and calmness in his Court.

DEDICATION CEREMONY OF THE HONORABLE ARTHUR N. VOTOLATO
COURTROOM



On July 31, 2012, a celebration of a jurist's career occurred at the United States Bankruptcy Court for the District of Rhode Island culminating in the dedication of the Arthur N. Votolato Courtroom honoring Arthur N. Votolato, the first Bankruptcy Judge for the United States District Court for the District of Rhode Island.¹⁴

With over one hundred guests in attendance, including two daughters, family, fellow jurists (including the Honorable Diane Finkle, now the second Bankruptcy Judge for Rhode Island) and bankruptcy practitioners, the ceremony began with a review of pertinent data/events since 1968, the year of Judge Votolato's

13. *Id.* at *1. To underscore Judge Votolato's feeling of the facts of this case, he labeled the conduct between the Defendants as an "audacious scenario". *Id.*

14. Unlike many states (and all of the states in the United States Circuit Court of Appeals for the First Circuit), Rhode Island has, since the creation of Bankruptcy Judgeships, had only one Bankruptcy Judge.

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appointment to the Bench. That data included:

33 cents - the price of a gallon of gas

5 cents - the price of a stamp

3.8% - the nation's unemployment rate

72 years - one's life expectancy

+/- 1 million - Rhode Island's population (some things never change)

Green Bay Packers - Super Bowl Champion

Debra Dene Barnes - Miss Kansas, Miss America

2001: A Space Odyssey, Funny Girl and Romeo & Juliet - top grossing movies

Martin Luther King and Robert F. King - each assassinated

During the ceremony, John Boyajian, the long-standing Rhode Island Chapter 13 Trustee and Lisa A. Geremia, a Chapter 7 Panel Trustee, each presented comments to the assembled on behalf of the past and present Rhode Island Panel Trustees, the Honorable Jonathan C. Calianos, one of Judge Votolato's former career law clerks, and the Honorable Susan M. Thurston, the current Clerk of United States Bankruptcy Court for the District of Rhode Island (another former career law clerk to Judge Votolato).¹⁵

Following these comments, proclamations from Rhode Island Senators Reed and Whitehouse, Congressmen Ciccilline and Langevin, Rhode Island Governor Chafee, Senate President Paiva Weed, Rhode Island House Speaker Fox and the Rhode Island Bar Association were presented to Judge Votolato. A special acknowledgement to Leah G. Waterman, Judicial Assistant to Judge Votolato, was extended for her years of dedication of service to Judge Votolato, the Bankruptcy Court, and the people of Rhode Island. The Rhode Island Bar Association proclamation awarded to Judge Votolato reads:

15. Approximately twenty attorneys clerked for Judge Votolato as well as countless interns and externs over the years. One former clerk returned from California to attend (along with another two hundred) the Judge's retirement dinner organized by bankruptcy practitioner Christopher M. Lefebvre on May 8, 2012.

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In recognition of his tireless and dedicated service to the Citizens of Rhode Island, its Businesses and the United States of America as the United States Bankruptcy Judge for the District of Rhode Island commencing June 24, 1968 up to and including the present and as Chief Judge of the United States Bankruptcy Appellate Panel for the United States Circuit Court of Appeals for the First Circuit from 1981 through 1984 and 1996 through 2003 and as a member of the Rhode Island Bar Association since 1956.

In further recognition of the dedication of the Courtroom of the United States Bankruptcy Court for the District of Rhode Island on July 31, 2012 in his honor. Best wishes to you on this memorable occasion and the hope for continued good health and success.

Attorneys Joseph DiOrio and Andrew Richardson, also Rhode Island Chapter 7 Panel Trustees, along with the author, then presented the Courtroom Dedication Plaque to Judge Votolato.

Concluding remarks by Judge Votolato were quite typical: a mixture of humility with an acknowledgement of cooperation and assistance by the Clerk's office, his clerks, fellow Bankruptcy Jurists, the members of the Rhode Island Bankruptcy Bar and his love of flying and his airplane.

CONCLUSION

The final words at the Courtroom Dedication Ceremony represented the thoughts of everyone who was either physically or emotionally present:

ALL WE ASK OF YOU IS TO PLEASE LIVE
LIFE TO ITS FULLEST WITH THE ONES
YOU LOVE AND CARE ABOUT.

Best wishes, Judge Votolato, for a job well done.
William J. Delaney¹⁶

16. Adjunct Professor of Law, Roger Williams University School of Law. A.B., University of Notre Dame; M.B.A. Rensselaer Polytechnic Institute; J.D. Albany Law School of Union University; LLM, American Banking Law Studies, Boston University School of Law. The author wishes to express his utmost appreciation to the Law Review of the Roger Williams University

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School of Law for dedicating this issue to a true gentleman, jurist and father-Arthur N. Votolato. Finally, the author wishes to specifically acknowledge the invaluable assistance of Malorie R. Diaz, Rhode Island Editor in dealing with author's procrastination, always with an intended good cause. Finally, the author, a former Chapter 7 Panel Trustee for the United States Bankruptcy Court for the District of Rhode Island, wishes to note his first case with the Honorable Arthur N. Votolato, In re Mary Ann Carlow and Edward David Carlow, BK No. 1:88-bk-00838 (Bankr. D. R.I. Dec. 2, 1988) (CM/ECF).