Preamble

Our honored and respected friend and colleague, Gerald K. Smith (Jerry) died on October 3, 2025. He was a conferee for over half a century. He was a father, grandfather, partner, mentor, scholar, pilot, hunter, fisherman, golfer, farmer and wine enthusiast.

Resolution of the National Bankruptcy Conference

WHEREAS, Jerry graduated from Kansas State University in 1958, and from New York University School of Law in 1961 as Root-Tilden Scholar.

WHEREAS, Jerry chose to come west to Phoenix, Arizona, and practiced commercial litigation, suretyship and bankruptcy law in the firm of Lewis and Roca (with a few names added and subtracted over the years).

WHEREAS, Jerry's reputation as a lawyer and the respect he earned from his bankruptcy professor at NYU, Charles Seligson, led to his invitation to become a member of the National Bankruptcy Conference in 1970, after his Seligson-arranged interview with Judge Asa Herzog.

WHEREAS, in 1971 Prof. Seligson also introduced Jerry to Vern Countryman and Frank Kennedy, and recommended that he work with them on the Commission on Bankruptcy Laws of the United States, then being formed.

WHEREAS, Jerry became the Deputy Director of that Commission, serving in 1972-1973, where he undertook an invaluable role including, for example, analyzing and drafting the section of the report on avoidance actions, and creating and sharing an extensive memorandum on the Chandler Act Amendments to advise the Commission on problems that had been encountered in the past, solutions that had been suggested, proposals that were not enacted and reasons for those decisions.

WHEREAS, Jerry's thorough knowledge of the Bankruptcy Code and what he was sure the words were intended to mean, and his brilliant mind and creativity led to interesting and challenging bankruptcy and restructuring work for Lewis and Roca throughout the west.

WHEREAS, Jerry's expertise, teaching and mentoring brought into the bankruptcy practice such lawyers as Sally Neely, Neil Wolf, Hon. Chuck Case, Susan Freeman, Hon. Randy Haines and Rob Charles, and helped them to build their own reputations.

WHEREAS, Jerry was a scholar who shared his wisdom and knowledge with other professionals in Arizona and around the country, speaking frequently at seminars for ALI-ABA, the ABA Business Bankruptcy Committee, NCBJ, and state bar organizations in states as diverse as Iowa, Texas and Florida.

WHEREAS, Jerry actively participated in the ABA Business Bankruptcy Committee, and chaired the first subcommittee on professional ethics in bankruptcy cases.

WHEREAS, Jerry helped to create the American Bankruptcy Institute, and was one of its early directors.

WHEREAS, Jerry took on a significant role in preparing the legislative history of the Bankruptcy Code for the Norton Bankruptcy Law Treatise when it was first drafted, and contributed as a co-editor of the Norton Adviser and as a frequent speaker at Norton Bankruptcy Institute seminars.

WHEREAS, Jerry was instrumental in founding the American College of Bankruptcy in 1989, was a member of its first class, and served as Chair of the College in 1995-97.

WHEREAS, Jerry served on the Advisory Committee on Bankruptcy Rules of the Judicial Conference 1993-1999.

WHEREAS, Jerry was awarded the American College of Bankruptcy Distinguished Service Award in 2000, honoring his many contributions to bankruptcy law and practice.

WHEREAS, Jerry cared deeply about the law, and the integrity and professionalism of the courts and professionals serving the courts and clients and the public, and endeavored always to turn square corners and help others do so.

WHEREAS, Jerry loved and was loved deeply by his late wife, Jane, and their three children, and left Lewis and Roca toward the end of his career to work with his son John Smith at a small Tucson firm named Smith and Smith.

WHEREAS, Jerry will be forever missed by his family and his numerous friends, colleagues and clients, and leaves a legacy of excellence, service and mentoring.

NOW, THEREFORE, BE IT RESOLVED, that the National Bankruptcy Conference recognizes the achievements and character of Gerald K. Smith as well as his contributions to the National Bankruptcy Conference and its mission to further the development of bankruptcy law.

BE IT FURTHER RESOLVED, that the National Bankruptcy Conference expresses its sincere condolences to Jerry's children: Jerry, Kendall and John, and their families.