



## Member of the Month: March, 2009

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**Erin B. Shank**  
From: Waco, Texas

Our March 2009 Member of the Month, Erin B. Shank, has been practicing exclusively bankruptcy law in Texas for 26 years. She owns her own law firm, with offices in both Waco and Killeen, Texas, where her practice is devoted to representing consumers and small businesses in Chapter 7, 11, 12 and 13 bankruptcy cases. Her Killeen office is located literally a few miles from Ft. Hood, the largest military installation in the United States. She is proud to represent members of our military in bankruptcy cases.

Erin enjoys both a consumer bankruptcy practice and a small business bankruptcy practice. In 2008, she successfully represented four Chapter 11 small business debtors in reorganization cases pending before the Waco Bankruptcy Court.

In 2008, Erin hired her first associate attorney, Samantha Kehl. Erin credits her staff, including two great paralegals - Jan Marroquin and Lena Hughes - for making the firm a great place to work.

Erin - NACBA's State Chair for the Western District of Texas - has attended every NACBA seminar for the past six years. After attending her first NACBA seminar, she decided she would never miss another one. She was a panelist at the Hollywood NACBA convention on the topic of filing Chapter 11 cases for individuals. She is also serving on a panel at the upcoming Chicago convention on Business Chapter 13's.

Erin participated in NACBA's Capitol Hill Meeting for the first time in 2008. She and NACBA President Carey Ebert visited Republican John Cornyn's office and together delivered a presentation on the mortgage modification amendments NACBA was supporting to the Bankruptcy Code. After returning to Texas, Erin received a letter from Senator Cornyn thanking her for coming to see him about her concerns for the children of Tibet!

Undeterred, Erin decided to become involved in the 2008 Presidential election and became a delegate for Senator Barack Obama at the Texas Democratic Convention. She is thrilled that he was elected president and had a blast being involved in his election. Erin comes from a family of Republicans and so her support of Obama was quite controversial. However, she is convinced he will help us repeal some of the crazy changes to the Bankruptcy Code contained in BAPCPA. Erin was an enthusiastic participant at NACBA's Capitol Hill Meeting last month and has vowed to continue working towards reforming the Bankruptcy Code.

Erin served for two years as President of the Oklahoma Bankruptcy Bar Association. She also previously served on the Bankruptcy Council for the State Bar of Texas. Last year, she was the Course Director for the State Bar of Texas Annual Consumer Bankruptcy Law Seminar. Erin taught Bankruptcy Law and Debtor/Creditor Law as an Adjunct Professor for 13 years at three different law schools, including teaching for 9 years at Baylor Law School. Erin is a frequent speaker on bankruptcy law topics.

Erin spent the first 13 years of her practice representing creditors in large Chapter 11 cases. Immediately after law school, Erin began her career with one of the largest law firms in the State of Texas, Baker and Botts. While at Baker and Botts, she successfully argued a Chapter 11 case before the U.S. Fifth Circuit Court of Appeals entitled *In re D & F Construction, Inc.*, 865 F. 2nd 673 (5th Cir. 1999). That case dealt with the elements necessary in order to cram down a Chapter 11 plan over the dissenting vote of a secured creditor.

While at Baker and Botts, Erin also represented NCNB Texas (which later became NationsBank which later became Bank of America) in the Chapter 11 bankruptcy cases of the holding companies of the former Republic Banks and InterFirst Banks. These two banks merged and then failed in the largest bank failure in the State of Texas. The two bank holding companies filed two Chapter 11 cases. The FDIC sold the banks to NCNB Texas and the holding companies challenged those sales in the Dallas Bankruptcy Court as fraudulent transfers. Erin represented NCNB Texas in those adversary proceedings and wrote the settlement documents that settled those lawsuits. She also represented NCNB Texas before the bankruptcy court in the holding companies' bankruptcy cases and saw that the settlement agreements were approved by the Dallas Bankruptcy Court. After the settlement was consummated, Erin became in-house bankruptcy counsel for National Bank. She created the Bank's internal systems for handling bankruptcy filings by the bank's customers. She also represented the Bank as a member of the creditors' committee in several large Chapter 11 cases, included the Chapter 11 cases filed by Zales Jewelry, Gordon's Jewelry and Compuad Computer Company.

In 1995, Erin had her first child and while on maternity leave from NCNB Texas unexpectedly became pregnant with her second child. With two babies in tow, Erin and her husband, John, decided that they

wanted to raise their children in a smaller community and so they relocated from Dallas to Waco, Texas. Marriage and children convinced Erin that she should change her practice from representing creditors to representing families and developing a consumer bankruptcy practice. Erin likes to say that after having three kids, she decided that she wanted to save homes, not foreclose on them. Erin initially joined an established law firm in Waco, Texas which helped introduce her to the Central Texas legal community. In 2000, she left that firm and opened her own firm with a practice exclusively dedicated to bankruptcy law.

Erin graduated in 1979 with a B.A. degree from Trinity University in San Antonio, Texas. She graduated from Southern Methodist University in 1984 with a Masters Degree in Public Administration. In 1983, she graduated cum laude from Texas Tech University School of Law. While at Tech, Erin served on the Texas Tech Law Review. Her senior year, she was published on the Texas Tech Law Review in an article about Section 365 of the Bankruptcy Code and the Braniff Airlines Chapter 11 bankruptcy case. The article was entitled The Automatic Stay in Bankruptcy: An Analysis of the Braniff Chapter 11 Proceeding and was published in the 1983 edition of the Texas Tech Law Review. While at Tech, Erin also served as a part time briefing clerk to the Honorable Bill Brister, United States Bankruptcy Judge for the Northern District of Texas, Lubbock, Texas.

Erin is happily married to the love of her life, John Shank. The couple recently celebrated their 16th wedding anniversary. They have three active children. Paul is 13, Billy is 12 and Rachel is 10 years old. Their youngest child, Rachel, has Down Syndrome. Rachel has had multiple health problems, including heart defects, epilepsy, weak lungs, and a stomach ulcer. Rachel has been hospitalized 49 times in her short 10 year life. Rachel has taught Erin how to fight with insurance companies who refuse to pay medical bills and has given Erin a new insight on how a family crisis can affect a family financially. Although life with a severely disabled child has been challenging, it has changed Erin's life and her practice in multiple positive ways. Rachel is currently very healthy.

Erin and her husband John have restored a 105 year old historic house in Waco, Texas that they now call home. Gluttons for punishment, they have been restoring another 104 year old historic home that became Erin's new law office in January. John is a commercial banker with a local bank, but a true artist underneath the banker's clothing. He has a great knack for real estate restoration. Their historic home restoration took five years to complete.

Erin and her sons are actively involved in the local Waco Civic Theater and Waco Children's Theater. Her sons have been leads in several plays at both theaters and Erin has been a loyal "back stage mom". She has also played the piano in two Christmas shows at the local theater. Erin describes herself as a "B minus" pianist, but really enjoys playing the piano, especially for shows with her sons. One day soon, she hopes to venture back on the stage herself.