

THE SWEETEST SOUND

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Q How did you gravitate into turnaround/restructuring work?

RIZZARDI It was not by design. I began to practice law in 1979. In 1982, I was working at a four-lawyer firm in Auburn, a small town south of Seattle. The town's senior lawyers regularly gathered for cocktails, and one night they learned the only bankruptcy lawyer in town had left town, allegedly with a mistress and his clients' trust funds. The cocktail lounge rumor was he had fled to Brazil.

A new bankruptcy lawyer was needed—after all, no one else wanted to do it! The next morning, I was told, not asked, that I was now that lawyer. Clients arrived as early as that afternoon. I was before the Seattle Bankruptcy Court within two weeks. I had never studied or trained in bankruptcy, so my learning curve was really steep, and I didn't have the benefit of a mentor at that time. I enjoyed the focus of the practice and the steady influx of new clients.

In 1983, I was appointed to the Chapter 7 Trustee panel for the Seattle area. A year or so later, I was hired by Hatch and Leslie, one of Seattle's premiere insolvency boutique firms at the time, and was quickly involved in more complex Chapter 11 cases.

Q Usually, it seems that people don't start out in bankruptcy. They end up on a case, find they like it, and start doing more of those cases until it becomes their career. I think you're the first person I've heard say they got ambushed to take over an entire practice.

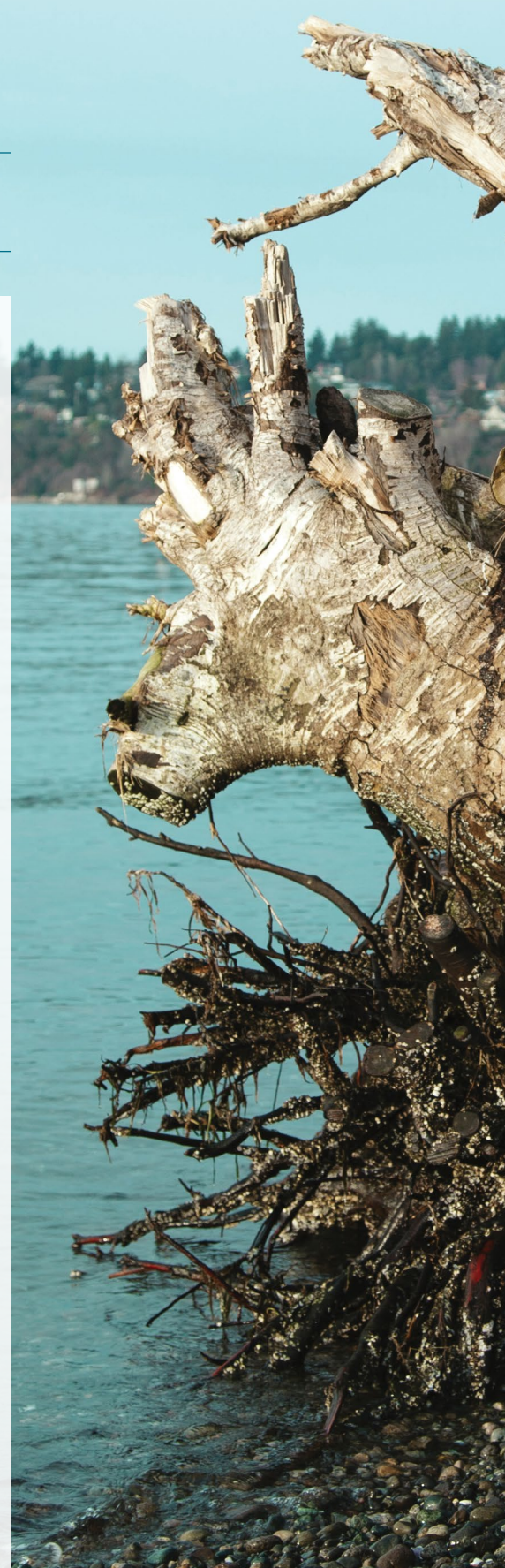
RIZZARDI Ambushed is an understatement. It was more than a bit scary, but I had full support from my firm and the professional community. I had been a general practitioner handling civil litigation, divorce, criminal defense trials, personal injuries, construction contracts, municipal law—everything you can imagine, other than bankruptcy. This generalist background gave me a strong foundation for applying state law issues to bankruptcy concepts. To this day, that foundational skill set has enabled me to provide service and support to our firm's other practice groups.

After my first bankruptcy motion I received some very kind guidance from Judge Kenneth Treadwell. He welcomed me, complimented me on my presentation—I lost, by the way—and urged me to stay with it. Even though I was a stranger in that first motion courtroom, I noticed the collegiality in the room. There was friendship in the hallways and professional courtesy in the courtroom. This is an attribute of our local bar that I have valued and respected to this day.

Q What have been some of your favorite, most memorable, or most gratifying cases along the way?

RIZZARDI So many cases—how about a few "firsts?" My first "first chair" Chapter 11 involved Sunrise Resorts, a membership travel and recreational company with properties scattered around the United States. It had complex

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layers of debt financing, significant membership rights' issues, and a demanding judge. Committee counsel was Jack Hebert of Phoenix, who has now passed, and he was instrumental in working with me every step of the way.

That judge, Thomas Glover, had been my partner in Hatch and Leslie, and he was quite comfortable questioning my aptitude for the case, providing guidance, and motivating me to help the client succeed. It was a successful restructuring—so much so that Judge Glover awarded substantial final compensation bonuses to committee counsel and my firm.

There are several other memorable firsts. My firm was counsel to the committee for a biotech company called CellPro and, thanks to Eve Karasik and Frank Merola, debtor's counsel, it became my first experience with a full payment plan for unsecured creditors.

Another that comes to mind is my first engagement as a Chapter 11 examiner in a Portland case, WCI Cable. I was put on an expedited 28-day deadline to issue a report concerning the settlement of a \$250 million matter. This assignment enabled me to team with my firm's lead partners in the cable industry and complex commercial litigation. We had tens of thousands of documents to review and scores of interviews with individuals scattered from Toronto to Australia. We met our deadline and

after my testimony, the court approved the settlement, paving the way to confirmation of the Chapter 11 plan.

Q What key milestones in your career have made you the professional you are today?

RIZZARDI The continuum of events, with many milestones, has offered me an abundance of professional development opportunities. Strong mentors and solid guidance—watching how others succeeded and learning from their approach to people and issues—are all part of that continuum.

It starts with my father. He was a disciplined and competitive athlete and businessman with an incredible work ethic and valued relationships. I started working for his then small company as a janitor when I was 12. He taught me how to work hard and how to enjoy hard work.

Another development was an appreciation of my duty to clients, a drive to help solve problems, and the ability to empathize with their situations. For these developments credit goes to my many senior mentors, especially those at my first two law firms—George Fiori and Willard Hatch.

My current law firm, Caimcross & Hempelmann, P.S., has been the source for many more milestones. I have worked with the firm since 1998. I was hired to start a practice group, and the firm has generously given me the time,

talent, and resources needed to fully commit to all phases of my practice development, including TMA, over the years. I have had the honor of working with our outstanding past and current lawyers and staff, as we, as teams, all served our clients over the years.

My relationships and activities in TMA provided even more. I learned things about being a productive part of the association and bringing my best to interactions. Again, many more mentors guided me, including past TMA Chairs Jack Butler, David Auchterlonie, Peter Tourtellot, and Randall Eisenberg. They were all generous with their time, guidance, and support. Along the way, I have been privileged to connect with so many outstanding lawyers, consultants, boards, owners, advisory firms, and judges. My pathway was well defined with the wisdom of so many.

Q Particularly when you were TMA Global president, I remember you as being especially skilled at consensus building.

RIZZARDI I have always believed developing a consensus is a key in an inclusive organization. This is even more important in an association where much of the governance, operations, and development are handled by volunteer members who give their valuable time and talent. It was an honor and my responsibility to take the time to bring people together and find common ground that was best for members, chapters, and the association. I had



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plenty of opportunity to see TMA operating in situations with and without a focus on achieving consensus. I have always believed it is a stronger and more vibrant association when focused on achieving consensus at all levels.

Q What role has your TMA membership played in your career?

RIZZARDI It's played a significant role. I was invited to participate in the formation board for the Northwest Chapter in 1996 with five other professionals from Portland, Oregon. A few years later I became the Northwest Chapter's president. While I was president, we expanded the chapter to become TMA's first cross-border chapter, adding Vancouver, British Columbia, to Seattle and Portland.

I was then appointed as TMA's first VP – International, working abroad to expand our global reach. I remember a chapter development trip with Alan Tilley of the UK, where we traveled to five Western European countries in four days. We started in the UK, moving on to Paris for lunch and Frankfurt for dinner on day two. Madrid was day three and finally, Milan. Alan and I had a great opportunity to bond during that trip. We're still great friends and are both still in contact with many of the individuals we met during that trip.

I have also worked on numerous TMA committees, including assisting the development of two TMA strategic plans. I was then appointed as the 2003 TMA president and 2004 TMA chair. Every step of the way, I developed regional, national, and international relationships, friends, and trusted colleagues. Of course, there is a bottom line—my TMA membership has resulted in receiving and referring engagement opportunities with my trusted colleagues.

Q What advice would you have for someone who is new to the industry or was thinking about getting into it?

RIZZARDI Two words—integrity and service. Find ways to actively volunteer and commit your time and talent. In that regard, I would encourage people to bring their A-game to helping out the needs of the association. Treat it as a priority on your calendar so that you show up at meetings and render the service without an expectation of a

referral or some kind of a tangible return. Volunteering needs to be more than merely occupying a seat or using it as a resume builder.

People remember if you enthusiastically engage and make yourself available. They remember your energy, reliability, and integrity. These attributes then become part of your branding. For me, these attributes stand out from a professional's many other qualifications.

Q What are you passionate about outside the office?

RIZZARDI My number one passion is my marriage to my college sweetheart, Carmen. We've been together now for 45 years. Of course, our longtime friends at TMA always ask about her first! We have two adult children, a son in LA and a daughter in Seattle. Everybody is healthy and doing well.

I think I have too many hobbies and interests. I'm a Jack of all trades, master of none. I enjoy cooking, and I've had a lot of time during the pandemic to experiment with my kitchen's only other diner, my wife. Our state offers plenty of year-round outdoor recreational opportunities—hiking with our dog, cross country skiing, cycling, and boating and other water sports.

As to watercraft, I've simplified over the years, downsizing from sailboats to human-powered craft like paddle boards and kayaks. We spend a lot of time at a small island located in the southern end of Puget Sound where we pick oysters off the beach and paddle around the local islands. My love of Puget Sound resulted in me volunteering for the Seattle Aquarium as a beach naturalist—think shoreline and tidepool docent. I discuss environmental issues, the salmon migration cycle, and Puget Sound shoreline life with visitors and busloads of schoolchildren.

Q Did you grow up in the Northwest?

RIZZARDI No, I was born in Kalamazoo, Michigan, and did my undergraduate work at the University of Colorado, Boulder. I was probably on track to being involved in architecture and working with my father's construction company, but that changed when I came to law school in the Northwest. Carmen and I have lived

in the Seattle-Tacoma area for 44 years and continue to enjoy our 105-year-old home near Puget Sound.

Q Any other pursuits outside of the office?

RIZZARDI I've done my fair share of volunteering, but two pursuits have risen to the level of passions: mediation and executive coaching.

The Hon. Karen Overstreet, a Seattle bankruptcy judge, wanted to form a low-cost and pro bono bankruptcy mediation panel. Working with other volunteers, we successfully initiated the program with a panel of 36 mediators, drafting local rules and obtaining the support of our bankruptcy judges. The program continues to this day, offers regular mediator training, and has resulted in scores of resolved matters. I continue to serve as a panel mediator for the program and also provide private mediation services.

In 2014, I obtained my certification in executive and leadership coaching from the Hudson Institute of Santa Barbara. This intensive training opened up opportunities to coach developing or current leaders in several types of organizations, facilitate strategic planning initiatives, and assist boards with training and development.

Q What might people who only know you professionally be most surprised to learn about you?

RIZZARDI I'm fairly handy with hand and power tools. I've done a lot of construction-related work and, back in the day, made furniture from scratch and restored boats. For my 2006 sabbatical, I took several courses in professional bicycle repair in Ashland, Oregon. It was heaven on Earth for this guy—bicycles, tools, and lots of learning, and all during a beautiful May in Southern Oregon. Little did I know that this would be a needed personal battery recharge before the demanding workloads of the Great Recession!

I love all types of music and tend to go through phases of being focused on particular genres. Of late, I have an obsession with Jamaican post-independence (1962) ska and rock steady music. Most of the music is basic enough that I can do a bit of guitar accompaniment with recordings on our porch swing. ■