

Success in Spades

Topeka's Chapter 13 Trustee Plans for a Relaxing Retirement After a Demanding Career

By Lindsay Thompson

After a highly successful, 24-year career as the standing Chapter 13 trustee in Topeka, one that culminated in a once-in-a-lifetime trip to the United States Supreme Court, **Jan Hamilton, BA '70, JD '73**, is turning over his stressful caseload for a more relaxing life in retirement.

A Career Built on Character

Before his time as a Chapter 13 trustee, Hamilton worked in private practice for 25 years. But before that, he was “Jumpin’ Jay,” a late-night disc jockey for KEWI 1440 radio in Topeka. While not the typical full-time undergraduate and law school “gig,” this line of work falls right in line with the fun-loving personality one gets when meeting Hamilton.

After graduating from law school, Hamilton continued working for KEWI, but this time as the in-house counsel and operations manager under Midland Broadcasters.

“For the first five years of my career, I was probably the worst lawyer in the city,” Hamilton said. “I had no idea what to do, but all the other lawyers I worked with were gracious in getting me steered in the right direction.”

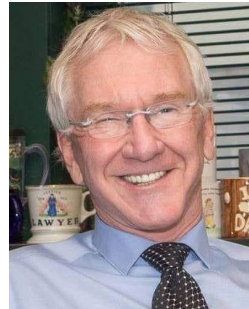
Accordingly, Hamilton attributes much of his success to the other attorneys who helped him along the way. One of his mentors, Judge Dale Somers, helped to ensure his success as an attorney.

“Judge Somers was the one who fed me some consumer cases back in 1975. I did a good job on them, and he gradually gave me more complex stuff,” Hamilton said. “Without his help, I’m not sure how my practice would have developed. That really formed how I treated lawyers who were new to the practice in my work as a Chapter 13 trustee.”

Working in litigation happened almost by accident for Hamilton. After discovering bankruptcy work, he eventually built a practice around bankruptcy litigation.

“I found I liked litigation, and I was good at it,” Hamilton said. “However, there was also a lot of stress that went along with it like getting prepared for trial.”

For more than two decades, Hamilton had an extensive bankruptcy – Chapters 7, 11, 12 and 13 – and trial practice including jury and bench, civil, criminal, bankruptcy, and commercial. He remembered many stressful cases, but often the stress came with sleepless nights. He even recalled once



Jan Hamilton, BA '70, JD '73

having to travel to Los Angeles, California, to meet with a client on a day that seemed to never end.

“I got on a flight at 4 a.m. in Kansas City, and I returned from L.A. at 5 a.m., Topeka time, 25 hours later,” Hamilton said. “As I was on the airplane, I thought ‘There has to be a better life than this.’”

So, after 25 years of private practice, when his friend, **Bill Griffin, '73**, suggested he apply for the Chapter 13 trustee position, proposing it would be a nice, relaxing, “retirement-type” job, Hamilton’s interest was piqued, and he applied for the opportunity. He accepted the federally appointed position in 1998, but it didn’t take him long to realize just how wrong his friend was about the job.

“I quickly learned no, that’s not a retirement job. You may have more flexibility to do what you need to do and want to do,” Hamilton said. “And you have an assured paycheck. But it certainly is always omnipresent.”

As one of only 180 Chapter 13 trustees in the United States, there was plenty of work to go around. Administering thousands of bankruptcy cases, at some points more than 3,600 at a time, was a ton of work. But it was a challenge Hamilton took on with pride. Over the years, he also found a distinct dislike for bullies, which shaped a lot of what he did in his role and kept him motivated.

“I felt like I could help level the playing field,” Hamilton said. “I’ve helped a lot of people crawl out of a lot of holes and turn things around after they’ve been put in a tough position by bad creditors who had bullied them there.”

The Highest Court in the Land

Hamilton was the first Chapter 13 trustee to take a case to the U.S. Supreme Court, in the landmark bankruptcy case *Hamilton v. Lanning*. Hamilton and his extremely competent staff attorney, **Teresa Arnold, '04**, wrote all the briefs and Hamilton personally argued the case before the court.

“The law isn’t always as black and white as it seems,” Hamilton said. “There was a problem with the Chapter 13 means test in the Bankruptcy Code. A section of it was sort of ambiguous, and I picked the case on purpose, to try to get some clarity on it.”

In Chapter 13 bankruptcy, a debtor with regular income creates a plan to repay their debts in three to five years. A means test, using an average of the debtor's monthly income during the six-month period preceding the petition's filing, is used to calculate how much disposable income a debtor has for monthly payments. However, in the case Hamilton argued before the Supreme Court, a one-time buyout from the respondent's former employer caused her average monthly income for the look-back period to appear much higher than it was normally. As a result, she was required to make monthly payments far greater than her current monthly income. Hamilton argued the means test was flawed, and other factors should be allowed to be taken into consideration when determining a debtor's payment plan.

Hamilton received the Award of Excellence from the National Association of Chapter 13 Trustees for his work on *Hamilton v. Lanning*.

"It was one of the highlights of my career to stand up in front of the nine justices and say, 'may it please the court,'" Hamilton said.

Never Quit Learning

Hamilton attributes much of his success to being open to feedback and asking for help from other attorneys when he needed it.

"When you get out of law school, you're not prepared for the real world. You may have taken trial advocacy, but you don't know anything about trial advocacy," Hamilton said. "You need mentors, but you're not going to have mentors unless you're open and willing to go to another lawyer and say, 'I'm having trouble, can you help me?' Odds are, that lawyer will help you."

As a scared first-time attorney, Hamilton didn't have any reservations about asking other attorneys and judges for help.

"After my first jury trial, I went to the judge, **Judge E. Newton Vickers, BA '49, JD '50**, and asked him to critique me. He was a very kind man," Hamilton said.

Even in his work as a Chapter 13 trustee, Hamilton still solicited feedback.

"About every three or four months, I would go in to see Judge Janice Carlin and ask her if there was anything she'd like me to do differently in my Chapter 13 operation. She never had anything, but the fact that I asked was important to her."

In addition to soliciting feedback, he was good at providing guidance to others and tried to offer his mentorship along the way.

"Other lawyers had taken care of me, so I tried to take care of others," Hamilton said. "Sometimes I'd even reach out to someone who was struggling and say, 'It looked like you were having a tough time today, would you like to get together and talk that through?'"

As an adjunct professor, Hamilton taught debtor/creditor relations at Washburn University School of Law. He also taught undergraduate Washburn students in the law of mass communications and communication-related topics. He was a guest speaker in various bankruptcy-related classes at the University of Kansas and Washburn, and he was a frequent continuing legal education speaker, giving more than 200 CLE presentations over his career. In fact, through his commitment to helping other attorneys in continuing legal education, he received the 2015 Robert L. Gernon Award for Outstanding Service to continuing legal education in Kansas. The award is presented annually by the Kansas Continuing Legal Education Commission to recognize those who have demonstrated a unique commitment to legal education for lawyers in Kansas and have provided outstanding service to continuing legal education.

In addition, he is a fellow in the American College of Bankruptcy, he is "AV" rated Martindale-Hubble, and is listed in Best Lawyers in America in the field of bankruptcy, 1986-98.

A Well-Earned Retirement

With an abundant caseload, Hamilton discovered it was difficult to take time off for a vacation over the years without constantly being beleaguered with thoughts about what might have been forgotten back at the office. Years of stress, and some recent health concerns, now mostly resolved, convinced him that it was a good time to retire.

"When you're down physically, it's tough. I don't want to fall over on my desk, I want to do a lot of other things," said Hamilton.

Over the years, Hamilton has remained very active running marathons, triathlons, hiking, and biking across Kansas and Iowa. He also spends significant time with his puppies, his grandchildren, and his girlfriend of six years, Barbara Greathouse. The two headed to Ireland and Scotland for a well-deserved vacation this spring.

"I loved practicing law. I enjoyed my work as a lawyer, and I took great pride in what I did," Hamilton said. "But retirement is going to be great."