

George C. Paine Collection of In re Benny Records

NBA.028

Finding aid prepared by Jordon Steele.

Last updated on April 28, 2011.

University of Pennsylvania, Biddle Law Library, National Bankruptcy Archives

2008

Table of Contents

Summary Information.....	3
Biography/History.....	4
Scope and Contents.....	5
Arrangement note.....	5
Administrative Information.....	5
Related Materials	6
Controlled Access Headings.....	6
Other Finding Aids note.....	6

Summary Information

Repository	University of Pennsylvania: Biddle Law Library: National Bankruptcy Archives
Creator	Paine, George C., II
Title	George C. Paine Collection of <i>In re Benny</i> Records
Call number	NBA.028
Date	1984
Extent	0.25 linear feet (44 items)
Language	English
Text [Box]	1
Abstract	<p>George C. Paine II was born on October 31, 1945 in Nashville, Tenn. He graduated from the University of Mississippi School of Law in 1973. In 1981, Paine was appointed a bankruptcy judge for the Middle District of Tennessee. He has served as Chief Bankruptcy Judge of that district since 1986. In 1984, George Paine was one of four judges who filed suit against the Administrative Office of the United States Courts ("Administrative Office"). The Administrative Office's director, William Foley, had refused to pay bankruptcy judges, arguing that parts of the Bankruptcy Amendments and Federal Judge Act of 1984 were unconstitutional. The case was later rendered moot when Foley rescinded his order and agreed to pay the judges. However, when Foley issued his first memorandum, a number of defendants in bankruptcy cases filed motions to overturn the bankruptcy courts' rulings, citing Foley's assertion that the judges had not been lawfully appointed at the time of the court proceedings. Paine and the</p>

other judges who filed suit against Foley intervened in the proceedings of these cases to argue for the constitutionality of the bankruptcy judge system. In one such case, known as *In re Benny*, George and Alexandra Benny were the defendants. Shortly after Foley's original memorandum in July 1984, the Bennys filed a motion to overturn the local bankruptcy court's ruling in their case. The motion was denied in November 1984. The collection includes two bound volumes of photocopies of court records of the *In re Benny* proceedings. Paine assembled the volumes. The first volume, called "Intervention," deals primarily with the bankruptcy judges' attempts to intervene in the motion by the Bennys to declare the Bankruptcy Amendments and Federal Judgeship Act of 1984 unconstitutional. The second volume, called "Constitutionality," contains records reflecting the entire proceedings surrounding the motion filed by the Bennys. The records were collected and photocopied for Paine from July to December 1984.

Cite as:

[Identification of item], in the George C. Paine Collection of *In re Benny* Records, National Bankruptcy Archives, NBA.028, Biddle Law Library, University of Pennsylvania Law School, Philadelphia, PA.

Biography/History

George C. Paine II was born on October 31, 1945 in Nashville, Tenn. He graduated from the University of Mississippi School of Law in 1973. In 1981, Paine was appointed a bankruptcy judge for the Middle District of Tennessee. He has served as Chief Bankruptcy Judge of that district since 1986. In 1984, George Paine was one of four judges who filed suit against the Administrative Office of the United States Courts ("Administrative Office"). The Administrative Office's director, William Foley, had refused to pay bankruptcy judges, arguing that parts of the Bankruptcy Amendments and Federal Judge Act of 1984 were unconstitutional. The case was later rendered moot when Foley rescinded his order and agreed to pay the judges. However, when Foley issued his first memorandum, a number of defendants in bankruptcy cases filed motions to overturn the bankruptcy courts' rulings, citing Foley's assertion that the judges had not been lawfully appointed at the time of the court proceedings. Paine and the other judges who filed suit against Foley intervened in the proceedings of these cases to argue for the constitutionality of the bankruptcy

judge system. In one such case, known as In re Benny, Alexandra Benny and her husband were the defendants. Shortly after Foley's original memorandum in July 1984, the Bennys filed a motion to overturn the local bankruptcy court's ruling in their case. The motion was denied in November 1984.

Scope and Contents

The George C. Paine Collection of *In re Benny* Records includes two bound volumes of photocopies of court records of the In re Benny proceedings. Paine assembled the volumes. The first volume, called "Intervention," deals primarily with the bankruptcy judges' attempts to intervene in the motion by the Bennys to declare the Bankruptcy Amendments and Federal Judgeship Act of 1984 unconstitutional. The second volume, called "Constitutionality," contains records reflecting the entire proceedings surrounding the motion filed by the Bennys. The records were collected and photocopied for Paine from July to December 1984.

Arrangement note

1. "Intervention" Volume
 2. "Constitutionality" Volume
- The documents are arranged chronologically in each volume.
-

Administrative Information

University of Pennsylvania, Biddle Law Library, National Bankruptcy Archives

2008

Finding aid prepared by Jordon Steele.

Access Restrictions

The archives reserves the right to restrict access to materials of sensitive nature. Please contact the department for further information.

Use Restrictions

Copyright is retained by the authors of items in these papers, or their descendants, as stipulated by United States copyright law.

Immediate Source of Acquisition note

Received from George C. Paine II in January 2008.

Processing Information note

Processed and encoded by Jordon Steele, January 2008.

Related Materials

Related Archival Materials note

See also Kronish, Lieb, Weiner, and Hellman LLP Bankruptcy Judges Lawsuit Files, NBA.027.

Controlled Access Headings

CORPORATE NAME(S)

- Kronish, Lieb, Weiner, and Hellman LLP

SUBJECT(S)

- Bankruptcy
 - Cases
 - Trials, litigation, etc.
-

Other Finding Aids note

An index of the records is located at the beginning of each volume.