

# Acting Out

## DEIRDRE CAREY BROWN

**D**eirdre Carey Brown is of counsel with Hoover Slovacek LLP in Houston. Board certified in business bankruptcy law by the Texas Board of Legal Specialization, she focuses her practice on complex commercial litigation, with an emphasis on bankruptcy litigation and mediation.

*Brown consistently serves as lead counsel on matters involving commercial litigation; collections; business-to-business, landlord-tenant, and real estate disputes; construction litigation; and bankruptcy matters. Her bankruptcy experience spans contested matters in Chapters 7, 11, 12, and 13. Prior to joining Hoover Slovacek, she clerked for the Hon. Elizabeth A. Pickett of the Louisiana 3rd Circuit Court of Appeal.*

*Brown holds a law degree from the Tulane University School of Law and a bachelor's degree from Michigan State University. She also attended the U.S. Marine Corps Officer Candidate School.*

**Q** How did you gravitate into turnaround and restructuring work?

**BROWN** It started with one of my first associate positions, when I was working with The Derbes Law Firm in

New Orleans. They were representing an elected trustee in a large shipyard case. They had a preference action with over 300 defendants, and I was tasked with getting that case resolved. I ended up liking the fast pace of bankruptcy. We got probably 295 settlements and five went to trial, where we won just about the full amount of our claim. So it was a big win as well as challenging work, which I found exciting. I stayed with it from then on.

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

**BROWN** Favorite and gratifying, I guess, would be different. The Energy XXI case that we just had, in which we got an equity committee appointed, was gratifying. The hearing on the motion to appoint an equity committee was gratifying because we had very limited time to put together witnesses and then even less time to prepare with the witnesses, yet were able to get the committee appointed. While I wish that it had turned out differently for equity in the plan, I think the benefit of equity having some transparency, more information,

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and a platform to voice their concerns was an important part of the process.

The case that I found most gratifying was when I represented some out-of-state parents who were seeking to adopt children. The adoption agency filed bankruptcy in Texas. It appeared that there may not have been birth mothers and children, despite the fact that the prospective parents were paying for expenses and getting updates. It was just a very sad case.

I remember being at the (U.S. Bankruptcy Code Section) 341 meeting where a gentleman I wasn't representing just broke down and was asking all the "why" questions and "What can we do?" None of them could afford legal representation because they had spent most of their savings on the fees for adoption. I agreed to represent a group of parents at a very small retainer, flat rate, to just see what we could get. They wanted the owners to be personally liable or at least have their fancy house be part of the estate assets.

Ultimately we were able to achieve that simply by deposing the owner. I don't know if I was perceived as aggressive,

but within a couple of questions she was cursing me on the record. The deposition alone was enough to get her to settle. We were able to get the house sold, with the proceeds to fund the estate, and the parents received some recovery.

It was more of an emotional win than a financial win, but it was gratifying to see people who had been screwed over at one of the most emotional times in their lives at least get some recovery, which you don't always get in bankruptcy, obviously. I had to follow up with the trustee a couple times and do some digging around to get him to even pursue the claim. But once we got the trustee to pursue it, it just took one Rule 2004 examination and she was willing to settle.

**Q** How many clients did you have in that case?

**BROWN** I represented four couples, so eight parents.

**Q** Were they from all over the country?

**BROWN** Some were from England, and others were from New York, New Jersey, and Pennsylvania—all out-of-state.

**Q** Had the adoption agency ever been legitimate?

**BROWN** It had been. It just seemed that they were in financial arrears toward the end. One couple had actually adopted through that agency before and had no reason to believe otherwise. But when I heard this guy at the 341 (meeting), to me it was just transparent that they were being misled.

You can't say that to anybody in that position. But it ratified my concerns, so I dug a little more, got into the financials, and when I questioned the owner, it was quite apparent that she was just using people she knew to promote this and was taking in as much revenue as she could in that last 90 days or so. She seemed to know she'd be closing down and was trying to bring in as much revenue as possible.

**Q** That was an interesting case. Do any others come to mind?

**BROWN** To me, "gratifying" is when we've made a difference, and those are the two cases that really stand out. There was a private school where I represented the secured creditor. It became a nasty PR battle as well, where the owner was

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going to the news stations and suggesting that the lender was the bad guy. We were able to get it resolved. The owner offered a public apology within 24 hours of the first news story.

The news station was in a little bit of trouble on that, too, because they had never even reached out to us before airing this story. They said, "You wouldn't have been in the office on Sunday." I told them, "But I was. You didn't even try to call me."

It was gratifying to see that even though there was a management issue, a school that had good instructors was able to succeed and continues to this day.

**Q** Switching gears here, what advice would you have for someone who was new to the industry or was thinking about getting into it?

**BROWN** It would probably be get to know people, look into certifications, and, most importantly, always be prepared.

**Q** If you could start your own career over again would you do anything differently?

**BROWN** I'd probably invest more

time in myself. I tend to invest a lot of time in helping others, whether it be clients or co-workers or community interests. I think a lot of young attorneys fail to focus on their own careers as much as they should. I'd probably put myself first more often.

**Q** How would you do that?

**BROWN** I've had settlement discussions where I've put off family obligations or family vacations for the betterment of the case. For example, there was the first time the kids in the family would be going to Disney World. That was a big thing that we had planned for a year. But we were all so hot and heavy in settlement negotiations at the time that if I wasn't there, we could still be fighting today. That's one time when I probably should have put family first versus the case. With respect to helping my career, I'd spend less time in the office when I was younger and more time making sure people get to know the person who's doing the work.

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

**BROWN** The biggest role is in forming relationships. You get to meet

people across industry where you'll make connections that you wouldn't otherwise have. I needed, for example, an expert who would help with a patent valuation, and it was one of our TMA contacts who was able to do that work for us.

**Q** What are you passionate about outside the office?

**BROWN** Mostly it's travel. My husband and I really like to travel. I used to run. I'm trying to get back into running. I have signed up for a half-marathon.

**Q** What have been some of your favorite trips? Do you have some on the to-do list?

**BROWN** My favorite trips have probably been to the Lake Geneva area of Switzerland. I've enjoyed going to Ireland, especially the remote western parts of the country. Bora Bora was fantastic for just a very relaxing vacation. I'd like to spend more time in Asia. I haven't spent a lot of time there yet, so that's on the list of the trips to come.

**Q** Are you still doing community theater?

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**BROWN** I am, but I'm retiring after the last play. We just finished "A Few Good Men," which we played in Friendswood and then in a small theater in Houston. That ran for 11 shows.

We did the play at the EaDo Playhouse in downtown Houston on a thrust stage and at the Purple Box Theater in Friendswood on a proscenium stage. The different stages made a huge difference. I had never been in a play on a thrust stage, which means the audience is on all sides. It's very intimate/up close to the action onstage.

**Q** How did you get into acting?

**BROWN** That started right after law school. I knew I wanted to be a litigator, and I was living in a small town in Louisiana where I had more time, and I wanted to hone my public speaking skills. I was somewhat shy as well and felt being onstage would be a way to force myself to be a little less shy.

The first play I did was called "The Women." I played Miriam Aarons, who was a chorus girl/mistress, which was so completely far afield from anything anybody would expect from me. It took me out of my box and forced me to be less shy.

**Q** Did it take more than one play to achieve your goals, or did you break through it in that first play?

**BROWN** The first one did it. Wearing a blonde wig and ball gowns, etc., that one helped me quite a bit. I did other plays after that, but I was a lot more comfortable with those.

**Q** Is there anything else that people who only know you professionally might be surprised to learn about you?

**BROWN** I think my participation in the theater is the most surprising to people. I had done some comedy once as well, and because most people encounter me being somewhat serious, I think that took them by surprise that they would see me being funny onstage. In "A Few Good Men," I was crying in one scene and was told that took people by surprise, too.

**Q** You said you were retiring from community theater?

**BROWN** It's a huge time commitment, so I don't think I'll be doing too many in the future.

**Q** How many plays have you done?

**BROWN** Probably seven. There was a huge amount of time in between. I'd done it when I was in small towns and I had more time. Then I was on the Friendswood City Council and a theater had just opened, so I did a play there just to give them more attention. Nobody knew there was live theater in Friendswood, so I did it to try to promote the theater. Then the second one I did in Friendswood was "Steel Magnolias." I did that because I had lived in Natchitoches, where it was based, and had met all the folks. So the plays I did in Friendswood always had an emotional appeal for me. "A Few Good Men" is obviously a legal drama, so that's why I did that one.

**Q** You mentioned you had been a runner at one time.

**BROWN** I've done over a dozen marathons, and I could do one tomorrow if I had to. I don't think you really need to train for them if you don't care about your race time.

**Q** How did you get into running marathons? Were you just looking for a personal challenge?

**BROWN** I had never paid for a race. I just felt that was kind of silly. But when I lived in Natchitoches, they have a Christmas Festival. So, the first paid race I did was a 5k in Natchitoches. Then I was challenged that I probably couldn't do a half-marathon, so I went ahead and did that in New Orleans. And since I'd done the half, my first full marathon was in L.A., and I did that just to prove that I could. I thought I'd be done after that, but somehow when you start doing marathons, you just don't stop right away. You forget the pain, and you do another one.

**Q** I saw in your biography on your firm's website that you attended the U.S. Marine Corps Officer Candidate School at Quantico, Virginia. How was that experience?

**BROWN** I did the PLC-Combined program (a 10-week program that covers the Marine Corps' Officer Candidates Course and the Platoon Leaders Class). My officer selection officer (OSO) was from Michigan State.

Since my family was in New Jersey, I was shipped out of there as a courtesy.

I arrived at Newark Airport, and everyone but me—including the other women—were wearing khakis, polos, and docksiders. They wore no jewelry or makeup, and had duffle bags for luggage. I, on the other hand, wore a nice rayon Limited summer jumper, cute flats, gold jewelry, and makeup. My luggage with wheels was heavy because I brought all kinds of books to read, including study material for the LSAT. Needless to say, I never opened a book during OCS.

When we landed at the airport in D.C., I was an easy target as we were initiated into OCS. But to the instructors' amusement, I was the only one who had a copy of my orders on me. Everyone else had their only copy in their luggage. I had read you had to have your orders on you at all times, so I had copies in my pocket, wallet, tote bag, luggage, etc.

Our platoon t-shirt was "Pain is Temporary, Pride is Forever." I preferred, "It was the best of times, it was the worst of times." I went into OCS sorer than Private Benjamin but improved and advanced in our squad rankings. The first time we had to march was hilarious. My only reference point was "Hogan's Heroes"—not quite Marine Corps style. It took no time at all for the platoon sergeant to yell, "Candidate Brown D., stop that duck marching!"

My hair was at an odd length, and I was chided by the platoon sergeant every day during the first week about my hair being unset as it frizzed up in Quantico's humidity. I had spent months growing it out. The first time they took us to the exchange, I had the barber cut my hair super short so that I could last the 10 weeks without more complaints about my hair. I had enough things to worry about and wanted to remove the things I could easily control. When I got back on the bus, the platoon sergeant was shocked that I had cut off all my hair. That experience probably contributes unconsciously to why I get Keratin treatments nowadays to tame the frizz.

As we rehearsed for "A Few Good Men" in the last couple months, a lot of my USMC OCS experiences came back to me. At the time, I struggled with my decision to decline the commission, especially after all the top brass comes to talk to you to try to convince you otherwise. I sometimes wonder what may have been if I had accepted. ■