

# MINUTES OF THE MEETING OF THE OREGON STATE BAR DEBTOR CREDITOR EXECUTIVE COMMITTEE

MARCH 9TH, 2013

The meeting was called to order at the Salem Conference Center at approximately 12:55 by Susan Ford, President.

Committee members present were Judge Randall Dunn, Dave Paradis, Howard Newman, David Hercher, Susan Ford, Charlene Hiss, Caroline Cantrell, Carolyn Wade, Justin Leonard, Chris Parnell, Stephen Arnot, Clarke Balcom, Karen Lee, Keith Karnes, and the undersigned Richard Parker. Not present was Karen Oakes who had planned to attend by phone.

1. The minutes from the meeting of November 16th, 2012 were approved.
2. Committee Reports.

Annual Meeting: Keith Karnes reported that the annual meeting would be at Salishan on September 27<sup>th</sup> and 28<sup>th</sup>. There was a discussion about whether there should be a CLE on taxes, student loans, etc. It was decided that the more advanced topics would be reserved for the NWBI and Annual Meeting and that the other CLE's should continue to focus on fundamentals

Consumer Bankruptcy: Randall Dunn reported that the meetings were well attended. There was a suggestion by Caroline Cantrell that name tags be used due to the number of new attendees. Stephen Arnot also suggested that document production might be a future topic.

Legislation Committee: Rich Parker reported that the committee was considering numerous bills, including several bills to revise the Deed of Trust statutes, one to expand mandatory mediation to judicial foreclosures, and several bills to increase several of the ORS exemptions, and one to exempt HSA accounts, as well as a bill to allow the option to use federal bankruptcy code section 522 exemptions in bankruptcy. There was a spirited discussion of the pros and cons of the federal option and whether it would be appropriate for the Executive Committee to take a position. The matter was tabled for further discussion and the possibility of the Committee commenting on the federal exemption option bill.

Newsletter: Justin Leonard reported that forthcoming articles included one by state court judges about flaws in ex parte submissions, Britta Warren is planning an article on reclamation, Margot will be doing an article on the Saturday Session of March 9<sup>th</sup>, Judge Dunn would be doing an article and that People were working on Ward Greene for his long discussed article on student loans.

NWBI: Chris Parnell gave a brief report on the status of the NWBI and Karen Lee reported that as of today, about 100 registrations had been received. More are expected as the early bird deadline approaches. Attendance in 2012 was 286.

Nominations: Tara was not present and there is no report as to future nominations at this time.

Pro Bono Committee (Portland): Caroline Cantrell reported that the Pro Bono Bankruptcy Clinic opened 419 files in 2012, had 101 attorneys working with the clinic, with 12-18 attorneys present at each of the monthly clinics. In addition, several attorneys see people on direct referral. Well over 1900 hours of volunteer time were logged.

Pro Bono Committee (Eugene): Howard Newman reported that 28 clients were seen and that most of the expenses for their clinic is for interpreters. There are fewer than 10 attorneys on the list.

Pro Bono Committee (Bend): No report for Bend.

Saturday Session: Judge Dunn reported that there will be an email review of the program. Karen Lee suggested future use of Survey Monkey and will help in its utilization. There was discussion about the \$3,000 cost of the Session, the fact that it would probably lose money this year and possible alternative venues. Suggestions included the State Dept. of Justice and Willamette University School of Law.

New Lawyers: Clarke Balcom reported that Tim Eblen and John Pinzelik have revitalized the committee and that there that they will plan to have quarterly meetings and are looking into food and CLE credit. There was discussion of the Committee allocating \$40 per quarter for the CLE expense

CARE (Portland): Charlene Hiss reported that CARE is struggling a bit in Portland as the schools do not seem as receptive as they had been and we need some volunteers who have kids in the school system

CARE (Eugene): There were 14 presentations in Eugene by 9 lawyers

Website Committee: Feedback is that Kent Anderson is running the website and doing a great job.

Local Rules Committee: Dave Hercher reported that the committee is adding 2 new members. Pending is a "practice tips" function, along with help on service issues under the rules. The committee is also looking at rules that might be discarded and is also looking at possible changes to the Chapter 13 Plan form, as well as changes to the Order Confirming chapter 13 Plan.

Federal Bar Association: Susan Ford reported attending a meeting by phone and that a special event is planned in September at OMSI.

3. Treasurers Report: Caroline Cantrell reported that there was a minor change to the budget with regard to a \$200 misc. item, along with a major change in the structure of the Pro Bono Clinic budget. The budgets for Portland / Bend and Eugene would be separate, with Portland / Bend requesting \$6,500 and Eugene requesting \$4,500. This would be an increase of approximately \$2,100 in the Pro Bono Clinic budget. Howard Newman explained that Eugene did not use its full budget in 2012 due to a one time grant of \$10,000 that was received, but they would need their budgeted amount for 2013. He stated that in general, the Eugene clinic would forgo formal recognition (awards, plaques,

reception, etc.) for volunteer attorneys and use the funds for translators, transportation of clinic service recipients and phone cards for them.

4. Other reports: Karen Lee discussed the anticipated revenue from the NWBI – success is really based on attendance. With Seattle we usually break even or lose a little. Spokane in 2010 was a break even. Vancouver in 2011 was successful with 319 people. 2012 was a \$200 surplus. 2013 should have net revenue for the section of \$8,000 to \$9,000. The selection of Vancouver as the venue for the Oregon NWBI this year was due to logistics – space, money, availability, etc. The 2014 NWBI will be at the Seattle Hyatt. The mechanics are that NWBI is co-sponsored with the State Bar, whereas the Section Annual Meeting is a contract with OSB (about \$10 per attendee). There will be a mobile app for the NWBI and there will be exhibitors paying about \$900 each to have booths.

The Section Annual Meeting is a big budget item, but usually makes money. There was a discussion of what we can and cannot change about the Annual Meeting. Section membership is showing a slight decrease. There was a decline from 2011 to 2012.

5. New Business: a Budget discussion and comments by Susan including the need to have any dues changes voted on and fixed by October 15<sup>th</sup>. Proposal is to set future dues at \$35, with continuation of some free memberships for new members. We should explain what is done with the dues both for the section and for the community. There was also discussion of other options for revenue, including a tiered system and possibly “associate members” and discussion of use of password protection of portions for the section website, such as the Newsletter.

There was discussion of future annual retreats being done in conjunction with the Annual Meeting and CLE in the years when it is held out of town, instead of a summer trip in order to save money. This year the retreat will be held on September 26<sup>th</sup>, the night prior to the Annual Meeting and CLE. There will be a summer meeting (not a retreat) at a location other than Portland.

There was discussion of fund raising for the Pro Bono Clinic and the complications of that due to the Legal Aid umbrella over the program.

6. Next meeting: the next meeting will be held at the offices of Sussman Shank on April 11<sup>th</sup>, 2013, at 3:00 to 5:00 p.m. There will also be the faculty dinner, including committee members, at NWBI on Friday night at the Vancouver Hilton. There will be a meeting of the EC on September 26<sup>th</sup> at 3:00 to 5:00 p.m. at Salishan, prior to the Annual Meeting and CLE. There will be a meeting of the EC on November 8<sup>th</sup> at Portland location to be announced.

There was a motion and second to adjourn the meeting and by acclamation, the meeting was adjourned at approximately 3:30 p.m.

Submitted by:

Richard J. Parker, Secretary (term beginning 2013)