

MINUTES OF THE OREGON STATE BAR DEBTOR-CREDITOR SECTION EXECUTIVE COMMITTEE MEETING

1 MARCH 2014

The meeting was called to order at the Salem Conference Center at approximately 12:42 pm by Caroline Cantrell, Chair.

Committee members present in person were Caroline Cantrell, Dave Hercher, Rich Parker, Clarke Balcom, Stephen Arnot, Jason Ayres, Judge Randall Dunn, Leslie Gordon, Justin Leonard, Vanesa Pancic, and Carolyn Wade. Susan Ford appeared by phone, as did Chris Parnell, Natalie Scott, and Britta Warren. Dave Paradis was not able to attend.

1. The minutes from the meeting of 22 November 2013 were approved after a motion to approve by Carolyn Wade and a second by Judge Dunn.
2. The minutes of the telephone conference meeting of 15 January 2014 were approved after a motion to approve by Judge Dunn and a second by Rich Parker.
3. Treasurer's Report: Rich Parker provided some interim financial information. There should be no loss from NWBI; if there is, the section should not be bearing it. Regarding membership dues we should have more data as the Bar gets final numbers. We expect more members as the dues roll in at the OSB.
4. Committee Reports and Assignments.

Annual Meeting and CLE: Susan Ford reported that the 2014 Annual Meeting is scheduled for 24-25 October in Eugene, probably at the University of Oregon Law School. We plan to take actions such as carefully pricing things rather than subsidizing the event, and possibly make some money on the CLE and Meeting to start putting the section in the black rather than drawing on any more reserves. Rich Parker suggested issues to address at the CLE: exemptions, UCC issues, support of dependents. Susan Ford proposed we use local rather than national speakers, which would save on travel expenses. Vanesa Pancic suggested we could also save such expenses by the use of technology rather than incurring travel expenses for speakers. Justin Leonard offered help in using technology such as the clickers he used in earlier presentations. He also suggested a tax topic would be good.

Consumer Bankruptcy: Judge Dunn reported the next meeting will be on 6 March 2014 at the Bankruptcy Court, with individuals also able to participate by phone.

Legislation Committee: Rich Parker reported that the attempted legislation put forward by bankers (to require the use of only the exact driver's license name on UCC security filings) was defeated in the recent legislative session. 1 April 2014 is the deadline to submit legislative proposals to the Bar. Dave Hercher said Pat Wade's bill seems very good and there seems to be a consensus to support it.

Newsletter: Justin Leonard reported that the upcoming issue is expected to be substantial. He is open to additional article submissions.

Nominations: Susan Ford reported that the process is getting underway. Rich Parker posed the question whether we need twelve at-large members in addition to the five officers, or could we get by with fewer, and thus more efficiency and less expense.

NWBI: Chris Parnell reported that it seems to be in good shape at this point. Vivienne Popperl will do a presentation on chapter 11 fee applications. It's early yet, so we expect additional registrations.

Pro Bono Committee (Portland): Caroline Cantrell reported that we had 112 volunteers, up from 101 last year. Hours were 2038.

Pro Bono Committee (Bend): Caroline also reported that in Bend, 10 volunteers opened 22 cases, attendance was 44. Total of 59 hours.

Pro Bono Committee (Eugene): No report received.

Saturday Session: Judge Dunn reported that this year we are \$100 in the black. It was generally agreed that this was a good session. Carolyn Wade opined that today's session was what Saturday Session should be.

New Lawyers: Clarke Balcom reported that there was nothing yet to report this year.

CARE (Portland): No information available yet on what is planned for this year.

CARE (Eugene): Carolyn Wade reported that there is plenty of demand, but not enough volunteer presenters. Some sororities want presentations. One possibility is we could potentially use law students as presenters.

Website Committee: Kent Anderson was present in the room and reported that the Web site is still up and running. He recently got the brochure for the NWBI, so this should go up on the Web site on Monday. The newsletter archive on the site is password-protected but the access information has not yet been changed from the one announced in 2013 because we are awaiting the updated membership list for the section for 2014 from the Bar.

Local Rules Committee: Dave Hercher reported that the committee had January and February meetings. Judge Dunn said that new form(s) should be up on the court's Web site by May 1st. Judge Renn has reportedly suggested that the claims objection process be looked at "from the ground up." Steve Arnot and Justin Leonard were of the view that the present process works well.

Award of Merit: Susan Ford reported that we hope to give an award of merit this year.

Federal Bar Association: Susan Ford stated that some section chairs in the past have been relatively active with the FBA; others simply participated by phone.

New Liaisons: The following members volunteered to serve as the new liaisons for the indicated committees for 2014: CLE – Leslie Gordon; Nominating and Award of Merit – Past Chair, Susan Ford; Pro Bono (Portland and Bend) – Vanesa Pancic; Pro Bono (Eugene) – Carolyn Wade; CARE Program (Portland)

– Britta Warren; Website – Jason Ayres; Local Rules – Natalie Scott; Federal Bar Association – Chair, Caroline Cantrell; Donation Requests – Jason Ayres.

5. Continuing Agenda Items.

Discussion of the section's potential liability of co-sponsored CLEs – NW Bankruptcy Institute (NWBI) and future contracts:

Judge Dunn stated that, regarding NWBI, our understanding has been that we have more responsibility when it is held in Oregon. In years when it is held in Washington, there is a 50/50 split on profits if there are any, but no downside responsibility for any losses. Susan Ford said her understanding from speaking with Karen Lee is that we have no downside risk regardless of where the NWBI is held, whether Oregon or Washington. We need to check with Karen to confirm our understanding is correct.

Carolyn Wade asked where the contract between the OSB and the WSBA is for NWBI. Apparently the location of the contract is unknown. It may have been shredded.

Dave Hercher stated that we should have any policy and agreements in writing. Otherwise, it is not clear whether there is a risk of loss from insufficient attendance or other causes.

Justin Leonard reminded us that several years ago the ABI wanted to take over NWBI.

Judge Dunn said he did not think we (the section) ever signed a contract with the hotel. Susan Ford confirmed that only the OSB did, not the section. We should ask Karen for a copy of the subject agreement.

Caroline Cantrell related that she had a conversation with Amber Hollister (Deputy General Counsel at the OSB), who had said that if the section cancelled the event at the hotel, the section would be responsible, but if the BOG cancelled it, the loss would be spread in an indefinite manner. We could possibly negotiate after the fact on what is owed to the hotel if there are insufficient room nights or such. Judge Dunn said they had a similar situation with the judges' conference; they had negotiated the amount down, but not to zero.

Executive Committee Expense Reimbursement:

Caroline Cantrell stated that our budget is \$3,000 for this purpose. Apparently we are not planning to have a meeting at the NWBI in Seattle this year because it comes soon after the current meeting, since Saturday Session had to be rescheduled from February due to severe snow conditions. So there is no longer a compelling reason to reimburse members for hotel or mileage for this event.

Justin Leonard moved that there be no reimbursement for EC members for room or mileage for the NWBI. Judge Dunn seconded. The motion passed by a 4 to 1 vote.

6. Future Meeting Dates: The next meeting will be on Thursday, 1 May 2014, 3:00 pm at both the Portland and Eugene Bankruptcy Courts. The meetings for the rest of the year will be on Friday, 8 August 2014, also at both the Portland and Eugene Bankruptcy Courts, on Thursday, 23 October 2014 at the

Eugene Bankruptcy Court, prior to the Annual Meeting, which is scheduled for 24 & 25 October, in Eugene, and finally on Friday, 5 December 2014, at both the Portland and Eugene Bankruptcy Court. All meetings will be at 3:00 pm.

7. Adjournment: There was a motion and second to adjourn the meeting and by acclamation, the meeting was adjourned at approximately 2:08 pm.

Submitted by:

Clarke Balcom, Secretary