

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

24 October 2014

The meeting was called to order at the University of Oregon, William W. Knight Law Center, 1515 Agate St, Room 242, Eugene, Oregon, at approximately 9:30 am by Caroline Cantrell, Chair. Members could also attend by phone.

Members attending, either in person or by phone, were Caroline Cantrell, Susan Ford, Dave Hercher, Rich Parker, Clarke Balcom, Judge Randall Dunn, Judge Frank Alley, Jason Ayres, Leslie Gordon, Justin Leonard, Chris Parnell, Natalie Scott, Vanesa Pancic, Steve Arnot, Dave Paradis, Britta Warren, and Karen Lee from the OSB.

1. The minutes from the meeting of 8 August 2014 were approved and adopted.
2. Committee Reports and Assignments.

Annual Meeting: Caroline Cantrell stated that at the Annual Meeting tomorrow morning, we will be informing the membership of accomplishments, giving awards to the departing members, and conducting a special appreciation to retiring Judge Perris, to be presented by Judge Dunn. Susan Ford reported that everything is on target for the Meeting. We have been watching costs closely, so we may actually end up with a profit. Miller Nash sponsored the reception to be held tonight. The "dine around" approach to meals at various area restaurants with each person paying for their own meal also saves on costs, and should be fun. Costs appear to come to \$3,668 for Friday and \$1,970 for Saturday. There was a continuation of the discussion of possible venues for the 2015 Annual Meeting and CLE in Portland. PSU is potentially a good venue, and fairly inexpensive. We are getting more data on costs and facilities there.

CLE: Leslie Gordon reported that the CLE program is occurring today and tomorrow, as planned, here at the University of Oregon in conjunction with the Annual Meeting.

Consumer Bankruptcy: Judge Dunn reported that the recent meeting of the consumer bankruptcy section "circle of love" was a good one, held at the Bankruptcy Court, with individuals also participating by phone.

Legislative: Rich Parker reported that the committee will be continuing its work and invited anyone interested in future legislation that impacts the section to get involved.

Newsletter: Justin Leonard reported there will be articles on service by Dave Hercher and on partnership accounting in the final resolution of partnership disputes by Serena Morones. Pending official announcement by the Ninth Circuit, there is a planned report on the new bankruptcy judge to replace Judge Perris, in either the upcoming issue or another future

issue, depending on the timing of the official announcement. A “save the date” notice for the NWBI to be held in Portland, in May of 2015, will also be included.

Nominating: Susan Ford reported that the proposed slate of nominees has been sent out to the section, and these will be voted on tomorrow at the Annual Meeting. There are no judges listed on the slate, and Judge Alley stated that some years ago the section abandoned the practice of electing a judge. There has instead been a rotation of judges. The judges select which one among them will participate as ex-officio, and for what times. Judge Dunn moved that henceforth there be a judge, as ex-officio member of the Executive Committee, who participates, but does not vote. This was seconded by David Paradis and approved by acclamation.

NWBI: Chris Parnell reported that the next Northwest Bankruptcy Institute will be held in Portland on May 1 and 2, 2015. Karen Lee stated that we could likely expect to end up on the plus side financially for the NWBI in 2015. There were 323 attendees the last time it was held in Portland, and around 275 is generally the attendance. There was a discussion of the fact that both the the NWBI and the Annual Meeting are planned to be held in Portland in 2015, but the consensus was that there are unlikely to be any major problems due to this.

Pro Bono (Portland): Vanesa Pancic reported that 5 March 2015 is the date of the next Judges’ Reception for the pro bono volunteers in Portland, which will be held at the Bankruptcy Court. Bend has eleven direct referral pro bono cases being handled by volunteer attorneys.

Saturday Session: Judge Dunn reported that planning for the 2015 Saturday Session will begin after the Annual Meeting. It is expected that it will be held in late February in Salem.

New Lawyers: Clarke Balcom reported that the New Lawyers committee is trying to get events in Portland and Eugene between now and the end of the year. No specific dates yet.

CARE (Portland): Britta Warren reported that the CARE program in Portland is essentially limited to presentations that Gary Scharff is doing. She has established further communications with the non-profit organization, Financial Beginnings. Some of the advantages of their program are that there is no leg work to set up presentations by volunteers. They can volunteer once and can do the volunteer training and check out the materials. Britta may do the training and give us a report.

Website: Jason Ayres reported that, to get and keep the Web site data current, we need to have the section chairs get current updates to Kent.

Local Rules: Natalie Scott reported that there was a vigorous meeting of the committee. Chris Coyle is the new chair. The group had discussed whether practice tips should be included in the local rules. Judge Alley stated that the judges like the dissemination of practice tips, and they will be included on the Web site and should be included in the next edition of Bar Books on bankruptcy. But practice tips will not be in the local rules. There was a discussion of unbundling in light of recent case law; unbundling would seem to be still allowable if done correctly and the

lawyer advises his clients sufficiently. Judge Dunn complimented the local rules committee as being effective and comparing very favorably with other districts.

Award of Merit: Susan Ford reported that there will be a presentation of the Award of Merit to Ann Chapman, but this will occur at the reception this evening, rather than at the Annual Meeting, so that Ann's family from out of town can attend.

Federal Bar Association: Caroline Cantrell stated that it would be prudent for us to have more of a presence, so there is awareness that the Bankruptcy Court and bar are part of the federal courts' important functions.

Donation Requests: Jason Ayres reported that we have made no donations to date. There have been requests, through the Chair, from the Classroom Law Project and the Campaign for Equal Justice (CEJ). In regard to the section funding the Pro Bono Bankruptcy Clinic, CEJ has a general rule that donations to its recipient organizations and projects (such as legal aid) must only go through CEJ, not directly to the recipient orgs. One acceptable solution though is donations directly to pay for venue space for the clinics. The space at the First United Methodist Church downtown costs \$1,700 per year, and the East County location costs \$300 per year.

There followed a discussion of funding and value of service delivered in regard to pro bono bankruptcy provided in Portland, Eugene, and Bend. We can't reimburse funds spent unless some sort of invoice is submitted. Eugene has failed to submit any invoices, despite repeated requests. OSB rules are that, generally, invoices must be submitted for reimbursement within thirty days of the expenditure. Portland serves a very large number of pro bono clients attending (approximately 5-6,000), compared to possibly 200 in Eugene. There are also other underserved areas, such as Klamath Falls. The general consensus was that we want to help provide services, but use what is effective and efficient in light of our limited funds. There was a motion by Justin Leonard that we form a committee to study the provision of pro bono bankruptcy services in Oregon. Dave Hercher suggested this be amended to be a "task force" rather than a permanent committee. This was seconded by Susan Ford and the motion was approved.

3. Treasurer's Report: Full Treasurer's Report available online. Rich Parker reported that as of 30 September 2014, we have 678 paid members (plus 6 comp members).

4. Budget Planning: There was a discussion of why many members do not show up to main CLE events, such as the Annual Meeting and NWBI. These are important educationally, as well as being the section's main source of revenue aside from membership dues. The planned survey should help illuminate this issue. The Annual Meeting should come out in a positive financial position. Section expenses are only around \$19,000 so far this year, but Annual Meeting expenses are yet to come in. The expense for the newsletter is \$5,500, which is currently a good quality product, so this is considered a good value for money spent, which we should continue to fund at present levels. Expense allocated for the Executive Committee has been cut, such that, at

\$5,000, it is approximately half what it was in 2012. With the cuts we have made and continuing cost-saving efforts, we intend to start re-building the section reserves.

5. Dinner to Honor Retiring Judge Perris: Judge Perris's retirement date is 14 January 2015. The dinner to honor her will be held at the Multnomah Athletic Club on 20 February 2015.

6. Adjournment: There was a motion and second to adjourn the meeting, and by acclamation, the meeting was adjourned at approximately 11:35 am.

Submitted by:

Clarke Balcom, Secretary