

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

Friday, June 12, 2015

The meeting was called to order at Black Heltterline LLP at 805 SW Broadway (in Fox Tower) in Portland, Oregon, at approximately 4:00 pm by David Hercher, Chair. Members could also attend by phone.

Members attending, either in person or by phone, were Jason Ayres (2015), E. Clarke Balcom (treasurer), M. Caroline Cantrell (past chair), David A. Foraker (2016), David W. Hercher (chair), Justin D. Leonard (secretary), Leslie Gordon (2015), Richard J. Parker (chair elect), Stephen Rahe (2016), Natalie Scott (2015), Timothy A. Solomon (2016), Joseph M. VanLeuven (2016), and Britta Warren (2015). OSB liaison Karen Lee was in attendance. Casey C. White (2016) was able to attend by phone for a portion of the meeting.

Members not attending were Vanesa Pancic (2015) and Judge Randall L. Dunn (ex officio).

1. Approval of Minutes. The minutes from the EC meeting of April 30, 2015 were approved and adopted, based on the slightly-amended version presented by Justin Leonard.

2. Committee Reports and Assignments:

Annual Meeting: Tim Solomon reported that the Annual Meeting in Sunriver this fall is moving forward, and that announcements have gone out.

In regards to next year's options, the Committee discussed Portland-area options. Tim reported that the University Hotel near Portland State University may be a possibility. Karen Lee recommends a site visit before considering it as the next location for lodging. She described it as "sufficient" and "structurally a hotel." When she last visited, the facilities did not seem fully functional.

Karen Lee noted that the Hotel Eastland (former the Red Lion, across from the Convention Center) had been completely gutted and remodeled and had just opened. The owners of Hotel Modera & Nel Centro renovated it. She said that it was a nice space with great food, and that the Bar is looking at the option for future events.

The Committee also discussed the Marriot as a possible location for the Annual Meeting. Karen Lee noted that it provides great space and that its pricing is in line with other large hotels in the area. However, that means it is relatively expensive.

Tim Solomon discussed the Hood River Inn – a Best Western "Plus" – which would satisfy the catering and AV needs of the Section's main event, and present unique options for activities. It was discussed that the location would be challenging for those

travelling from the Southern part of the state, but it would be an interesting destination, it would have better parking options, and it would likely be easier for families than downtown Portland. It is not a site that has been visited for at least 6 years by the Section, and it may attract more practitioners from Eastern Oregon.

It was also discussed how practitioners in the Portland area who were struggling financially would still be accommodated because the rates were relatively low – and alternatively, it would be possible to drive home and not stay. However, the Committee discussed how that “destination” location was more likely to attract members to stay overnight and be involved in the Friday evening events – leading to greater collegiality, one of the primary goals of the event.

Karen Lee reported that Bar Sections have used the Hood River Inn facilities with success, reporting that the catering prices are low and very family friendly, and – as Tim reported – the room rates are reasonable.

The Committee decided that Tim Solomon would gather information on Hood River Inn and circulate it to the Committee for a decision by July 15, 2015. Karen Lee recommended that planning 15-18 months in advance would be a good practice for the Section, because the demand for venues was increasing – particularly in Portland. Tim will also reach out to Clerk of the Court Charlene Hiss to coordinate dates, in the hope that most of the bankruptcy judges can attend.

Award of Merit: Caroline Cantrell reported that the chair of the Award of Merit and Nomination Committees is to be the past chair of the Executive Committee – *i.e.*, her. Caroline will be emailing all past chairs and past recipients of the award for nominees for the Award of Merit.

Public Education (fka CARE): Britta Warren described her experience with “Financial Beginnings” – the Portland-based financial education program, somewhat similar to CARE. On May 13, Britta shadowed a typical classroom presentation. She described it as a seamless and relatively painless process. There was no work for the presenter, other than making the actual presentation. All logistics were handled. A handbook with slides are provided to the presenter. A login and password are assigned to volunteers to access the website, which provides a list of classes with availability. The signup occurs online and is very easy. Britta commended the program for being well-structured and, unlike CARE, interested volunteers don’t need to worry about trying to negotiate times/dates with schools – which has become increasingly difficult for interested presenters.

Britta Warren (and Clarke Balcom) also attended Financial Beginnings’ 10th Anniversary Gala in NE Portland. Britta reported that her presence, on behalf of the Committee, was appreciated. She was honored there, seated at the main table with the keynote speaker from NPR’s Planet Money. She was impressed. She described the event as an elegant evening with a committed group of leaders and backers, who intend to expand the program to all Oregon counties within the next 3-4 years.

Stephen Raher described how CARE could still be relevant, even though it requires the individual section member to take initiative, and the Section's current CARE materials were very out-of-date (though the national organization may have better materials available). Stephen mentioned that he and Judge Brown made a combined CARE and general-bankruptcy presentation at Coffee Creek Correctional Facility, that it was a great success, and that they have been asked to go back – as well as to present at the men's prison.

Britta reported that Gary Scharff no longer wants to serve as chair of the Public Education (fka CARE) Committee. The Committee unanimously appointed Britta Warren as Chair.

CLE: Leslie Gordon discussed the topics for the Annual Meeting's CLE classes, including probate, ethics committee, malpractice, FDCP / RESPA, and suretyship, along with the usual case notes presentation and Judges Panel.

Consumer Bankruptcy: Rich Parker reported that the next meeting is July 9, 2015 at 4:30 pm at the Bankruptcy Court, and that the past meetings had been summarized in the Newsletter.

Donation Requests: Jason Ayres reported that the only recent request was from the Oregon Minority Law Association, and that it did not fit within the Section's policy. At the last meeting, Justin Leonard had offered to locate and present the written policy. Justin reported on his research to date. He hoped to locate and post the copy on the website by the next meeting.

Federal Bar Association: David Hercher had nothing to report.

Legislative: Steven Raher reported that the Committee had been active. One of the priority bills on not requiring money awards in judgments of foreclosure has passed. The UCC Article 9 amendment bill (summarized in prior minutes) was likely to pass, as it did not have organized opposition and has strong support from the bankers.

Local Rules: Natalie Scott reported that the line-by-line review of the Saturday Session survey had been completed by the Local Rules Committee. Subcommittees were continuing their work, and there was nothing specific to report at this time.

New Lawyers: Clarke Balcom reported that the New Lawyers Committee had no recent activity to report. Potential activities have been discussed, but no action has been taken.

Newsletter: Joe VanLeuven reported that the Newsletter Committee was still looking for a replacement for Editor-in-Chief Debbie Guyol. She will be retiring from her position at the end of the year. Dagmar Butte and Judge Dunn's daughter-in-law have both expressed interest. Members suggested that the position would best be filled by a

bankruptcy lawyer. There was a discussion of advertising. The Committee decided on a July 15 deadline. Joe will arrange for a listserve notice to be issued, seeking a short statement of interest from candidates that the Committee can review. The Committee intends to make a decision soon after, so that the new editor can shadow Debbie Guyol as she prepares her final/September issue.

It was reported that, although Debbie Guyol will retire as Editor-in-Chief, she will continue to send the periodic email updates for the Bankruptcy Court.

Finally, Joe reported that he is still working on making the newsletter “iFriendly,” as previously requested by the Committee, so that smart-phone users can easily read the articles.

Nominating: Not yet formed. Caroline Cantrell, this year’s chair, will be contacting the members. By August 1, 2015, a slate will be prepared.

NWBI: Dave Foraker reported that the Chair needs to be updated. Dave believes that the members are Judge Alley, Andrea Coles-Bjerre, and himself. Karen Lee reported that the Oregon members serve 3-year terms, but the period is 2 years for Washington. A new judge will likely replace Judge Alley, whose term is up. Dave will work with Karen Lee to schedule the first meeting.

Pro Bono: Vanesa Pancic was unable to attend the meeting. Justin Leonard reported that the 2015 clinics had continued to be successful. There was discussion regarding the challenges of training new volunteers, particularly those who do not regularly represent individual consumer debtors – but that this inclusion of all types of Section members was an important and valued aspect of the clinic.

Pro Bono Task Force: Justin Leonard reported on his further meetings with Maya Crawford, now the new Statewide Pro Bono Manager charged with expanding pro bono programs across Oregon’s LASO and OLC offices. She agreed to serve with Justin as co-chair of the Task Force.

Justin reported that the Pendleton LASO office’s executive director Arron Guevara is excited for his office to serve as the pilot program, for the Section’s next pro bono clinic. The Pendleton office serves six counties (Gilliam, Morrow, Umatilla, Union, Wallowa, and Wheeler), and Arron reported that his office has a significant need.

Justin reported that Maya intends to apply for a national bankruptcy organization grant for LASO to expand the bankruptcy clinics, starting with Pendleton. Justin reported that Maya told him that the Eugene Pro Bono Clinic applied several years ago, received \$10,000, but had to give most of the funds back because they had not been used. The LASO officer who assisted with the Eugene grant is now advising Maya on this grant application. Though LASO is the applicant for the grant, Maya requests that the Committee join in the application and express its support.

The Committee voted and unanimously endorsed LASO's proposed pilot location of Pendleton, as well as its enthusiastic support for LASO's grant application. Justin will report the vote to Maya and will keep the Committee updated on her application.

Meanwhile, Maya and Justin will prepare a proposed online questionnaire that will go to all practitioners in the six-county area, asking their opinion about the need for a bankruptcy clinic and their interest in serving. The survey will also serve to educate about the Section's and LASO's intent – including how it should not impact the base of paying clients seeking representation. Justin will convene the Task Force – likely in the week of July 26 – to review and comment on the proposed survey, to identify potential volunteers (based on lists of bankruptcy case filers and Section members from the region), to discuss “talking points” for educating and recruiting those member, and to divide up the list among Task Force members who will individually reach out to the potential volunteers.

Saturday Session: Natalie Scott reported no activity is needed at this time.

Website: Jason Ayres reported that there is no news – other than the website refresh. A vote was taken, and the Committee unanimously selected to proceed with the more expensive (but still reasonable) \$1,300 flat fee proposal for revamping the website – including making it mobile-phone-friendly. Clarke Balcom reported that the budget could handle that extraordinary expense.

4. Treasurer's Report: Clarke Balcom reported that the full Treasurer's Report is available online, and a link was provided in the agenda. He reported that not a lot has changed since his last report. Saturday Session was in the black for a second year in a row. The Committee's “radical actions” over the last year to cut back on the budget have seemed effective, and the Section had budgeted for a meal for the Committee and reimbursement for one overnight at the Annual Meeting.

5. Website Refresh: Discussed above, during Website Committee update. The “Option 1 Proposal” presented to the Committee was approved. Jason Ayres will arrange implementation.

6. Peterson Professionalism Award: Justin Leonard's email proposal for a nominee from the Section was unanimously approved. Stephen Rahe volunteered to work with Justin to prepare and circulate a proposed nomination statement for the Committee's review and approval before the July 14, 2015 submission deadline.

7. Retired Bankruptcy Judge Steven Rhodes Coming to Speak Oct. 13. Recently retired Judge Rhodes most recently presided over the City of Detroit's chapter 9 bankruptcy case. An informal committee is being formed, including Judges Perris and McKittrick, Lewis & Clark Law School's bankruptcy professor Samir Parikh, Oren Haker, and – as a representative of the Section – David Hercher. This informal committee is considering arranging a luncheon or late afternoon talk in Portland. They plan to also invite non-lawyers, including politicians, government bond dealers, and others who may have a stake in either avoiding, or facilitating, chapter 9 bankruptcies in Oregon. Dave Hercher, as our Chair, will continue as our informal liaison and will report back.

8. New Business: None.

9. Future Meeting Dates: The Committee discussed whether to have breakfast meeting on the Friday of the Annual Meeting or on the afternoon/evening of Thursday, followed by dinner. The fourth meeting will be scheduled for the evening of Thursday, September 17, 2015 – likely at 4:00 pm – at Sunriver, followed by dinner at a location to be determined. Tim Solomon is researching. The OSB Debtor-Creditor Section’s Annual Meeting begins the day after.

The Committee’s final meeting will be held on November 12, from 3-5 pm (likely in the 8th Floor Conference Room at the Portland Bankruptcy Court, unless a firm offers to host).

10. Adjournment: The Committee thanked Britta Warren and her firm of Black Helderline for hosting the meeting and providing delicious refreshments. There was a motion and second to adjourn the meeting, and by acclamation, the meeting was adjourned at approximately 5:48 pm.

Submitted by:
Justin D. Leonard, Secretary