

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

Friday, September 18, 2015

The breakfast meeting was called to order at Sunriver Resort Conference Center at approximately 8:30 am 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) [by phone], Richard J. Parker (chair elect), Stephen Rahe (2016), Natalie Scott (2015), Timothy A. Solomon (2016), C. Casey White (2016), and Britta Warren (2015). OSB liaison Karen Lee was in attendance by phone.

Members not attending were Vanesa Pancic (2015), Joseph M. VanLeuven (2016), and Judge Randall L. Dunn (ex officio).

1. Approval of Minutes. The minutes from the EC meeting of June 12, 2015 and August 19, 2015 were approved and adopted.
2. Committee Reports and Assignments:

Annual Meeting: Tim Solomon reported that the Annual Meeting and CLE in Sunriver, beginning today, should be reasonably well-attended for an out-of-town destination-based meeting. Approximately 90 attendees have signed up. In comparison, Karen Lee noted that 116 had registered for the Eugene Annual Meeting.

Tim followed up on his email report to the Committee regarding using Hood River Inn – a Best Western “Plus” – for the 2016 Annual Meeting and CLE. His proposed dates were checked out with the Bankruptcy Court, to ensure no major conflicts. The two Friday/Saturday options that were still available as of several weeks ago, and that did not conflict, were Sept. 9-10 and Sept. 16-17.

After discussion, a motion was made and unanimously approved to have Tim reserve Hood River Inn for Sept. 16-17 – and if that is no longer an option, Sept. 9-10.

It was discussed that Eugene may be an ideal location for 2017.

Award of Merit: Caroline Cantrell reported that there would be a formal presentation of the Award of Merit to Todd Trierweiler by Judge McKittrick later that day, and it would also be announced at the same time that at the Northwest Bankruptcy Institute in Seattle, Judge Alley would be presented his award.

Caroline reported that the Award of Merit Committee has decided to change its procedures. The Chair of the Award of Merit Committee was previously the immediate-past Chair of the Section. Now, the immediate-past Section Chair shall be an observer on

the Award of Merit Committee, and shall serve as the Chair of the Award of Merit Committee the following year. Therefore, Caroline Cantrell will be serving as Chair of the Award of Merit Committee in 2016 as well, while David Hercher, the immediate-past Chair at that point, will observe.

Caroline noted for future reference that the company “Award Presentations” in Tigard was recommended by the OSB, who apparently often uses it for plaques and awards. Caroline reported that it was significantly less expensive than the usual company “Things Remembered.”

CLE: Leslie Gordon explained that this year’s CLE was set to begin that afternoon in Sunriver. She commented that it had been difficult to find accommodations in Sunriver on Thursday night because of huge golf tournament. Tim commented that the Friday night rooms were not all used, but that rooms were not reserved for Thursday because the CLE did not begin until noon. The Committee decided that we should reserve blocks of rooms for the EC next time.

Consumer Bankruptcy: Rich Parker reported that the next meeting would be Thursday, November 5, 2015 at 4:30 pm at the Bankruptcy Court.

Donation Requests: Jason Ayres reported no new donation requests.

Federal Bar Association: David Hercher had nothing to report. He has been following the minutes of meetings but has been unable to attend any due to scheduling conflicts.

Legislative: Stephen Rahe reported that the legislative session is complete. There was discussion about the possibility of recommending increases in exemption amounts. It was explained that this Section does not take a position on such matters, which could negatively impact some members’ practice/clients. Instead, such a proposal could be made through the Consumer Committee.

Local Rules: Natalie Scott reported that the recommended changes to Local Rules had been submitted to the Court and were pending review. She explained that “Practice Tips” have been drafted, but they have not been finalized and submitted to the Court.

New Lawyers: Clarke Balcom reported that the New Lawyers Committee had no recent activity to report. The Committee suggested that a joint meeting with other OSB sections’ “new lawyer” groups might generate interest. It was commented that there are very few new lawyers at this time working in the debtor-creditor field.

Newsletter: Rich Parker reported the EIC replacement transition is underway, and that Editor-in-Chief Debbie Guyol is working with her successor Rachael Wolfgang. The final 2015 issue should be completed and distributed in October.

Nominating: Caroline Cantrell, this year's chair, reported that Britta Warren had been nominated to serve as the newest officer of the Section (beginning as Secretary), and that the following slate of new members of the Executive Committee had been nominated and would be considered at tomorrow's Annual Meeting, to begin January 1, 2016: Kent Anderson, Mark B. Comstock, Laura L. Donaldson, Jordan S. Hantman, and Margot Dara Seitz.

NWBI: Dave Foraker reported forward progress of the NWBI Committee, made up of Oregon members Judge Peter McKittrick, Andrea Coles-Bjerre, and himself. The Washington members are Gail Geiger of the US Trustee's Office, Judge Marc Barreca, and Seattle attorney Christine Tobin-Presser. The 2016 NWBI will be held on April 8-9 at the Seattle Renaissance. A "save-the-date" with registration info will be issued.

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. The Committee noted that the inclusion of all types of Section members was an important and valued aspect of the clinic and should continue to be supported.

Pro Bono Task Force: Justin Leonard reported on his further meetings with his co-chair Maya Crawford, now the new Statewide Pro Bono Manager who is charged with expanding pro bono programs across Oregon's LASO and OLC offices. Justin reported that the Task Force was actively working on organizing the Pendleton Clinic, which will cover six counties (Gilliam, Morrow, Umatilla, Union, Wallowa, and Wheeler) beginning in late 2015. The Task Force had prepared a survey to identify potential volunteers (based on lists of bankruptcy case filers and Section members from the region), and members were reaching out to potential volunteers and supporters in the area to hopefully incorporate active local involvement from practitioners.

Public Education (fka CARE): Public Education Committee Chair and EC co-liaison Britta Warren Britta reported that through her communications with Cassie Jones, CARE remains alive and well in Eugene and is actively soliciting volunteers in Eugene through Cassie Jones.

Britta Warren is scheduling a meeting this fall for the current members of the Committee: Cassie Jones, Carla McClurg, Gary Scharff, Britta Warren, Casey White – with Natalie Scott joining, along with others who can be recruited at this year's Annual Meeting. Britta hopes to invite a leader from Financial Beginnings to this fall meeting.

Specific education presentations/activities were then discussed as follows:

PSU Joint-CARE / Financial Loan Presentations: Britta explained how Carla McClurg is presenting joint CARE-and-financial-loan presentations at PSU with Britta. CARE materials are being combined with PSU student loan materials,

because student loan issues are significant for the students there and are driving interest from PSU. Carla is working with the Staff Attorney at PSU.

Correctional Facility Outreach: Stephen Raheer discussed his and Judge Brown's combined CARE and general-bankruptcy presentations at Coffee Creek Correctional Facility. He reported that they were continuing to be well-received. They are exploring other potential venues for the presentation in the future.

Junior Achievement in Southern Oregon: Co-liason Casey White then reported on her efforts in Southern Oregon. Regarding CARE, she noted that Matthew Sutton, creditor attorney, and Judge Alley gave several CARE presentations – including to juvenile detention center.

Casey then discussed her further exploration and involvement in Junior Achievement's personal financial education program for high school students. She reported that Deanne Wilson was head of Junior Achievement in Jackson and Josephine Counties, and had involved Casey – who has signed up to present programs at high schools on personal finance.

Casey attended local Junior Achievement board meeting in Medford yesterday – at which many bank representatives attended, both federal and local. Casey explained that Junior Achievement's curriculum will discuss budgeting, credit reporting, interest rates, etc. She noted that student loans are barely touched on, unfortunately.

Casey explained that Junior Achievement has a contract with the schools, and receives money for their programs in the schools. They rely on all-volunteer presenters, and there are only 19 people statewide who have paid positions managing the various programs. Casey's program involves her teaching high school seniors on 5 different days in a month period, giving one-hour presentations using Junior Achievements' own professional-looking curriculum.

Saturday Session: Natalie Scott reported that Saturday Session discussions between Loren Scott and Charlene Hiss to plan next Spring's event were ongoing.

Website: Jason Ayres reported that the OSB is recommending all sections change their websites to the WordPress format. Kent has some experience with it and does recommend it. The OSB will help us with formatting. The OSB will set it up for free, but will charge \$40/hour to update. The OSB is willing to set up a demo site to show us how it would look.

David Hercher discussed benefits of mobile technology, and fluidity between phone browsers and computer-based browsers. David and Jason reported that Paul Tichy of Appaloosa, who maintains the Section's website, was somewhat negative regarding the proposal from David and Kent to switch to WordPress. David believes that other OSB sections' WordPress sites work and look better than our site, and David and Kent were independently intending to propose a change to WordPress anyway.

3. Discussion by David Hercher of Eligibility for section officer service by section members who are not OSB members. OSB Standard Section Bylaws (in force for our section): Article II, Section 1: To be a regular member of the section, one must be an active or inactive member of the OSB. To be an out-of-state member of the section, one must be an active member of another state bar. Only regular members may vote and hold office “except as otherwise specifically approved by the Section membership and the Board of Governors.”

Karen Lee of the OSB is going to investigate what other Sections are doing, but she believes that “holding office” means serving as an officer on the Executive Committee (versus simply being a member of the Executive Committee).

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 noted that the Section had budgeted for one overnight at the Annual Meeting.

5. 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. Registration emails have gone out.

David to make a small pitch at the Annual Meeting tomorrow, along with a solicitation for volunteers to serve on the Section’s committees.

6. New Business: None.

7. Future Meeting Dates: The Committee’s final meeting will be held on November 12, from 4-6 pm (likely in the 8th Floor Conference Room at the Portland Bankruptcy Court).

8. Adjournment: The meeting was adjourned by our chair at approximately 10:50 am.

Submitted by:
Justin D. Leonard, Secretary