

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

Thursday, November 12, 2015

The final regular meeting of 2015 was called to order at approximately 4:00 pm by David Hercher, Chair at the Bankruptcy Court Conference Room in Portland (at 1001 S.W. Fifth Avenue), with Eugene members appearing via video conference from the Bankruptcy Court at 405 E. Eighth Avenue, Eugene. Members could also attend by phone.

Current members attending, either in person or by phone, were Jason Ayres (2015), E. Clarke Balcom (treasurer), M. Caroline Cantrell (past chair), Judge Randall L. Dunn (ex officio), David A. Foraker (2016), David W. Hercher (chair), Justin D. Leonard (secretary), Richard J. Parker (chair elect), Stephen Rahe (2016), Natalie Scott (2015) [Eugene videolink], Timothy A. Solomon (2016), Joseph M. VanLeuven (2016), Britta Warren (2015), and C. Casey White (2016). The Section's OSB liaison Karen Lee was in attendance. Kay Pulju, OSB Member and Public Services Director, attended for the first portion of the meeting only.

Members not attending were Vanesa Pancic (2015) and Leslie Gordon (2015).

Incoming members effective January 1, 2016 were invited to attend. Appearing were Kent Anderson (2017) [Eugene videolink], Mark B. Comstock (2017), Laura L. Donaldson (2017), and Jordan S. Hantman (2017). Incoming members Judge Thomas M. Renn (ex officio) and Margot Dara Seitz (2017) were unable to attend.

1. OSB Presentation by Kay Pulju, OSB Public Services Director. Kay Pulju reported that beginning late 2016, all OSB Sections will use OSB CLE programming/administration. This Section already does. OSB's online sign-up system is currently \$3/head (charged by a contract provider); moving this work in-house in 2016 will create efficiencies – including through an internal database and live webcast options for real-time participation. The OSB's CLE administrative charges should decrease when all Sections are using it. The current expense is generally \$10/head. But with efficiencies, that cost should go down.

For CLEs more 3 hours long, sections will be required to at least discuss with the OSB whether co-sponsorship by the OSB would be reasonable. The OSB Board of Governors is requiring this because it wants to ensure quality CLEs are accessible statewide, outside of the Valley.

In addition, the OSB is recommending all sections change their websites to the WordPress format. The OSB will help us with formatting. The OSB will set it up for free, but it will charge for edits. There is no charge for hosting. A current webmaster can be kept; or \$40/hour will be charged to update using the Bar's staff; or Section members can do it themselves. The WordPress format is intuitive and should be easily updateable by

members. The OSB is setting up a demo site to show us how it would look. Roll-out is happening now, but will be required by the end of 2016.

One reason for this is that all content must be disclosed, as it is subject to public records law. Furthermore, the WordPress format will allow for accessibility for those with disabilities, and it will be easy to use/read on all forms of browsers, including phones, pads, etc. Anna Zanolli of the OSB provided a draft to Kent Anderson today. Kent said he considers it a significant improvement.

Stephen Raher asked about how charges for printed CLE materials were allocated. Generally, written material charges are lumped into one pot with other CLE charges, and put into the Section's account as CLE income. The CLE material print charges are then treated as an expense that are paid by the Section from these funds.

Fund balances were discussed. The OSB BOG is looking for input. In 2016, there will be a meeting of section leaders to discuss section finances / balances.

The labor/union issue regarding the Seattle NWBI location of the Grand Hyatt was discussed briefly. We are using a different hotel for the NWBI in 2016, and we do not have a Seattle location set for 2018. Therefore, labor/union issues are not anticipated.

2. Treasurer's Report and 2016 Budget: The Committee spent most of the remaining meeting reviewing the 2015 financials and preparing the 2016 Budget, line-by-line. Clarke Balcom reported that the full Treasurer's Report is available online at <https://www.osbar.org/sections/financials.html> and that the 2016 budget deadline is December 1, 2015. Clarke presented a financial spreadsheet, which included past years' actuals, 2015 YTD figures, and 2015 Budget, along with space to fill in the proposed 2016 budget amounts.

The NWBI 50/50 revenue share situation with the Washington Bar was discussed. Karen Lee explained that when the NWBI is held in Oregon, net revenue arises and is shared because expenses are lower. When NWBI is in Seattle, then expenses typically match or slightly exceed income. Therefore, there is no income to share. Karen Lee is to investigate why we currently have nothing listed under the 2015 NWBI line item in the financials. (She also noted that when NWBI is held in Vancouver, it is treated as the "Portland" event.)

Kent Anderson noted an issue with the member count and 2015 projections. As a result, the 2015 budget line item was increased to \$23,660 to match the budgeted number of paid memberships of 676 (\$35 each). Based on actual paid members YTD being 632, the projection for 2016 paid memberships was set at 600 members, in light of the expectation of a significant decrease.

There was discussion of the Pro Bono line items. \$1,000 was allocated for Eugene because Kent Anderson and Natalie Scott reported that Stephen Behrends had expressed interest in re-starting the program in Eugene. There was discussion of the status of Judge Perris's retirement fundraising efforts and where the earmarked clinic funds were held. Justin Leonard is going to find out. The budgeted amounts for the Portland and Bend

Clinic was increased to match the requested amount by the Pro Bono Committee (approximately \$5,000).

3. Approval of Minutes. The minutes from the Executive Committee meeting of September 18, 2015, and the annual membership meeting of September 19, 2015, were each approved and adopted.

4. Committee Reports and Assignments: In light of the focus on preparing the 2016 budget, the Committee Reports were generally brief.

Annual Meeting: Tim Solomon reported that he has reserved Hood River Inn – a Best Western “Plus” – for the 2016 Annual Meeting and CLE. The Friday/Saturday dates of Sept. 16-17 have been reserved/booked.

Rooms will be \$159-179 + 9% tax. No rooms have been blocked yet for Executive Committee members, but Tim will plan to block 10 now. The Committee will discuss later whether to hold a Thursday afternoon or Friday morning meeting, and may increase the block at that time.

As discussed at the prior meeting, the Committee intends to consider holding the 2017 Annual Meeting and CLE in Eugene.

Award of Merit: Based on the new leadership procedures going forward, Caroline Cantrell will be the Chair of the Award of Merit Committee in 2016, and David Hercher, as the immediate-past Section Chair, shall be an observer on the Award of Merit Committee and will serve as the Chair of the Award of Merit Committee the following year.

CLE: No presentation.

Consumer Bankruptcy: Rich Parker reported that Circle of Love meetings continued and there were no issues to report.

Donation Requests: Jason Ayres reported no new donation requests had been made that would be applicable for consideration under our policy.

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 shall serve as liaison next year. The Legislative Committee needs a new chair, and Mark Comstock and Rich Parker shall work with Stephen Rahe on recruitment.

Local Rules: Natalie Scott, though leaving the Executive Committee this year, is going to continue as a member of the Committee. She had nothing specific to report.

New Lawyers: Clarke Balcom reported that new attorney James Tschudy has volunteered to chair the New Lawyers Committee, which would hopefully become more active.

Newsletter: Joe Van Leuven reported the EIC replacement transition is underway, and that Editor-in-Chief Debbie Guyol has been working with her successor Rachael Wolfgang. The last meeting was attended by everyone on the Editorial Board, which ended up being quite crowded. Typically only about half as many attend a meeting.

Rachael is working to make the newsletter more electronically-friendly. Joe is going to work with the Newsletter Committee to determine a chair for the Committee, so that there are separate Chair and EIC positions.

Nominating: The Committee's proposed slate of new members and Britta Warren as officer was unanimously approved by the membership.

NWBI: David 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.

Dave reported that their progress had been slower and more deliberate, and it should be a successful CLE. He reported that the committee has recruited notable speakers – including Judge Eugene R. Wedoff (of the Northern District of Illinois Bankruptcy Court), Kenneth N. Klee (bankruptcy attorney and Professor Emeritus at the UCLA School of Law), and Bruce A. Markell (former Nevada bankruptcy judge and now law professor at Northwestern's School of Law in Chicago).

Pro Bono: Vanesa Pancic was unable to attend the meeting. Justin Leonard reported that the 2015 clinics had continued to be successful.

Pro Bono Task Force: Justin Leonard reported on the planned Pendleton Clinic Kick-off on December 7, 2015. Justin and his co-chair Maya Crawford of LASO have reached out to local practitioners as volunteers for the clinic, and the Pendleton LASO office has been creating a list of potential clients. A free "No-Asset Ch. 7 Bankruptcy" CLE will be presented on Dec. 7, 2015 by Todd Treierweiler – aided by Judge McKittrick and Justin Leonard – followed by a social kick-off celebration. Judge McKittrick and Justin Leonard will then present the "clinic" presentation to potential clients that evening.

If the potential clients still want chapter 7 bankruptcy representation after the presentation, then they will be later paired by LASO with the newly-trained volunteer attorneys, who will meet with them at a mutually-agreeable date/time. Task Force attorneys have agreed to serve as mentors to the extent volunteers have questions. Also,

the Task Force has reached out to individual Pendleton-area bankruptcy attorneys to help educate them on the clinic and how it should not negatively impact their practice.

The Task Force was awarded a \$7,500 grant, so all of the expenses of the clinic in 2015-2016 should be covered.

Public Education (fka CARE): Public Education Committee Chair and EC co-liaison Britta Warren Britta reported that she has recruited Judge McKittrick to serve on the committee. The committee will be meeting on December 10 or 11 at the Portland Bankruptcy Court, and Melody Bell of “Financial Beginnings” will present to the committee.

Co-liaison Casey White then presented on her efforts with Junior Achievement in Southern Oregon. She discussed successfully teaching 5 one-hour sessions at North Medford High School, covering 59 seniors. She noted that enough volunteers were recruited to teach such classes in North and South Medford that every graduating senior ended up taking the class. She noted that there was one whole session on credit, which was good, yet not enough was presented regarding the seriousness of taking on the onerous burden of student loans..

Saturday Session: Judge Dunn reported that, at the last Judges’ Meeting, the Oregon judges had suggested that – despite the success of this year’s program – the Executive Committee might consider taking a one-year break. Judge Dunn reported that Loren Scott has reserved two different dates and is prepared to move forward, depending on what the Executive Committee decides.

Members generally expressed significant support for the program but noted that things were going smoothly for the Section and the Court and there were no significant topics or needs to be addressed. Therefore, after acknowledging the importance of the program generally, the Committee unanimously determined to cancel Saturday Session 2016.

Website: To supplement the prior discussion of WordPress, Kent presented an OSB draft mockup of a WordPress site, which had been posted at debtorcreditor.osbar.org.

5. Committee Signups from 2015 Annual Meeting: David Hercher reminded the Executive Committee that chairs or liaisons should contact new members, add them to committee member rolls, and invite them to participate in committee activities. Then the Section’s website should be updated accordingly.

The sign-ups from the Annual Meeting (including many current committee members who are wanting to continue) are as follows:

- (a) Annual Meeting / CLE Committee: Kent Anderson, Jake Braunstein, Mary Jo Heston, Tony Kullen, and Theodore Piteo.

- (b) Consumer Bankruptcy Committee: Kent Anderson, Tom Butcher, and Laura Donaldson.
- (c) Legislative Committee: Gary Blacklidge, Mark Comstock, Holly Hayman, Tony Kullen, Rich Parker, and Craig Russillo.
- (d) Local Bankruptcy Rules and Forms Committee: Christine Coers-Mitchell and Skyler Tanner.
- (e) New Lawyers' Committee: Jake Braunstein
- (f) Newsletter Committee: Laura Donaldson, David Foraker, Holly Hayman, Sally Leisure, and Rich Parker.
- (g) Northwest Bankruptcy Institute Committee: Christine Coers-Mitchell, Carla McClurg, Brandy Sargent, Jeanne Sinnott, and Skyler Tanner.
- (h) Pro Bono Committee: Tom Butcher, Laura Donaldson, Mike Fuller, Scott Hutchinson, Rich Parker, and Craig Russillo.
- (i) Public Education / CARE Program Committee: Scott Hutchinson, Anita Manishan, and Theodore Piteo.
- (j) Saturday Session Committee: Holly Hayman, Carla McClurg, and Brandy Sargent.
- (k) Website Committee: Kent Anderson.

6. Eligibility for section officer service by section members who are not OSB members. Due to time, this topic was tabled.

7. Report of presentation by Retired Bankruptcy Judge Steven Rhodes. Recently retired Judge Rhodes most recently presided over the City of Detroit's chapter 9 bankruptcy case. David Hercher reported that the Section's presentation at Stoel Rives on Oct. 13 was successful and it did not lose money.

8. Thank you to outgoing members. David Hercher lead the Committee in a round of applause, expressing thanks to the outgoing committee members: Jason Ayres, M. Caroline Cantrell, Judge Randall L. Dunn, Leslie Gordon, Vanesa Pancic, and Natalie Scott.

9. 2016 Meeting Dates: The Committee discussed the following meetings in 2016:

- Likely February, at a date and time to be determined by email polling by David Hercher (likely at the Portland and Eugene Bankruptcy Courts, linked by video), in light of no Saturday Session.

- Northwest Bankruptcy Institute (April 8 and 9, 2016 in Seattle). Likely to be held April 7 in the afternoon/evening, before the NWBI begins on April 8. Any votes taken by the Committee must be ratified later, after the members return from this foreign jurisdiction.
- Annual Meeting: TDB, at Hood River Inn, either on Sept. 15 in the late afternoon or Sept 16 in the morning, prior to the approx. noon start-time of the Annual Meeting CLE.
- Fourth meeting: likely in November prior to the December 1, 2016 budget deadline (likely at the Portland and Eugene Bankruptcy Courts, linked by video).

10. Adjournment: The meeting was adjourned by David Hercher at approximately 6:05 pm.

Submitted by:

Justin D. Leonard, Secretary