

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

Friday, October 20, 2017 at 10:00 a.m.

The fourth regular meeting of 2017 was called to order at approximately 10:00 a.m. by E. Clarke Balcom, Chair at the University of Oregon Law School, Eugene Oregon. Members were not permitted to attend by phone.

Current members attending were Richard J. Parker (Past Chair), E. Clarke Balcom (Chair), Justin D. Leonard (Chair Elect), Britta E. Warren (Treasurer), Laura L. Donaldson (Secretary), Judge Thomas M. Renn (ex officio), Jordan S. Hantman (2017), Kent Anderson (2017), Michael Fuller (2018), Mark B. Comstock (2017), Conde T. Cox (2017), Alexzander C.J. Adams (2018), Carla G. McClurg (2018), Margot D. Seitz (2017), W. George Senft (2018) and Cassie K. Jones (2018).

The Section's OSB liaison Karen Lee was also in attendance.

Approval of Minutes. Minutes from the Executive Committee meeting of June 29, 2017 held at the U.S. Bankruptcy Court, 8th floor, Portland, Oregon were approved with two changes. Britta reported a change to the Treasurers report. For membership dues, the dollar figure was changed to number of members. Kent also pointed out that he was in attendance by phone rather than in person.

1. **Committee Reports.**

Annual Meeting: Alexz reported that the event is happening today and tomorrow, October 20 - 21, 2017 at the University of Oregon. The event is on track with nothing new to report.

A discussion was held regarding our next annual meeting location. Eugene was discussed as cheapest so most profitable. Bend is popular but not Sunriver according to comments (too expensive). Justin mentioned that when people get out of Portland attendance declines. It has been five years since the event has been held in Portland. A resort location draws people with their families. Mark suggested a survey to the membership to see where they would like to see the next event. Justin will put this together to submit to the section.

CLE: Mark advises he has no other report on CLE other than just reported by Alexz for the annual meeting.

Consumer Bankruptcy: Michael reported that the Consumer Bankruptcy meeting was held on August 10, 2017 at 4:30 p.m. at the United States Bankruptcy Court in Portland. Charlene Hiss discussed new bankruptcy rules and forms, general discussion about the forms and changes. The Public Education Committee gave an outstanding presentation. The next Circle meeting is January 11, 2017 at 4:30 pm.

Legislative: Mark reported the legislature is not in session so not much is happening. Debt buyer bill in its tenth iteration did pass becoming effective 1/1/2018. The bill puts a number of requirements on debt collectors for purchased debt on consumer situations to do some predicates before they file suit. The receivership bill passed and will be discussed at the annual CLE. No new legislation currently on the horizon.

Newsletter: Carla reported that contracts for the Editor and Associate Editor positions are signed. The second issue is in production mode and the committee meeting should be happening in the next few weeks. Rachel has set a deadline for issue number three for November 20, 2017 and recruited Caroline Cantrell to report back on the annual meeting for inclusion in the newsletter. Carla explained the process for getting the articles published after the committee meets.

Nominating: Rich reported that nominee Andrea Breinholdt's commitments are too great right now so she declined the nomination. The suggestion was made for Julie Manella to fill that role and she is willing to join. Conde will stay over another year; Margot is staying on in the officer role. Along with Julie Manella we have Penny Austin and Eric Paetsch as new nominees, each from Eugene.

NWBI: George reported the next NWBI meeting is April 13 and 14, 2018. Judge McKittrick is discussing speakers and topics. Karen Lee commented that moving forward there are a few more speakers confirmed. The committee is looking at traditionally more break-out sessions but in order to meet interest from consumer bankruptcy attorneys, looking at six break-out sessions focused on issues specific between consumer and business. Use of more poll everywhere software is also being discussed. Justin will be part of next year's program and incorporate this software. Locations discussed for 2019 are Portland, 2020 in Washington. Karen noted issue with booking in Portland rather than Vancouver is location (a lack of sufficient meeting space) rather than budget. Discussion of college campuses for meeting spaces was raised but Karen noted the issue is where people are going to stay. Historically, Portland State University is not conducive to this type of event. Other venues suggested by other parties were reviewed but so far all have not been conducive to the section's needs. The needs include space, parking, and guest rooms close to the meeting room all in one place.

Pro Bono:

Portland: Rich discussed the clinic is going well. The first meeting was a few days ago for the overall committee. Current focus is getting attorneys signed up for the 2018 year. Working on more direct referrals for attorneys this year rather than attendance at the clinics. There are only three meetings in East County this year. The program itself is still doing well.

Other Bankruptcy Clinics & Pro Bono Task Force: Justin reported that per Heather Kemper, statewide pro-bono manager for Legal Aid for the State of Oregon, the Pendleton office is doing well. Direct referral is working and they are meeting demand. The next clinic is in December. The Bend clinic is currently meeting the needs of their residents as well.

For Salem, an informal task force now consists of Legal Aid, Trustees, Corey Smith as the Chair and Angela Vega the new Executive Director. Clinics will start in January 2018 but a kick-off is planned for November 30, 2017. That event will be a CLE for practitioners to meet

the judges and a reception. An anticipated grant will cover food and cost of the Red Lion Hotel, Salem. This location was chosen as Debtor's attorneys are familiar with it for hearings. Judge McKittrick will be the Judge in Marion County next year. He will provide a Q&A session at the CLE. Judge McKittrick drafted an article for Marion County to reach out to these attorneys about the clinic, with handouts to give out at the 341s. There are a number of volunteers already. Notably, a number of these folks are not debtor/creditor members so they are not getting invited to the debtor creditor events or getting the newsletter. Justin commented the EC committee should think new ways of outreach to these attorneys to sign up for section membership. Ideas discussed included giving a free copy of the newsletter to these folks and invite them to join. The court can give us a list of top 50 or 60 filers and send info to them. Justin suggested giving people a scholarship to the section for handling two pro-bono cases each year. Mark thinks that attorneys don't see the debtor/creditor section as being applicable to their type of practice, but a personal phone call or outreach may be helpful. John suggested people go to swearing in ceremonies and hand out brochures offering free CLE's or scholarships to build their sections.

For Eugene, Justin has had no input from the legal aid office. Tom talked to Erika Hente and she is happy, their needs are being met and not a lot of cases. St Vincent DePaul has educational programs they are doing related to bankruptcy and Erika is going to find out how the clinic can tie into those programs. Amy Scott (former debtor attorney in Eugene) is working with her. Tom discussed a sign up format based on the District Court's formal pro-bono program. The program has a coordinator, and practitioners can request to be put on a list where unrepresented parties can request your services. There are two ways of appointment: 1) lawyer for a party or 2) for a limited purpose. Tom pitched the idea to the Lane County bar and received a good showing of volunteers. Clients access the system by filling out an application then a coordinator weeds out the financial aspect of the clients. A link is provided on the website for pro-bono attorneys and forms for self-represented parties. Steve Behrends is out of country at this time.

New Lawyers: Cassie reported that the Oregon division had a meeting and discussed putting on a financial literacy fair. Ward Greene's work on financial education was mentioned as was possibly establishing a discussion on student loan repayment. The section also discussed putting on a CLE program for new lawyers. If the section is able to partner with the PLF, could integrate topics to be part of the New Lawyers event next year. Clarke suggested using historically popular pub talks to generate interest. Cassie said that more of the focus has been on events not involving alcohol.

Saturday Session: Tom would like feedback from the Executive Committee on Saturday Session. Loren has talked to the Salem Conference Center officials and it seems to be a good place to continue to have it. Discussed availability and the group felt 2/24/18 was the best date for the session. Tom noted that last year we adjusted the food a little bit, having breakfast but no lunch for attendees.

Public Education (fka CARE):

Portland: Public Education – Britta reported Judge McKittrick is taking the lead in participating and soliciting volunteers. Ward Greene has been wonderful in donations and always being present and eager to help the volunteers, Carla McClurg and Michael Fuller as well. The parties made a presentation at the August Circle of love about what they had been up to and

primarily the committee's efforts to facilitate a student loan volunteer program. Michael and Mica Childs worked to develop the materials. The parties spent about an hour talking to debtor attorneys and committee members encouraging them to volunteer. The next meeting is 10/26/17 to continue to work on student loan materials and discuss other volunteer opportunities.

Public Education-Eugene: Cassie reported that things are a go with the CARE program and new materials in Eugene. Cassie has tested out new materials for high school seniors and the law school is excited about providing volunteers. Tom talked about the 9th circuit civics contest, "What does equal protection mean to students?" Tom is interested in looking for people who can get the word out, sponsorships or any other hands to help with the process. Cassie is the coordinator of lists and marketing director.

Website: Kent reports that he hasn't had time to work with the tools the bar has given to him. He has been out of town but will get to it soon.

Local Rules: Margot reported that not much has happened since the last meeting. At the last meeting the local rules committee completed some rule changes. The judges have approved and adopted a substantial amount of them. The court hasn't made any changes or taken a position on the Chapter 13 plan and mortgage conduit. Court did make some changes to local rules beyond what the committee had proposed. Examples are the objection to claim form changing 14 days to 5 days for service and Chapter 11 pre-filing conferral requirement.

Tom added on mortgage conduit it did appear there was a lot of enthusiasm for it which is why it wasn't really acted upon. The new Chapter 13 form plan was drafted to comply with the national rule requirements in a way that didn't dramatically change the practice. But it did make some changes to the form and Order Confirming Plan with some potential issues that aren't solved. Currently at issue are the requirements of 7004 (service). Judge Hercher's treatise addressed this a few years ago. This has arisen with respect to forms used through the BNC that may have different rules than may be prescribed by 7004. Court is making clear to everyone that moving party is responsible for proper notice.

Award of Merit: Rich noted that nominations have been made and we are all set for this year.

Federal Bar Association: Conde noted that inclusion of more bankruptcy judges and the bar is happening. The Federal Bar Association conference was held in October at OMSI and it was successful. Judge Mossman led the conference with a number of judges present. The bankruptcy bar and bench was present and there was a bankruptcy and criminal law presentation by Judge McKittrick and Ron Hoebet. Benefits to membership in the FBA include a monthly luncheon is held in the jury assembly room of the District Court, 2nd floor. The charge is generally \$10.00 for lunch but season passes are available. One hour of CLE credit is associated with presentations. There is a bi-annual district court conference too. The District Court Historical society dinner is held in November and every year there is a summer picnic. The Pioneer Courthouse Historical Society has a presentation to be held on 10/26/2017. FBA also has newsletter that goes out every quarter.

Conde discussed website issues similar to those Kent discussed with maintaining a calendar. They are talking about hiring an outside party to manage this for them at this time.

Currently the section is trying to set up the FBA luncheons with a video link with other courthouses to include more attorneys. Tom said the issue with getting attorneys to be a part of this organization is location of events and inclusion of people that aren't central to the Portland area. People aren't joining as they feel like they aren't being offered anything. If interested in joining, join the national FBA website.

Donation requests: Jordan noted there have been no further donation requests and we already spent the money we had set aside for donations on the debate group. There was nothing further to report.

2. **Treasurers Report/Budget:** Britta circulated the 2018 Section budget worksheet and bar's reimbursement policy. Justin did a great job of cleaning up the form and deleting line items that don't matter. Britta to email list to Karen of changes to second database. The committee discussed each line item and the budget for 2018.

Membership: Britta reported that paid memberships are steadily decreasing. From 2015 to September 30, 2017 we have lost almost 100 members. Currently we have projected 520 members with 10 being comped.

Annual meeting – this year the revenues are down. There are 84 total registered with 25 being comped. The budget is conservative as a result of the decline in revenues. Expenses are below what we have brought in in revenues this far. Britta projected total expense will be \$9k for 2017.

Saturday Session & NWBI - No profit reported last year from Saturday Session. Karen said we made money on NWBI (\$3,500) but next year is will be held in WA which results in less revenue. Karen said be conservative on that estimate. Saturday Session budget is being raised to insure we have proper funding.

Budget surplus - John said the Bar looks at member numbers vs large fund balances on hand and John doesn't think the bar is going to look at our group because of the groups that depend on this section for funding. We budgeted accordingly last year for this issue.

Pro-Bono: Rich said Jill Mallery of Oregon Legal Aid said they are going to drop the Best Case subscription but will have other programs that will need the budgeted amount. Committee determined to leave the allocation at the same level we already have it at which is \$5,500 moving forward.

Contributions – Justin reported these are generally requests for funding for moot court students which we didn't have this year. The budgeted amount will remain the same.

Public education – Britta reported the budgeted item is sufficient and can stay the same next year.

Gifts and awards – Britta noted these funds are for retiring officers (a clock vs a plaque) to acknowledge their contribution and service to the committee. The current award request was \$500.00. Justin noted that discussions with retiring members about which they preferred and all

of them noted they were neither interested in a plaque, clock, or gift card. Justin will draft a blurb about contributions in the newsletter. The committee agreed to leave the sum at \$500 so people can have discretion but we will need to discuss future expenses and how those should be handled.

Newsletter – The committee voted to increase the current budget from \$5,000 to \$6,400. Britta has gotten very few expense requests from Rachel. Carla said likely won't see anything from Aaron until issue number three.

Telephone and OSB support services – Karen noted these are set services so cost not likely to change. The budget amount will stay the same.

Remaining budget comments: Justin indicated in the final budget discussion that going forward we need to figure out a way to increase membership in the section and build the group back up and make our membership more relevant. Our biggest expense is the annual meeting and CLE. Britta stated we should consider where we are holding it next year to minimize the expense. John said certain sections monitor folks who drop their membership by following up with a call to ask why they dropped off. Carla thinks there is a wave of retirements in our section and thus the decline. Britta will make changes to the budget and then circulate. Conde moved to approve the budget, Justin seconded. Carla has a blanket abstention. The 2018 budget was approved.

3. **Future Meeting Dates**: Clarke noted that February 24, 2018 is Saturday Session, so we will hold our next meeting right after that session. Lunch will be provided. April 12, 2018 (Thursday evening) will be the next meeting following NWBI in Seattle. The meeting time and location to be announced.

4. **Other New Business**.

Clarke requested the committee discuss any new business, for which there was none.

5. **Adjournment**: The meeting was adjourned by motion at approximately 11:55 a.m.

Submitted by:

Laura L. Donaldson, Secretary