

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

Thursday, April 12, 2018

The second regular meeting of 2018 was called to order at approximately 4:10 p.m. by Justin D. Leonard, Chair, at the Renaissance Seattle Hotel in Seattle, Washington. Members were permitted to attend by phone. Current members attending were Justin D. Leonard (Chair), Clarke Balcom (Past Chair), Britta E. Warren (Chair Elect) (via phone), Laura L. Donaldson (Treasurer), Margot D. Seitz (Secretary), Alexzander C.J. Adams (via phone), Penny Lee Austin (2019), Conde T. Cox (2019), Cassie K. Jones (2018), Julia I. Manela (2019), Carla G. McClurg (2018), Erich M. Paetsch (2019), W. George Senft (2018) (via phone). Hon. Peter McKittrick (*ex officio*) and Michael Fuller could not attend.

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

- 1. Voting/Ratification – Out-of-State Meeting.** The Executive Committee ("EC") convened outside the state of Oregon. As such, it could not take official action. Karen Lee noted that while voting is only effective when completed in Oregon, the EC can make and later ratify its decisions by email or when it next meets in Oregon.
- 2. Approval of Minutes.** The EC unanimously voted to approve the Minutes with the ratification of that decision to occur at a later date. Prior to voting, two changes were made to the Minutes based on EC feedback.
- 3. Treasurer's Report.** Laura reported the financial results of the 2018 Saturday Session. The Section made approximately \$300 from that event. Similarly, the lunch provided for the EC meeting directly following the Saturday Session was approximately \$300. As a result of the two, there was essentially a zero net effect on the overall Section budget. Laura noted, however, that the funds expended for EC meals comes out of a separate portion of the budget. Laura added that the current Section financials are available at: <http://www.osbar.org/sections/financials.html>.
- 4. Discussion Regarding Committee Reports.** Justin asked if there were any outstanding discussion items to add to the agenda based on either the Committee Reports or other Committee activity since the last EC meeting. (A copy of the Committee Reports circulated in advance of the April 12, 2018 meeting is attached as Appendix A). Carla responded, asking for volunteers interested in drafting a short article about the NW Bankruptcy Institute to encourage increased future attendance. Laura volunteered to draft an article. Carla highlighted some of Laura's many other outstanding contributions to the D-C Section.

Cassie raised the question of whether the D-C Section should co-sponsor an event with the Oregon New Lawyers Division (ONLD) regarding financial literacy at Lewis and Clark. Cassie indicated she would look into the scheduling of that event since it may conflict with the D-C Annual Meeting. ONLD would like the D-C Section to essentially contribute half of the food budget for the event, if possible. There was some discussion regarding the amount and sources of funds for a co-sponsorship. Laura reported that the Public Education Committee and New Lawyers Committee each have a \$250 budget.

Justin suggested that the EC may want to leave some funds in the New Lawyers Committee budget. There has been some discussion of transforming the New Lawyers Committee into a “Social Committee.” It may be prudent to reserve some funds for a social event to be hosted by that new committee. Justin proposed contributing \$300 for the co-sponsorship with the ONLD. The proposal was approved with ratification to occur at a later date.

Justin indicated that Erich will be pitching the newly proposed legislation for the Legislation Committee to the OSB Board of Governors.

**5. Moot Court Update.** Justin indicated that the University of Oregon’s Bankruptcy Moot Court Team received the EC’s donation. Professor Coles-Bjerre provided a very nice thank you note, which was included with the Committee Reports (attached as Appendix A).

**6. Review of Electronic Voting Procedures & Recent Voting.** On March 28, 2018, the EC voted electronically to (1) authorize the hiring an Interim Editor for the Newsletter and (2) approve the Legislative Committee’s latest proposal. Justin thanked everyone for voting on the Doodle Poll and asked for feedback on that process. There was general appreciation expressed for the use of a Doodle Poll to reduce the number of emails exchanged during the voting process. Karen added that, from the OSB’s perspective, it is perfectly acceptable to use various electronic voting methods as long as everyone on the EC has the opportunity to participate. The Doodle Poll process is equivalent to an email vote.

**7. D-C Section Membership & Recruitment Options.** The EC discussed recent trends in D-C Section membership. Justin presented a chart comparing new D-C Section members (as of 2018) and non-renewing members (2016 to present) to attorneys who are active bankruptcy court filers (“filers”). A copy is attached as Appendix B. Justin explained that there is a direct correlation between the downward trend in bankruptcy related work (*i.e.*, a decrease in filings) and participation in the D-C Section. At least part of the decrease in D-C membership and attendance at meetings is likely caused by a decrease in bankruptcy-related work for our bar section. When work in this area returns we may get an increase in membership, attendance, and interest. It was stressed that there are a fair amount of filers who are not D-C Section members or attending meetings. Justin is compiling and correlating lists so we can identify non-members who are active filers.

Justin proposed that the EC divvy up the names on the list and each call five individuals. There was unanimous support for this proposal. Several goals associated with this project were identified. The EC would like to: (1) encourage greater membership, (2) determine why these individuals are not currently members of the Section, (3) discover ways to improve the Section, and (4) inform these individuals about what the Section has to offer (*i.e.*, newsletter, events, etc.). After making these calls, EC members will report back the group. The Section can also use this list to extend invitations for CLEs and other events.

Next, the EC revisited the idea of focusing some recruiting efforts on individuals who are out of state. One option is to create a class with reduced membership fees to encourage out-of-state attorneys to join D-C listserv discussions, read the Newsletter, and attend CLEs when they are in Oregon. Karen indicated she would check to see if any other bar sections are doing this.

Justin reported that he had been informed that “associate” members of the Section were *not* invited by the Bar to renew their Section memberships this year. Non-lawyers and some court and government employees are typically “associate members” of our Section. Typically, reminder/renewal emails are sent to associate members. There was general agreement that this should be remedied to ensure that “associate” members are encouraged to join or renew their memberships. Karen indicated she would look into this.

Conde suggested that the D-C Section needs a simple and efficient way for individuals to sign up in the middle of the year. He pointed out that if the EC is going to encourage the individuals called to join the Section, then we need to provide them with a convenient way to accomplish that. Otherwise, it is unlikely that they will follow through. Karen indicated that the only option is to sign up via phone by calling OSB Member Services. However, an upgraded system is now being implemented in stages. The new system will allow people to sign up online at any point during the year. Once that is in place, the OSB could, in theory, provide an email link for greater circulation.

One suggestion was to put together a form email which EC members could use to provide sign-up information (*i.e.*, OSB Member Services’ telephone number and cost information) in conjunction with the calls made. Additionally, Carla suggested that we should create a “Membership” tab on the Section website with this information. That could also include a directory with both bankruptcy lawyers and other types of bankruptcy-related professionals.

Clark suggested that each EC member should review the phone list (once compiled) and identify individuals each person knows. He pointed out that the calls will be much more effective if the caller knows the callee. Justin agreed to circulate the list in advance for this purpose. There was strong support for that proposal.

It was also suggested that the EC consider offering a discounted membership rate for the people we call and for any others who have not previously been members (or haven’t been members for a long time) and want to join to try it out. No decision was made with respect to this suggestion.

The discussion next turned to looking past bankruptcy filings to identify lawyers who do work under the creditors’ rights umbrella. Erich described some of the creditors’ rights topics covered by other bar sections, in the sections’ CLE programs and publications. Erich, Cassie, Julia, and Margot each expressed support for the D-C Section increasing its coverage of creditors’ rights issues, receiverships, lending, financial services issues, and related topics in future CLEs and in our newsletter. Cassie pointed out that we are missing out on an opportunity to pull in more members focusing on state court collection issues.

Lastly, it was suggested that the D-C Section should consider ways to expand its presence in the federal bar and Federal Bar Association (FBA).

**8. Annual Meeting.** Justin led a brainstorming session aimed at providing the Annual Meeting Committee with ideas regarding potential presentation topics. The discussion focused primarily on topics which may be of interest to practitioners who are not regularly attending the D-C Annual Meeting. Several EC members suggested that the Section could encourage greater participation from attorneys who focus primarily on state court collections and receiverships. The perception is that the Section’s bankruptcy-centric focus may not interest those practitioners.

The EC generated the following list of ideas for future Annual Meeting topics, which was circulated to the EC after the meeting for comment and approval, and then forwarded by Justin to the Annual Meeting & CLE committees for their consideration when planning the November 2018 Annual Meeting & CLE:

- Basics or more advanced topics dealing with writs of execution, such as executing on unique assets – *e.g.*, fractional business interests, boats, marijuana, issues with goods/crops in transit and across state lines, etc. Tim Leader from the Washington County Sheriff’s office is a dynamic and fantastic presenter. Not only can he give practical insight, but also discuss complicated execution issues and unique assets.
- Collection and execution issues with marijuana business debtors. This could be a standalone topic or a subtopic as noted above. Vince Sliwoski is a good presenter on all issues related to marijuana businesses. He may be willing to speak on this or another related topic. However, this would need to be something new and not simply be a repeat of the prior marijuana presentation given by Mr. Sliwoski at the D-C Annual Meeting several years ago. On the topic of using the new Receivership Act to address marijuana business debtor issues, Justin followed up with Seattle attorney Dominique R. Scalia, who filed Washington’s first marijuana receivership in 2016, representing the creditor/landlord. Since then, Ms. Scalia has been involved in all or nearly all of the marijuana receiverships in Washington, including representing both of the two receivers that are doing marijuana receiverships in Washington, as well as multiple creditors. Ms. Scalia is interested in presenting at the Annual Meeting.
- Loss mitigation for landlords – *e.g.*, issues associated with landlords’ liens, evictions, and lease modification issues in bankruptcy, etc. This could be a dynamic panel for both creditors’ counsel and commercial debtors’ counsel if it covers both state court collection issues and bankruptcy strategies/tactics. This could work in with the receivership option for landlords struggling with marijuana businesses as tenants.
- Practical application of Oregon’s new Receivership Statute. Practitioners are still figuring out the new statute. A panel could focus on lessons learned, positives, and any negatives of new statute, etc.
- Redemption rights and related real property issues. Gary Blacklidge is a subject matter expert and would be a good speaker on this topic. After the EC meeting, Justin spoke with Blacklidge and he is happy to present on this topic.
- Federal Regulation Panel. The Section does not generally focus on federal regulations. There has been a fair amount of activity at the Consumer Financial Protection Bureau, and these regulations could have implications in the debtor-creditor and bankruptcy arena. Although retired, Bob Stoll would be a good speaker, and is very knowledgeable about this.
- Federal and Magistrate Judges’ Panel focusing specifically on settlement conferences. This would be in addition to our standard judges’ panel. The idea here is to provide more cross-pollination between the general federal bar and D-C Section.

- Lien Priority and Statutory Liens. Although it has often been done before, this is still a hot topic. This type of panel could focus on several different topics. For example, construction liens would be an interesting topic given the uptick in the construction industry. David Smith is an expert in this area and has had some exposure to bankruptcy issues. He may be a good speaker. Additionally, agricultural liens could be a topic of focus. If so, we may be able to get some cross-over interest from the Agricultural Law Section. Some suggested speakers include David Foraker, Erich M. Paetsch, and Jason Ayres (an expert in agricultural and equipment lien issues). Lastly, this panel could focus, in part, on tax liens. Potential speakers with particular expertise in tax liens include Jeff Wong, Kent Anderson, Jan Pierce, and an IRS attorney (*e.g.*, Jeffrey Werstler).

9. **Website Improvements.** Laura reported that there have been a fair number of updates made to the D-C Section website. Additionally, Conde and Laura are working on including the FBA Oregon Section events on the calendar. There was a lengthy discussion regarding whether or not the website should incorporate a directory of bankruptcy/insolvency professionals. There was general support for such a directory, but some concerns were expressed about advertising or making representations regarding lawyers' relative levels of expertise. However, the information contained in that directory could be limited to address those concerns. It was suggested that the directory could automatically include all D-C Members, including attorneys and other insolvency professionals (unless they opted out). Members could then designate their area of expertise from a pre-drafted list of specialties (*e.g.*, a "check the box" type of format). Having a directory could potentially increase the interest of non-attorney insolvency professionals in joining the Section.

The concept of creating an archive of the D-C listserv was discussed. Most expressed a concern that archiving the listserv could dissuade people from posting.

10. **Board of Governors.** Board of Governors (BOG) member, John R. Bachofner indicated there is nothing new to report from the BOG. However, Jon added that the BOG is still taking a very close look at the balances in each section's operating accounts. The BOG may be adding restrictions for sections with very high balances. He indicated that our Section was *not* one of those high-balance sections of concern to the BOG.

11. **Section Improvements - Action Plan.** Based on the prior discussion during the meeting and suggestions from the 2018 Saturday Session, the EC developed the following list of action items and suggestions worth further discussion:

- Create a directory of attorneys on the Section's website. Laura will look into the technical options.
- Explore a lower "out-of-state" membership fee to encourage increased Section membership. Karen is looking into whether other sections have implemented this with any success. Additionally, the number of Section members already in this camp needs to be determined so that the EC does not simply reduce revenue by offering a reduced rate.
- Create a task force to increase cross-marketing and co-sponsoring with other OSB sections including brown bag lunch sessions. Cassie suggested more frequent co-sponsorship with ONLD. ONLD offers frequent brown bag lunch CLEs. If the D-C Section provides the speakers and topics, ONLD will provide the advertising and set up

the space. Co-sponsored CLEs could also be used to increase advertisement for the Annual Meeting. Clarke added that we are missing an opportunity to co-sponsor events with the Tax Law Section. Cassie volunteered to communicate with ONLD and Clarke volunteered to communicate with the Tax Law Section.

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- Increase support of pro bono activities, especially in Eugene and Pendleton. Julia volunteered to have lunch with Steve Behrends to discuss options to support and expand pro bono in Eugene. Margot suggested trying to encourage more creditors' lawyers to get involved in pro bono work by using the direct referral system to streamline the process and avoid conflict issues (which is a very frequent excuse for low participation). It could also be useful to pair up consumer and creditor attorneys so creditor attorneys who are new to the pro bono clinics can get some support. Erich suggested that there should be additional written resources for creditors' attorneys representing debtors. Justin indicated that there is a resource manual which could be given to creditors' attorneys.
- Consider boosting website resources. Laura suggested the possibility of adding manuals, videos, and other resources.
- Create an EC Handbook for members and officers to capture and build on prior institutional knowledge.
- Consider organizing a commercial bankruptcy version of "Circle of Love."
- Rebrand the "New Lawyers Committee" as the "Social Committee." Get volunteers to run this new committee and plan social events.
- Expanding the Section's community/education outreach beyond classrooms.

12. **Other Business.** The EC set future meeting dates of (1) June 14, 2018 from 4:00pm to 5:00pm, via phone, and (2) November 8, 2018, from 4:00pm to 6:00pm at the Portland Bankruptcy Court. The June 14, 2018 meeting was subsequently moved to September 19, 2018 from 4:00pm to 5:30pm at the Portland Bankruptcy Court, with a phone conference line available for those who need it.

13. **Adjournment:** The meeting was adjourned by motion at approximately 5:45pm.

## Appendix A

### Committee Reports for April 12, 2018 EC Meeting

#### Consumer Bankruptcy

Mike Fuller reports that the Consumer Bankruptcy Committee's purpose is to facilitate a collegial dialogue between Court and counsel about issues affecting the practice of consumer bankruptcy law in Oregon. The next Circle of Love meeting is scheduled for April 5, 2018 at the Portland Bankruptcy Court 8th floor conference room. Olsen Daines will be providing food. Vanden Bos & Chapman, LLP has agreed to provide food at the forthcoming June meeting, and Todd Trierweiler & Associates has agreed to provide food at the September meeting.

Laura Donaldson and Rich Parker will lead the April 5 meeting in Michael Fuller's absence. Michael Fuller's consumer protection litigation class at Lewis & Clark Law School ends in April and he will be able to resume full duties as committee chair moving forward.

The Section's website contains up-to-date information for the Consumer Bankruptcy Committee, including the next meeting date, time and place. The committee's goal for 2018 is to increase the attendance of newer lawyers and the creditors' bar, which are historically underrepresented at Circle of Love meetings.

#### Legislative

Erich Paetch reports that the Legislative Committee is chaired by Gary Blacklidge. The committee schedules weekly phone meetings leading up to and during each legislative session. With the assistance of a member of the Bar, the committee monitors legislation of note during the legislative session. This process occurred during the 2018 legislative session. Although the committee monitored and tracked numerous proposed Bills during the short session, the committee did not identify any legislation that required significant action by the Section.

In addition to monitoring for relevant Bills, the committee evaluates whether any legislative proposals are appropriate from the Section to submit to the Oregon State Bar Public Affairs Department for approval and submittal to the legislature for consideration. As you know, the committee identified an area of concern for the Section and Pat Wade took the lead in drafting proposed language for Executive Committee approval. Justin circulated the proposal to the Executive Committee via email on March 20, 2018. The draft legislation was approved by the EC and submitted by the April 2, 2018 deadline for further consideration by the Oregon Bar for the 2019 legislative session. [JDL Note: As the next step, Eric Paetsch will be representing the Section the 2018 Legislative Forum, hosted by the OSB Public Affairs Committee, on May 2, 2018. He will present the proposal to the Board of Governors at that time and answer questions.]

The sections of the website related to the Legislative Committee are out of date and need to be updated. For example, the website identifies Gary as the chair based on his prior term of commitment and lacks current contact information. Gary suggested that the website add certain key dates that impact the committees work. For example, the legislative session upcoming dates as well as any deadlines for submittal of proposed Bills to the Bar. Before including, however,

we will want to ensure that the information is capable of being updated regularly. Gary can provide Laura current information as needed. Finally, it might be useful to have links to relevant resources related to the legislative process and proposals. The committee can provide suggested links to Laura.

Gary feels that the committee and established process works well. Beyond the proposed legislation noted above, he does not have any additional goals for the current year. The proposed legislation will need to be monitored by the committee and participation provided to support passage as appropriate. With the close of the legislative session, no further committee meetings are currently scheduled for 2018. Gary mentioned that for the future, the committee should begin to think about identifying a successor to chair the committee. If the executive committee has suggestions or feedback, he would love to hear from us.

### **Newsletter**

Carla McClurg reports that the first issue of the 2018 Newsletter was finalized and posted on the Bar's website on March 29, 2018, thanks to the collaborative efforts of the entire group. The second issue is in process. Carla has already received an article submission from Sandy Landress. Carla has also sent out emails to the case notes authors and other authors establishing deadlines for submissions for the second issue. Carla is working to get Rene Ferran (see below) up to speed to assist with the next issue.

The Newsletter Committee has been diligently searching for a new editor. Diane Bridge (Judge McKittricks' career clerk) is considering the position. She has not yet decided if she is willing to serve as editor. Non-attorney Rene Ferran has agreed to serve as interim editor for \$1,000 for issue 2 of 2018 (with the assistance of law student Aaron Haynes, Carla, and others on the committee on matters that require substantive legal review). The plan is for Carla (or in the case of one author, Rose Zook) to make the introduction for Rene and then let Rene run with the ball after that. Aaron Haynes has agreed to stay on in his current role through early May to provide assistance. Carla assigned Sandy's article to Aaron for cite checking and substantive review. Carla sent Mark Johnson Roberts (OSB counsel) a draft contract for Rene on March 29, 2018. Carla is awaiting a response from Mark.

The Newsletter Committee information for the editor, board, etc., should be updated on the website. With her report, Carla provided Laura with current information so the website can be updated. Carla also suggests that the website could be edited to include information on how to turn in ideas for articles and express interest in membership on the committee.

### **Broad-brush Bankruptcy CLE**

Julia Manela reports that this committee is being chaired by herself, and its members are Conde Cox, Judge Mckittrick and Karen Lee. The EC's suggestions for topics provided at the last meeting were passed on to the committee. The committee is working on refining the structure and topics for the CLE. The committee is considering a practice area approach as compared to a bankruptcy topic approach. For example, the committee is considering at topics such as family law and bankruptcy, business law and bankruptcy, etc., or topics more along the lines of Chapter 7 basics, Chapter 13 basics, etc.



The committee also discussed the pros and cons of various locations and the length of the CLE. Karen Lee is working on evaluating options for spaces and dates. The location has not been identified yet. Another follow up meeting is scheduled for April 2, 2018. More information may be available after that meeting.

### **Nominating**

Clarke Balcom reports that as Past Chair, he is the EC Liaison for 2018. Pat Wade is continuing as Chair of the Committee. Since the 2018 EC has recently begun its duties, efforts to determine 2019 nominations have not yet begun. However, during last year's process Pat Wade, Nominating Committee Chair, Rich Parker, then Past Chair of EC, and Clarke Balcom, then 2017 EC Chair, assembled an expanded list that was forward-looking in establishing possible future-year nomination candidates, as well as candidates for the current year. This is a practice that the committee plans to continue, in thinking ahead to assemble a field of possible candidates with diversity from broad geographic, background, and practice areas.

### **Pro Bono Committee (Portland)**

George Senft was unable to provide a report, but Justin Leonard reports that the Portland clinic has been operating as usual. Snow cancelled the February 21, 2018 clinic, but Legal Aid has been able to recruit extra attorneys to help cover the demand. Based on retirements and natural attrition, the pool of volunteers has been shrinking over time. Judge McKittrick reports that recruitment has become harder in his view. LASO reports that last year, there were approximately 55-60 bankruptcy clinic attorneys working on cases. (These are attorneys who reported time to LASO... so there may be a few missing.)

As Judge McKittrick announced at the last meeting, the Multnomah Bar Association is honoring him – along with the Section and its Pro Bono Committee – with the 2018 Pro Bono Award of Merit. He will be accepting it at the Annual Meeting & Dinner on May 2, 2018, and a lengthy article about the Clinic was featured in the April issue of the MBA's "Multnomah Lawyer." The MBA is providing three seats at the dinner. Judge McKittrick invited Judge Perris – who helped start the clinic over 20 years ago – but she is travelling and unable to attend. It was suggested that Justin Leonard and Rich Parker be invited to join Judge McKittrick, because they are the current chairs of the Section and the Committee, respectively. However, Justin is willing to give his seat to someone else from the Pro Bono Committee and will then purchase a ticket. Anyone attending who is involved in the Pro Bono Clinic is encouraged to join Judge McKittrick for a photo, prior to the event.

### **Pro Bono Committee (Eugene)**

Julia Manela reports that Steve Behrends continues to be the informal chair and point person for the Eugene Pro Bono Committee. There are now approximately 10 attorneys signed up to accept pro bono debtor cases through legal aid. Those cases are screened through legal aid and referred out to the panel. This service is not specifically being advertised by legal aid. Steve reports that legal aid is still working on refining the process. Judge Renn is working on putting together a panel of folks willing to handle adversary proceedings or step in to handle a discrete issue on a pro bono basis. That concept is still in the works.

## **Pro Bono Task Force**

Justin Leonard reports that the other clinics (Bend, Pendleton, and Salem) are going well. Legal Aid is very pleased. Here are some state-wide statistics:

- Over the last ten years, 2,147 cases have been closed and 12,681 hours reported!
- As of February 22<sup>nd</sup> (when the Salem clinic began), the Section's clinics now serve 19 of Oregon's 36 counties with LASO/OLC bankruptcy clinics!
- Since 2002 (when LASO started tracking cases on our new server) over 2,800 cases have been closed.
- The second Salem Bankruptcy Clinic will be held on April 26, 2018. LASO reports that the response from Salem attorneys willing to volunteer has been "remarkable."
- In 2017, the Section assisted 256 clients and donated 1,225 hours (only reported hours – so it is not complete).

Judge McKittrick and Justin have been talking with LASO about the possibility of further expansion to serve the needs in other areas of Oregon. LASO thinks that for now, the Section should focus on recruitment and the enhancement of the projects that are currently in place – especially Eugene and Pendleton. Eugene is not a LASO site, but LASO still cares about supporting indirectly as it can. It has a pretty small volunteer base, as does Pendleton. LASO's statewide pro bono manager Heather Kemper believes that both of these projects (Eugene and Pendleton) could really benefit from further support of the Section.

Additionally, LASO has arranged to purchase the "UPSOLVE pro bono bankruptcy in a box" software in the fall. See <https://upsolve.org/>. LASO's license will allow its use throughout Oregon. LASO would love to work with the Section to pilot this software in a couple of our rural Oregon offices to allow greater access to pro bono assistance. LASO is still in the initial stages of discussion regarding how to best use the software. Judge McKittrick, Jill Mallery, Heather Kemper, and I plan to meet the week of April 15 to discuss how to utilize the software to best assist the volunteer attorneys and their clients. This software may help to expand pro bono assistance throughout Oregon without the need for the traditional "clinic model" – which may not be as well suited in some of the more rural areas that have a lower number of bankruptcy practitioners.

We don't currently have links on the Section's website to connect the public to our newer clinics (those other than Portland and Eugene), but we are working on it.

## **New Lawyers**

Cassie Jones reports that the Oregon New Lawyers Division (ONLD) will be holding its Financial Literacy Fair for new lawyers (and potentially law students) in November at Lewis & Clark Law School. The committee needs to decide if the Debtor-Creditor Section wants to co-sponsor a social and have any other involvement in the event.

The website does not contain up-to-date information. The contact information should be updated to list Cassie Jones as the Chair and the Executive Committee Liaison. Her email should be the contact at the bottom of the informational paragraph as well.

The webpage indicates that there are complimentary dues for 2016 members in their first year of admission and the next three calendar years. Justin reported at the last EC meeting that the Section still follows this policy of providing complementary dues. As such, the website needs to be updated to reflect that.

Cassie reports that the following goals and decisions should be addressed in 2018. The committee should decide if there should be a New Lawyers event at the D-C Annual Meeting and what that should look like. The committee should identify the members that fit into the category of “new lawyers” and determine how many members it is trying to serve. Additionally, if the EC wants to make a bigger effort to attract new lawyers to the Section, it should discuss involvement in the fall swearing-in ceremony.

### **Public Education (fka CARE) - Portland**

Britta Warren reports that the Portland Public Education Committee’s page on the Section’s website page is completely out of date. Colin Cole volunteered to update the content of the website late last year. Britta will reach out to Colin to move that process forward. The committee is tentatively scheduled to meet on May 3, 2018 to hear a report from volunteers who have participated in both the Financial Beginnings program and the Student Loan Project. The committee will also develop additional goals for the year and set future meeting dates at that time.

### **Public Education (fka CARE) - Eugene**

Cassie Jones reports that there is no substantive update since the last EC meeting. The website needs the following information updated:

- The Executive Committee Liaison should be updated to Britta for Portland and Cassie for Eugene.
- The website should include CARE information only under the Eugene program.
- All links to CARE Today should be removed.

The goals for 2018 include updating the CARE Presentation materials, training new volunteers, and getting Eugene classrooms on board for the Fall.

### **Website**

Laura Donaldson reports that she has been working with Paul Tichy and Kent Anderson to update the website. They have made a number of changes to the calendar and content. They look forward to receiving more input from the committee liaisons. During this process, the Oregon State Bar experienced corruption on its server which affected numerous updates made to the site. Some frustration was felt that the committee was not notified of the problem, told what the technical issue was or informed whether it would occur again. Upon inquiry, the Bar restored

the database but that left Paul having to re-update information. Other than that hiccup, the committee continues to solicit information about updates (contents/members) from committee chairs as to their respective pages.

### **Local Rules**

Penny Austin reports that the Local Rules Committee mostly recently met on March 14, 2018. The next Local Rules Meeting is scheduled for Wednesday, April 11, 2018 at 3:00 pm. After the March meeting, Charlene Hiss circulated a list of various working groups which are working through a variety of projects. The individual project groups are to present reports to the Local Rules Committee by April 4, 2018 for circulation prior to the April 11 meeting. More information will be available to present to the Section after the April 11 meeting. The April 11 meeting will also review the suggestions from the Saturday Session.

With respect to the website, the Local Rules/Forms Committee information is very clear and up to date. It clearly identifies the chair, the members of the committee as well as upcoming events. On the home page, the Section referred to as Local Rule and Form Changes could be deleted or updated since the time frame for those changes took effect on December 1, 2017.

### **Award of Merit**

Clarke Balcom reports that as Past Chair, he is the Liaison this year. Rich Parker is Committee Chair, and the committee is comprised of past D-C EC Chairs. The Committee typically starts meeting in early summer to consider possible recipients to be awarded at the Annual Meeting. Some years there has not been an award presented. Some years there have been either one or two recipients. In 2017, the Award of Merit was presented (posthumously) to John D. Albert, who passed away that previous August. The other 2017 award will be presented to Judge Brown, who will receive her award at the NWBI. Judge Brown asked Wayne Godare to introduce her.

The website needs to be updated with these 2017 Recipients. Perhaps Steve Tweet's speech about John Albert's life of service, which was published in the Newsletter, can also be added.

### **Federal Bar Association**

Conde Cox reported that the FBA-Oregon Chapter held its monthly meeting in March at Stoll Berne. Judge McKittrick was in attendance. Conde was unable to attend but he reports as follows:

Judge McKittrick and committee chair Julia Manela are spearheading the planning for a 'Bankruptcy Basics for the Non-Bankruptcy Lawyer' CLE event that is to be co-sponsored by the OSB and the FBA. It is in the planning stages and will probably be held at the Bankruptcy Court Conference room. Karen Lee and Conde are also on the planning committee for this event.

On March 15, Judge Anna Brown presented a one hour CLE to the regular monthly luncheon on the topic "How to Present Your Case Effectively to Jurors." It was well attended.

On April 5, the FBA is sponsoring an afternoon 3 hour CLE event at the District Court Jury Assembly Room on “Citation and Use of Authority from Other Jurisdictions,” and the presenters include D-Cr Section member David Foraker of Miller Nash, as well as Multnomah County Presiding Judge Steve Bushong and 9th Circuit Judge Susan Graber.

Nadia Dahab, Chair of the FBA-Oregon Chapter, asked Conde to join the Membership Committee for the FBA Chapter. Conde and Nadia have been discussing how to increase participation in the FBA by members of the D-C Section. They have tentatively concluded that at least two changes should be contemplated by the FBA Chapter for this purpose: (a) allowing membership in the local FBA Chapter only, at a reduced annual membership rate; and (b) identifying and highlighting specific CLE events that would be of interest not only to regular FBA members but also to the D-C Section members (*e.g.*, topics focused on rules of procedure, rules of evidence, settlement conferences, etc.). Nadia and Conde have also discussed asking (in the future—not yet!) the Executive Committee to send out an email blast to Section members to ask that each firm practicing mainly in the D-C area consider having at least one member per firm join the FBA.

Relating to events with cross-over interest, Conde pointed out to Nadia that the upcoming April 19, 2018 FBA monthly CLE luncheon, which is to be presided over exclusively by five local Magistrate Judges, on the topic of Judicial Settlement Conferences, that at least one local Bankruptcy Judge should have been included in this event, as our local Bankruptcy Court also has engaged in the same or similar practices relating to judicial settlement conferences. She has indicated that the lunch committee, which plans such events, will be apprised of this oversight, as we move forward with such observations as part of our effort to trying to incorporate more often the D-C bar in FBA events.

The website needs updating. Conde reports that the issue is how to get upcoming FBA events, such as monthly CLE luncheons, onto the website calendar. Conde does is not apprised of these events other than by random email notices of events. He suggests that there must be a way to get a report from the FBA Chapter on a regular basis that can be used to add such items to the D-C Section calendar. Conde will raise this issue at the next FBA board meeting on April 5, 2018.

### **Annual Meeting/CLE Committees**

Alexz Adams was unable to provide a report, but Justin Leonard reports that the Section’s 2018 Annual Meeting & CLE will be held on Friday, November 9, 2018 at The Sentinel Hotel in Portland (614 SW 11th Ave). This will be a one-day event. A save-the-date was issued on March 9, 2018, and also announced in the newsletter.

In response to the survey feedback, Justin and the chairs of the committees are researching options for a late summer (likely Sept. 2019) Friday-to-Saturday event on the Oregon Coast for next year. They hope to send out a save-the-date for the 2019 event in the next few months, so that members can reserve that date as well.

### **NWBI**

Justin Leonard reports that, with help from Charlene Hiss at the Bankruptcy Court, he worked with Karen Lee at the OSB to create a mailing list of attorneys who regularly file in our

Bankruptcy Court but who are not members of the Section. We extended an invitation to these bankruptcy attorneys to attend, by email. We can use the list as a possible tool for membership recruitment.

As of April 9, there were 179 registrations. This includes complimentary registrations for speakers, the planning committee, bankruptcy judges who are not speakers or planners, and any judges' lawyer attorney staff (term and career clerks).

Justin obtained statistics from the Bar from prior years, to evaluate the trend. He will forward the overview separately.

### **Saturday Session**

No action. EC will discuss at the November meeting whether we think that a 2019 Saturday Session should be recommended.

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### **Treasurer's Report**

Laura received usual monthly requests for payment for website updates, Court and Newsletter editing services, and member expense reimbursements. The Section has have paid for the caterer for the annual judges pro-bono recognition event, as well as the catering deposit for the Annual Meeting on November 9, 2018 at the Sentinel. Additionally, the Section's \$1,000 donation was made to the University of Oregon bankruptcy moot court team (100% of the donation budget for 2018).

### **Report from the U of O Bankruptcy Moot Court Program**

From Professor Coles-Bjerre:

I am pleased to report that the students received highly complimentary feedback on their mastery of the difficult bankruptcy issues (which involved, by the way, (i) a *Jevic*-like distribution of settlement proceeds and (ii) a 363 sale free and clear of leases). Although we won both of the rounds we argued, we didn't make the first steep cut from over 50 teams down to 16, but it was a tremendously rewarding experience overall.

Throughout the months long preparation, the students argued before at least 25 members of the bench and bar. And, at the closing reception they talked with two eminent bankruptcy judges, Eugene Wedoff and Robert Drain. All three team members are better oral advocates as a result of having participated. With some intelligent reform and investment, the UO's moot court program has the potential to become a new source of success for law students in the state who plan to be future business lawyers.

Thanks, again, to you and the Executive Committee for helping to make this experience possible for our students.

**Andrea Coles-Bjerre**, Associate Professor and Faculty Director, Business Law Program,  
University of Oregon School of Law

## Appendix B

