

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

Thursday, April 4, 2019

The second regular meeting of 2019 was called to order at approximately 4:05 p.m. by Britta E. Warren, Chair, at the office of Black Helterline LLC. Members were permitted to attend in person or by phone. Current members in attendance were, Britta E. Warren (Chair), Laura L. Donaldson (Chair Elect), Margot D. Seitz (Treasurer), William J. Critchlow, Oren B. Haker, Cassie K. Jones, Garret S. Ledgerwood, Julia I. Manela, Douglas R. Ricks, Penny Lee Austin and the Hon. Peter McKittrick (*ex officio*). Erich M. Paetsch (Secretary) and Justin D. Leonard (Past Chair) were unable to attend. The Section's OSB liaison Karen Lee was also in attendance.

1. **Approval of Minutes.** The EC **unanimously voted to approve the Minutes** with minor noted changes. Doug Ricks indicated that it would be helpful if the minutes either contained a section listing all DC decisions, or those decisions should otherwise be called out throughout the minutes to make them easier to track. In this set of minutes EC decisions are called out in bold, underlined text.

2. **Discussion of Upcoming Events.** Next, the EC discussed the following upcoming events.

A. *Northwest Bankruptcy Institute.* Karen Lee provided an update regarding the upcoming NWBI conference. At that point, there were 195 individuals registered for the event, including complementary attendees such as speakers and planning committee members. Karen added that the attendance is tracking closely with the 2018 Seattle NWBI conference. Additionally, there should be strong attendance at the NWBI faculty dinner. Expenses for the conference are tracking as expected. However, Karen noted that the hotel was initially seeking to charge roughly \$3,000 for internet during the event. This year the NWBI has a special guest the Honorable Christopher Klein from the Eastern District of California. The planning committee is also trying out a new structure for the judge's panel. Rather than a traditional judge's panel, the committee has arranged to have multiple round tables to facilitate more open and direct conversation between judges and attorneys regarding courtroom procedures.

B. *OSB New Lawyers Division Event.* Cassie Jones provided a brief summary of the upcoming, co-sponsored D-C Section/New Lawyers Division social. As one of the planners, Cassie indicated that they do not have specific numbers yet, but there is a lot of excitement about the event and the planners are hopeful for a good turnout. Britta suggested that the EC discuss creative ways to engage with younger members because membership has been in a steady decline for the last 5 years. Karen added that this is a trend that some other sections are also experiencing.

C. *Federal Judicial Center Sponsored Event.* Britta announced that the Judicial Conference of the United States Committee on the Administration of Bankruptcy System is holding a round table event with judges and court staff. This will be a live broadcast from Washington DC to various locations around the country. The closest location is Seattle. Judge McKittrick added that Judge Alston is on the planning committee in Seattle. The Committee is seeking 6 to 10 interested participants from the Section. The event is geared towards those who

may be interested in a career as a bankruptcy judge. The EC briefly discussed if there were any specific individuals that may be interested in attending. Rather than put out a general notice to the Section, Britta suggested that the EC send her the names of potentially interested individuals to contact.

D. Corporate Counsel Section CLE. Britta explained that there is an opportunity for the Section to co-host a CLE with the Corporate Counsel Section. She has been in contact with the chair of that section. Britta indicated that the goal is to have a short CLE (between 2 hours and a half day) geared towards attorneys acting as general counsel. The CLE could be held at the Bankruptcy Court. Judge McKittrick indicated that the 9th Floor Conference Room can seat up to 60 people. Margot Seitz asked if the CLE planners would be interested in and the court would be willing to provide a short tour. Judge McKittrick indicated that the Court would be open to that and volunteered to be on a small group committee to assist with planning.

E. New Admittees Swearing In Ceremony. The Section has an opportunity to participate in the upcoming swearing in ceremony by providing flyers and/or sponsoring a table at the event. Cassie briefly described this event. There are two such ceremonies during the year. The May event is the smaller of the two. There was a general discussion amongst the group regarding the admittees being generally overwhelmed at these events. **No formal vote was taken but there was a general group consensus amongst the EC that there were better opportunities to connect with New Lawyers and the Section should not sponsor a table.** We could however, provide a flyer similar to last year's version.

3. Treasurer's Report. Margot indicated that there have been only minimal expenses since the last EC meeting. She will check on the status of membership dues and report back at the June meeting.

4. D-C Annual Meeting Location Discussion. The EC discussed possible locations for the 2020 Annual Meeting. Annual Meeting Committee Co-Chair, Tom Stilley, suggested to Britta that the meeting be held in Bend. The EC discussed the positives and negatives of different Bend locations. The discussion focused around Mt. Bachelor Village, Sunriver, and the Riverhouse Conference Center. Karen indicated that the Riverhouse has been renovated and there is a new conference center across the street from the hotel rooms. The Riverhouse is right on highway 97, so it is easy to get in and out. Several EC members commented that Sunriver has good services and is family oriented, but it can feel isolating/cut off. It is expensive and that may discourage attendance. Multiple people commented that the Annual Meeting has not been at Mt. Bachelor for a very long time, and that would be a nice change. Judge McKittrick commented that Mt. Bachelor or Sunriver would be the best options for families. Penny added that Sunriver is now offering passes to the nearby shark center and has other family friendly amenities. The EC also had a brief discussion about the timing of the 2020 Annual Meeting. There is some debate about whether having the meeting in August would encourage families to attend a conference in Sunriver or if it would dissuade attendance because attorneys will have conflicts with other planned vacations. There was no consensus on timing. **No vote was taken, but the EC was generally more supportive of either Mt. Bachelor or Sunriver for the 2020 Annual Meeting location.** Britta will further discuss the options with Tom and provide him with some feedback.

5. **Award of Merit Discussion.** Justin Leonard was not feeling well and therefore absent from the meeting. As such, the EC moved the Award of Merit Update to the June agenda.

6. **Website Committee Update.** Laura indicated that there is a variety of outdated information on the website that needs to either be updated or deleted entirely. She provided several examples including the listing for the WOMBATS Committee and a variety of information under "Resources" (e.g., mentor lists for new lawyers, etc.) Laura encouraged committee liaisons to provide updates and pictures for the website. For example, after events like the D-C/Young Lawyers social, a brief summary and a couple of pictures could be posted. Laura also generally invited input on information to add to the Section's website.

7. **Future Saturday Sessions Discussion.** Loren Scott is looking for guidance from the EC regarding whether we want to continue with the Saturday Session and how we want it to function. The EC had a spirited discussion regarding the positives and negatives of prior Saturday Sessions. Some liked the round table format with rotating judges. Others stressed that having an open forum for discussion was the highlight of the Saturday Session. For example, Lara indicated that prior discussions regarding judicial inconsistencies and/or judicial demeanor and preferences have been useful.

Judge McKittrick commented that attendance has been down. The goal is typically to have 50 attendees and there is a struggle to get 30-40 attendees. He added that the Court is very happy to participate and help with the event but the Section should be setting the agenda. That has not entirely been the case in recent years. Doug commented that it would be better to rotate the location of the Saturday session between Eugene and Portland rather than splitting the difference and forcing most people to drive to Salem. Oren commented that the Saturday Session provides a good opportunity for interaction with the bench, but there are now other opportunities for that same interaction (e.g., the Circle of Love and Judge's Breakfast at the Annual Meeting). Garrett commented that Saturday Session is no longer serving its original purpose and we no longer need this annual meeting simply to have a conversation between the bench and bar. Cassie agreed that we likely do not need a special Saturday Session simply for that. Margot commented that one component of Saturday Session could be a fuller discussion of local rules, what is being proposed, and how it will affect practitioners.

Laura suggested that before we work to develop a new structure or plan for the Saturday Session we should poll the membership and see if there is support for continuing this event. If so, we may want to schedule one every other year. After discussing that suggestion, **the EC was supportive of sending a survey to the membership section regarding Saturday Session.** Britta and Laura will work with the bar to formulate and send out a survey. Judge McKittrick invited them to work with Charlene if they need further assistance with the survey for Saturday Session.

8. **Newsletter Update.** Margot gave a brief update about the release of the spring D-C Newsletter and asked the EC to provide suggestions for articles for the fall edition. Britta volunteered a colleague to draft an article. She will be in touch with Margot and/or the Newsletter editor, Rene.

9. **Presentation Topics for D-C Annual Meeting and CLE.** Britta indicated that the Annual Meeting Committee is looking for input regarding presentation topics. The following topics were

discussed:

- Zone of Insolvency – how the fiduciary duties of corporate officers and directors change when the company is "in the zone."
- Loss mitigation for landlords – a panel could combine residential and commercial landlord enforcement rights and also possibly discuss rights of tenants/debtors.
- Receiverships – panel focusing on war stories and practical application of the new(ish) receivership statute.
- Provisional Process panel including a sheriff's office representative discussing execution on novel collateral as well as tips and tricks.
- Oregon mortgage lender law and licensing issues.
- New spin on a Marijuana panel with discussion of 2018 Farm Bill.
- Trends, tips and tricks for debtor representation, including possible discussion of reorganizing single member LLCs, dissolving LLCs and placing them in chapter 13 and dealing with the ensuing fraudulent transfer issues.

10. Membership Statistics Update. With time running short, Britta indicated she would be doing some additional work to drilling down on the Section membership statistics provided by Karen and Justin. We will discuss this at our next meeting.

11. Legislative Update. Erich M. Paetsch was unable to attend the meeting because he was at a working session presenting on an OSB sponsored bill. Therefore, the Legislative Update was postponed to the next meeting.

The meeting was adjourned at approximately 5:30pm.