

**OREGON STATE BAR – DEBTOR-CREDITOR
SECTION EXECUTIVE COMMITTEE MEETING**

Saturday, February 22, 2020 1:00-2:30 pm
Salem Convention Center
200 Commercial Street SE Salem, OR 97301
(Call in: 1-888-864-8852)

The first regular meeting in 2020 was called to order at approximately 12:52 p.m. by Laura L. Donaldson, Chair, at the Salem Convention Center.

The Executive Committee for the Debtor-Creditor Section includes the following members for the 2020 term:

2019 Members: Laura L. Donaldson (Chair), Britta E. Warren (Past Chair), Margot D. Seitz (Chair Elect), Erich M. Paetsch (Treasurer), Cassie K. Jones (Secretary), Judge Trish M. Brown (Ex Officio Member), Penny L. Austin (Member), William J. Critchlow (Member), Oren B. Haker (Member), Garret S. Ledgerwood (Member), Douglas R. Ricks (Member), Rosemary E. Zook (Member), Ava L. Schoen (Member) with Colin Andries (BOG Contact) and Karen Lee (OSB Liaison).

A quorum of the following members participated at the February 22, 2020 meeting in person:

Present: Laura L. Donaldson (Chair), Britta E. Warren (Past Chair), Margot D. Seitz (Chair Elect), Erich M. Paetsch (Treasurer), Judge Trish M. Brown (Ex Officio Member), Penny L. Austin (Member), William J. Critchlow (Member), Oren B. Haker (Member), Garret S. Ledgerwood (Member), Douglas R. Ricks (Member), Rosemary E. Zook (Member), Ava L. Schoen (Member) with Colin Andries (BOG Contact) and Karen Lee (OSB Liaison).

Absent: Cassie K. Jones (Secretary).

Meeting Minutes

1. Introduction and Welcome to Incoming Members

Chair Laura L. Donaldson called the meeting to order and welcomed the Committee to the Salem Convention Center.

2. Introductory Activity

Welcome to new members and introduction by existing members.

3. Review of Debtor-Creditor Section and Executive Committee Objectives/EC Position Handbook

Something the Executive Committee has been working on as a committee. Helping put into place a detailed discussion and training manual for the roles and responsibilities of members and

officers of the Executive Committee. Please review and add any details members feel are appropriate to the training manual. Let's keep it as an ongoing project and use it on a regular basis. One objective to work on this year is the budget section and addressing options and issues under current bar policy relating to section reserves.

4. Review and Approval of Minutes from September , 14 2019 Meeting

Review of proposed minutes from September 14, 2019 annual meeting at Tolvana Inn. Margot moved Garrett seconded with no objections. Minutes are approved. Copy of the approved final minutes to be submitted to the Bar and Laura to post on the web site.

5. Treasurer's Report with Overview of 2020 Budget, BOG Policy & 2019 Waiver

Review of the budget for last year and this year occurred. Copy of the 2020 budget was provided to the members for further review and consideration. Discussion followed by Margot as the past Treasurer on assumption incorporated into the budget from prior years. The members discussed the OSB Board of Governor's new policy concerning reserves for Bar Sections. Bottom line is that there is a cap on reserves that can be carried forward on an annual basis by any section. If the funds are not spent a penalty will be applied to the amounts owing by each section upon the Bars membership assessment to each section on a per member basis. Judge Brown noted that the initial amount and reserves were developed early and have historically been maintained based on initial activities of the section. Chair Donaldson, Past Chair Warren and Chair Elect Seitz applied for an exception for 2019 and it was approved but the section will need to address the issue or will lose the reserve funds through adjusted assessments after this budget year (2020). A discussion followed on options to allow access to section activities to make them more cost effective. The desire for the cushion in part is a due to some activities that lose funds on an annual basis among other considerations. Historically the treasurer has been conservative and there is a desire to maintain the conservative process into the future. The current budget is not as conservative due to this issue. The Committee agreed we need to really drill down with groups identified in the 2020 budget to identify expenses, income and what is a viable estimate for this year. It was recommended that each EC representative discuss with their committees the budget to understand historical practices for further discussion. The Committee then discussed various ways to draw down the reserves consistent with sections goals and principles. One option is to provide reduced fees to the annual meeting. Another is to open the meeting to law student participation at the annual meeting by allowing for free or low-cost participation. Another suggestion is to explore current judicial staff policy to increase the number of participants. Additional options relate to the pro bono clinic and activities associated with the clinic. The Bar can provide some supports to help disseminate information and details based on the decisions made. It was agreed that a goal of each committee liaison member is to explore cost ideas based upon these suggestions with their committees and to provide additional information and recommendations at the upcoming April committee meeting.

6. Review of Reimbursement Policies for EC Members

There is a form available online for mileage and lodging for any EC meeting as a member. The form is updated, and you need to use the new one. It was noted by Margot that the members and officers have not historically sought reimbursements, but the possibility is included in the annual budget for the section.

7. Explanation of Section's Donation Policy and Past Donation History

Prior policy was developed by the Executive Committee related to donation requests. The Chair circulated the existing Bar policy and identified historic charitable organization requests. Historically the policy has limited donations to activities that are directly related to the section. The Chair asked if the current Committee wants to change the policy for this year or in future years based upon the budget reserve challenge. How do you choose what the section supports if there is a policy change was an issue the members discussed. There are several sections that make contributions to the Campaign for Equal Justice as one example of what other sections do. Some discussion of a scholarship idea also followed. There is a dollar cap on a scholarship for a law student under the Bar rules. Another idea is a potential stipend for a nonprofit or government entity. The Committee agreed that a policy change is not necessary at this time but to evaluate this in the context of the 2020 budget and board reserve issues.

8. Policy Review re: Complimentary Dues for New Admit-tees and CLE's for Judges and Judge's staff

Another opportunity to address the board budget reserve is for the current policy and waiver of costs provided to the judiciary and its staff to increase the number of eligible participants. For example, the Committee could decide to subsidize the participation of several law clerks per Judge. The Committee agreed this should be included in the broader 2020 budget and reserve discussion.

9. Finalization of Future Meeting Dates and Locations

Originally the next meeting was scheduled for April 2nd but that would require everyone to drive up to Seattle before the meeting that is participating or attending the Bankruptcy Institute. It was suggested and the Committee agreed to move the meeting to Friday April 3rd and start during the lunch hour at 12:15 p.m. during the Institute.

June 18th meeting will be a phone call only meeting at 4:00 to 5:00 p.m.

September meeting will occur at Cassie's office (Gleaves Swearingen, LLP) in Eugene starting at 2:30 - 4:00 p.m. on September 16, 2020 (will cover 2021 budget).

November budget meeting may not occur if the budget is approved in September (no date set yet)

It was noted by a member that the Committee and Chair should examine floor nominations at the next annual meeting and to revisit bylaws on the subject.

10. Committee Roles, Assignment & Reports

The members reviewed the assigned roles from the agenda and the Chair discussed responsibilities for persons involved as the EC representatives for the committees. The members reviewed and evaluated the Federal Bar Association lack of designation and discussed coordination for future joint topics and presentations. Each member should identify activities with its committees and the budget issues for a report at the next meeting. Please come prepared to discuss committee activities at the next meeting and to provide a report in advance to the Secretary (Cassie Jones).

11. Legislative Committee Report & Legislative Proposal Motion

On behalf of the legislative committee, Erich noted a recent Oregon Court of appeals opinion that was of concern to the legislative committee. The Court of Appeals in *The Bank of New York Mellon v. Lash*, 301 Or App 658 (2020) suggested that an eviction was not allowed following completion of a judicial foreclosure action. The committee previously worked on legislation that was approved by the legislature making clear such an action is permitted following foreclosure and which expressly references non judicial foreclosure. The legislative committee has prepared and is requesting approval from the Executive Committee of a short proposal to amend ORS 18.946 by cross referencing the eviction statutes. The members discussed the proposal. Before the Oregon Bar can act, the Executive Committee must approval the proposal which is then submitted to the Board of Governors for consideration. Garrett moved to support the proposal and Eva seconded. No objection (Judge Brown abstained). Motion was approved.

12. Newsletter Committee Report

Margot provided the members a general update on the newsletter. Unfortunately, the newsletter lost Debbie Gould as a long-time editor. As a result, the Newsletter is working through change and the challenges it creates. Professional editor and student editor are working together to address legal components and handling of revisions. A challenge is that we do not have anyone drafting articles and pushing out content for discussion and topics on a regular or consistent basis. It is getting harder to get folks rounded up and to write articles. What would help is for folks to identify new ideas for articles. In addition, two folks who are regularly providing content are going to stop providing that content soon. Case note presentation content will also change and this may impact annual meeting presentations as well. One idea is to have the Executive Committee develop content. The committee also explored and discussed the existing format and timing of editions as impacting the newsletter and articles. Several committee members volunteered to provide content for the upcoming newsletter.

13. Annual Meeting and CLE for 2021:

The members agreed that it seems early to review and discuss at this meeting. The next logical place is to hold it in Eugene at the W. Knight Center. A discussion followed of rotating locations and options to consider. Hood River is a possibility that was popular with the members and seemed successful recently.

14. Award of Merit Process Report

The Chair provided an update following the last discussion on this topic. There are working guidelines for the selection process. A discussion occurred with prior award of merit and nomination members to evaluate the process and options on how to improve it. Typically, the past chair has worked with the committee on the award of merit process. One suggestion added to the process is to broadly solicit nominations from the section membership. The process suggestions were presented for further review and handling among the nomination committee. There is now an outline of the process for voting and handling of selection that was not clear before. The suggestions are not formally approved by the Executive Committee but will exist as a reference for future use.

15. Decreasing Section Membership & Recruitment Options/Future Events for Section

The members reviewed and discussed membership issues and handling of membership declines as a regular topic. The members discussed idea for future events and ways to drive membership and interest in the section.

16. Other New Business

None

Judge Brown moved and Margot seconded to adjourn the meeting at 2:34 p.m.

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