

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

Monday, June 18, 2020 at 4:00-5:00 pm
Via Zoom/Telephone Only

The third regular meeting of the Debtor-Creditor Section Executive Committee in 2020 took place via Zoom on Monday June 18, 2020.

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

2020 Members: Laura L. Donaldson (Chair), Margot D. Seitz (Chair Elect), Britta E. Warren (Past Chair), 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), Garrett 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 June 18, 2020 meeting via Zoom:

Members Present: Laura L. Donaldson (Chair), Margot D. Seitz (Chair Elect), Britta E. Warren (Past Chair), Erich M. Paetsch (Treasurer), Cassie K. Jones (Secretary), Judge Trish M. Brown, Penny L. Austin, William J. Critchlow, Garrett Ledgerwood, Douglas R. Ricks, Rosemary E. Zook, Ava L. Schoen - and Karen Lee (OSB Liaison).

Members Absent: Oren B. Haker, Colin Andries (BOG contact)

MEETING MINUTES

1. Call to Order

The meeting was called to Order by Chair Laura Donaldson at 4:06 pm.

2. Review and Approval of Minutes from May 4, 2020 meeting

The Committee received and reviewed the minutes in advance of the Committee meeting. The minutes were corrected to remove a typo. Margot Seitz moved and Cassie Jones seconded a motion to approve the minutes as corrected. The motion passed unanimously.

3. Treasurer's Report with Overview of 2020 Budget/Saturday Session

results <http://www.osbar.org/docs/sections/financials/resources/SectionBudgetAccountCodes.pdf>

Erich Paetsch provided an update on the Section's budget: the Section has more money in its account than it had at the beginning of the year. Saturday Session ended up generating \$4,000 in revenue.

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4. **Update re: Bar's social distancing guidelines re virtual meetings, holding electronic votes to approve slate of incoming members (when to hold), Section Contracts for upcoming events and General Counsel approval, cancellation clauses (Example: Upcoming Annual Meeting); Is section interested in a Black Lives Matter statements, rules**

The Bar is following the Governor's social distancing guidelines. All sections are expected to meet virtually until further notice. Sections should plan to hold an electronic vote at their annual meetings. The Bar will have virtual training sessions for nominating committees. The Section will receive a resource packet as the Annual Meeting approaches.

The Committee was reminded to clear all contact negotiations regarding scheduled events with Bar counsel and to be mindful of cancellation clauses.

The Committee discussed whether to make a Black Lives Matter statement. All unique statements have to be approved by the Bar and the BOG before they can be disseminated. However, Sections can choose to distribute statements that have already been made by the Bar or the Supreme Court. The Committee asked our bar liaison how long it would take to get a unique statement approved – Karen Lee stated that it would take a long time. If the Committee were to decide to republish any statement made by the President of the Bar, the CEO of the Bar, or Chief Justice Walters, it can simply state in the message to the members that the statement is one which the Committee supports. The Bar is encouraging Sections to use the statements from the CEO or President of the Bar or Chief Justice Walters rather than drafting unique statements. After discussion, the consensus of the Committee was not to draft a separate statement or to republish the Bar's or the Supreme Court's statements. All members present agreed to not take any further action with the exception of Douglas Ricks, who favored republishing an existing statement.

5. **Committee Reports/Budget Requests (30 mins):**

- a. **Annual Meeting Report:** Based in part on a poll of the Section's members, the Committee has determined that the Annual Meeting will be virtual this year. There will be a full day of CLE presentations on Friday, October 23rd. The segments will likely be broken down to include two consumer topics, two commercial topics, one ethics topic, the Judges' Panel, and the Annual Meeting/Award of Merit. The CLE committee for the annual meeting is down a few members and anyone who is interested should be referred to Britta Warren. Tom Stilley is working to extend our existing contract with Sunriver to 2021. The committee's next meeting is on June 30th.

The Committee can vote to waive registration fees for the Annual Meeting for our members, which is a good way to spend down our budget. If the Committee chooses, the Section would be responsible for the registration charges assessed by the Bar.

The Annual Meeting committee will need to decide what platform to use for the virtual event – issues will be cost, ability to track attendance, availability of breakout rooms, etc. The Committee discussed the pros and cons of Zoom v. the Bar platform – which is not a meeting platform. CLE accreditation will work the same regardless of platform utilized.

Britta Warren recommended that the Committee plan to subsidize the CLE. The

unknowns at this point are the Sunriver contract termination fee and the cost of hiring an IT person to facilitate speaker presentations.

Judge Brown moved that the Section subsidize the \$25 registration cost for Section members. Ava Schoen seconded. The motion passed unanimously.

- b. **CLE Taskforce.** Laura Donaldson reported that she and Conde Cox have not finalized anything with respect to the FBA program. They anticipate needing a couple of speakers and potentially a Judge to discuss PPP loans and forgiveness as they hope to have a webinar on that topic.
- c. **Consumer Bankruptcy Report.** A Circle of Love Meeting was held yesterday over Zoom. Judge Brown hosted and there were 53 attendees.
- d. **Legislative Committee Report.** Erick Paetsch reported that a special session of the legislature has been planned and that there are a number of bills anticipated that may impact the Section, especially involving foreclosure and eviction issues. No working drafts of the bills have been provided. The entire special session will run a week, so the Section will not have the ability to meaningfully participate given the Bar's timelines for approval. The committee has discussed publishing the proposed Bills to the Section membership and encouraging individuals to comment.
- e. **Newsletter Committee Report-** Margot Seitz updated the Committee that the latest edition of the newsletter was edited remotely – a process that went smoothly. The Newsletter still needs volunteers to draft case notes for the Fall edition. Please refer anyone interested to Margot.
- f. **Nominating and Award of Merit:** No substantive update for this meeting.
- g. **NWBI:** The recorded programs are now on the Bar's website. Karen Lee is waiting to get a report from the vendor hosting the program materials to see how the sales are going. Those sales will pay for the cost of recording the programs – the Section will not see revenue.
- h. **Pro Bono:** The Portland Pro Bono Committee met today. It was decided that a virtual celebration will be held in September. The committee hopes to involve a comedian/other interactive, fun programming. Legal Aid let the committee know that they currently have 30 Needs, 5 attorneys taking direct referrals. With remote working, they are having struggles getting information from clients. Clinics have been cancelled since March. July's clinic will be canceled shortly and August's clinic is also planned to be cancelled. 2019 stats: Over 1,000 hours, Closed 155 bankruptcy cases and opened 250 cases. 60 attorneys. The Court heard a presentation on an Electronic Self-Representation program used in Eastern District of Texas. The program involves no cost to the Debtor and allows pro se electronic filing for Chapter 7.
- i. **Pro Bono Task Force:** Ava Schoen reported that she had a call with Jill Mallory of Legal Aid. Legal Aid has identified a need to publish materials electronically so that

folks can download them. They would need website administration to do this. They also need help recruiting new attorney volunteers as many are retiring. Legal Aid's materials are a bit outdated. They would like to get a graphic artist to put together new materials for clients and volunteer attorneys. They also want to do comprehensive training for new attorneys. The Section may be able to help financially and substantively. Ava has requested that we put in a plug for volunteers at the annual meeting. Laura Donaldson requested that we get a quote from Jill on the cost of updating the materials.

- j. **Saturday Session:** The Saturday Session Committee is awaiting the EC's decision on whether the Section will hold a Saturday Session in 2021. Once that decision has been made, the Committee will suggest possible dates and solicit topics from the EC. As previously reported, Elayna Matthews will be taking over as chair of the Committee from Loren Scott over the next year.
- k. **Public Education:** No substantive update for this meeting.
- l. **New Lawyers:** No substantive update for this meeting.
- m. **Website:** Laura Donaldson gave an update on the website and emphasized that it would be beneficial for our Section to make sure the site has valuable information and resources especially for new lawyers. The blog idea that the Committee has previously discussed is being explored with the Bar. Judge Brown mentioned that upon review of the site, there are a number of pieces of information that are out of date. For example, the address for Court is incorrect and Judge's names are out of date in the memo from the Judges on the website. Laura reported that they have tried to keep information on the website until something supplements it. Judge Brown will update the memo for the website. As always, anyone who sees an error can send any updates to Laura. Erich asked how other Bar groups utilize the website and would like clarity on the parameters for posting. Karen Lee reported that she is not clear on what flexibility we have on layout of the website, but will check on whether we can make the site more user friendly. She confirmed that the layout is similar to other sections. Laura reminded everyone that she needs to be told what to put on the site and what should be taken off. If anyone is interested in working on the website, Laura would be willing to turn it over.
- n. **Local Rules** – The Rules committee took a brief hiatus due to the coronavirus pandemic. The next meeting will take place in July.
- o. **Award of Merit:** The Committee is considering whether to skip this year's award, or make the announcement at the annual meeting but have a reception at a later date when guidelines allow. This will be discussed over the next few weeks.
- p. **FBA Representative.** Conde Cox will work along side the chair of this Section each year.

6. CLE/Task Force/ Pro-Se Student Loan Committee

A student loan committee is being developed consisting of Debtor-Creditor attorneys and IRS lawyers to help pro se debtors through the adversary process and will work to develop

resources for debtors, including resources on the topic of service. If anyone wants to be on the committee, it would be appreciated. There has been a lot of interest already.

7. Section Reserves

This discussion has been postponed to the September Committee meeting.

8. Reminder Future Meeting Dates and Locations

- September 16, 2020 at 2:30 pm - 4:00 pm at Gleaves Swearingen, LLP, 975 Oak Street, Suite 800, Eugene, OR 97401) if social distancing order has been lifted – members can evaluate as date draws closer.
- November Budget Meeting: (Tentative telephone meeting to finalize budget if needed, budget and Annual Report is due December 1).

9. Other New Business/Adjourn

There was no new business.

The meeting was adjourned at 5:11 pm.