

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

Friday, January 29, 2021 at Noon.
Via Ring Central

2021 Members: Margot D. Seitz (Chair), Laura L. Donaldson (Past Chair), Erich M. Paetsch (Chair Elect), Cassie K. Jones (Treasurer), Douglas R. Ricks (Secretary), Judge Trish M. Brown (Ex-Officio Member), Penny L. Austin (Member), Rosemary E. Zook (Member), Ava L. Schoen (Member), Jeanne Sinnott (member), Laura Zaro (member), Craig G. Russillo (member), Judson M. Carusone (member) - with Bik-Na Han (BOG contact) and Karen Lee (OSB Liaison).

1. **Call to Order/Introductions.** Chair called the meeting to order at 12:07 p.m. Introductions by Margot Seitz, Judson Carusone, Cassie Jones, Ava Schoen, Judge Brown, Penny Autsin, Bik-Na Han, Laura Zaro, Erich Paetsch, Doug Ricks, and Laura Donaldson. Also in attendance were Rosemary Zook and Kes Joerg
2. **Approval of Minutes.** Review and Approve Minutes from November 12, 2020 Executive Committee meeting. Edit noted by Ava was corrected prior to meeting. No further comments or edits were made. Erich moved to approve; Laura D. seconded. **Unanimous votes of all present approved minutes.**
3. **Consider Legal Aid Request for Funding.** Margot detailed a request from Jill Mallery at the Pro Bono Clinic for Spanish translation of bankruptcy handbook. This specific funding request was not in budget. However, there is a lower cost option for the translation. Erich noted that a video project was approved in budget. Margot responded there is separate video project that is moving forward. Ava described that clinic was under budget last year. Motion made and seconded to approve funding request for Spanish translation of the bankruptcy handbook. **Motion passed unanimously.**
4. **Discussion of other Donation Requests.** Margot provided background on normal requests for donations (summarized in Addendum A, below). Currently, the Section has approximately \$48,000 on hand funds. Discussion of handling funds in surplus of Bar guidelines. Ava inquired about handling of surplus. Margot explained the guidelines and the options to either spend down or get an exemption to retain, which Cassie confirmed. Erich inquired about some impact on available exemptions based on COVID (inability to hold in-person functions, which were budgeted for). Dena responded that no discussion at BOG yet on COVID related exemptions.

A. *SMART - Charitable Contributions from Bar Sections: Lawyers for Literacy.*

Cassie noted the programs not necessarily focused on financial literacy and that no reason had been articulated to deviate from policy of supporting programs within the scope of the Section. Erich agreed and noted that expanding the framework could run afoul of Keller opinion. Margot inquired if anyone that wants to go outside the policy, as it is really more of a practice than a written policy. Ava agreed that donations should stay mission specific. After discussion, Margot summarized that EC wanted to stay in current practice and decline all three requests. Judson inquired about providing a reason in connection with the Lawyers for Literacy request, in the event they have a more targeted

proposal in the future. Margot confirmed that we would provide a reason for the declination and that the EC could reconsider towards the end of the year, in the event there is a reason to utilize surplus for benefit of members and no exemption on surplus is available from Bar. Judge Brown further noted that financial literacy books would be consistent with policy, could make donation for that specific purpose and use. Margot confirmed that approach could be taken later in the year. Erich proposes vote to decline two of the proposals (Commons, CEJ); Communicate third (Lawyers for Literacy) is tabled to the end of the year. Motion made and seconded to decline two of the proposals (Commons, CEJ) and communicate third (Lawyers for Literacy) is tabled to the end of the year. **Motion passed unanimously.**

B. *The Commons Law Center.*

See discussion/vote on request above.

C. *Campaign for Equal Justice.*

See discussion/vote on request above.

5. **Discussion regarding BOG's proposed Section and OSB Bylaw revisions.** Margot initially noted that Bar registration services are required for CLE events. Margot then provided an overview of two new issues – (A) term limits (9 years on EC for the lifetime) and (B) Committee creation. On Term Limits, some current and former EC members would be subject to this limit. Generally, there have been concerns about loss of institutional knowledge and the struggle to fill out committee in the event of lack of interest.

Erich brought up elimination of annual meeting requirement. He expressed concern about reduction in collegiality. In addition, there is a formal approval of officers by attendance at meeting, which would be replaced with electronic voting. Margot noted that voting is generally perfunctory and electronic voting would allow for write-ins or more candidates. However, the Meeting does provide a chance for the group to gather. Ava suggested hybrid where the meeting and elections would be handled separately. Cassie noted that benefits of meeting are not tied to hearing reports and holding in-person elections. Membership expects the gathering and meeting, not tied to the formal meeting itself. Erich observed that virtual meetings would provide a basis to promote greater geographic diversity. Penny commented that she agrees with Erich's observation. Judson suggested a further hybrid proposal to allow virtual attendance at CLE as well.

On Committee Creation, Margot suggested that the new rule makes it difficult to form ad hoc working groups. New rule could be read to require a formal process to create a subcommittee. The Section's past practice has been to occasionally use small, informal working groups in addition to standing committees. Bik-Na responded that the new rule was more of a clean-up of the rules, not a new focus or change. Kes agreed with Bik-Na's response. Many EC members concerned with administrative overhead to comply with these requirements, if all committee assignments must be formalized. Bik-Na encouraged written comments as helpful and she will take comments to the BOG. Kes further noted that he will take comments to Member Services.

Judson brought up the use of membership funds to promote certain viewpoints. Kes noted that each Section must have a Keller review for all CLE materials. Bik-Na noted that the threat is real, as OSB is currently being sued on this issue.

6. **Brief Update on Saturday Session.** Margot has been in contact with Loren Scott. He reminds everyone to click to link in his email to complete the survey. It has been scheduled for Friday, March 12th. Judge Brown provided a review of the schedule and agenda for Saturday Session. Judson inquired if there would be a limit on attendance, as has been the case in prior years. Judge Brown did not think there would be a limit.
7. **D/C Newsletter – Request for article ideas and authors.** Margot was able to get an article from Prof. Coles-Bjerre. However, the Newsletter still needs another article. Margot solicited article ideas/authors. Erich suggested one of the presenters on reaffirmations. Erich also offered to write an article on PPP and bankruptcy.

8. **2021 Planning Discussion:**

A. *Set Meeting Schedule for 2021;*

Margot noted a tentative schedule of April 13 @ 4 p.m.; July 28 @ 12 p.m.; October 29 @ 9 a.m.

B. *Discuss option of signing up for OSB Zoom Account and use for future EC Meetings.*

Margot stated that OSB offers Zoom accounts for \$20/month and proposed to sign up for an account for a year. Erich was in favor as the Bar's conference line has been discontinued. Erich moved to approve signing up for an OSB Zoom account for a year; Cassie seconded. **Motion passed unanimously.**

C. *Discussion re: Judge Brown's Retirement Event.*

Margot indicated that the hope is to do it in-person at the end of the year. Judge Hercher is the contact at the Court for this. Laura D. and Judson offered to help in planning. Use of funds were approved last year as part of the budget (but not flagged). Judson mentioned that Paul Garrick retired at the end of last year. Naliko Markel is planning to hold an event for Paul Garrick. Laura D. noted that Charlene is also retiring. Erich proposed having one of the judges contribute an article about Charlene for the newsletter. Margot will reach out to Judge Hercher to coordinate with Laura D. and Judson (Ava and Rosemary also offered to assist).

9. **Other New Business /Adjourn.** Adjourned at 1:31 p.m.

ADDENDUM A

Summary of Donation Requests

A. Lawyers for Literacy. Below is a summary of email correspondence from Alayna Herr at SMART.

Are you familiar with SMART Reading's work? For 29 years we've brought volunteers into classrooms to read one-on-one with PreK through 3rd grade students, and given away over 3 million books. Our programs will look quite different this year as we go virtual with our reading sessions. We'll also give away 140,000 books to kids across Oregon and link those to a digital library of read-aloud videos so kids can practice along.

I'm writing because you are listed as the contact for the Debtor-Creditor Section of the Oregon State Bar. Earlier this year, Lawyers for Literacy (a campaign to raise critical funds & volunteers for SMART) received approved status to receive charitable contributions from the bar's sections.

We actually have quite a few financial literacy titles in the SMART collection (listed below). Even though we serve PreK through 3rd grade kiddos, it's never too young to learn about financial literacy, right? :) Please let me know if a formal request would be helpful.

Alayna reports that SMART has quite a few financial literacy titles in the SMART collection. Even though we serve PreK through 3rd grade kiddos, it's never too young to learn about financial literacy, right?

Examples of Financial Literacy titles in the SMART Reading Collection:

- Little Critter: Just Saving Money
- A Dollar for Penny
- Bargain for Frances
- The Berenstain Bears Dollars and Sense
- A Chair for My Mother
- Tia Isa Gets a Car
- How Much is a Million?
- Just Enough Carrots

Thank you, Alayna

B. The Commons Law Center. THE following information was provided by Amanda Caffall, Executive Director & Staff Attorney of the Commons Law Center. They are requesting a \$5,000 gift.

The Commons Law Center provides sliding scale family law services and practical training for new lawyers. New lawyers work with us for three years on a fellowship, after which they're actually practice-ready. The Commons Law Center is a 501(c)(3) nonprofit, OSB Certified Pro Bono Agency, and has been approved to receive donations from OSB Sections.

Last year, 60% of our clients qualified for legal aid (they lived on less than \$15K per year for a single person), and 77% of our operating budget came from client fees. Technology and teamwork help us run a very efficient practice.

For some additional background, I asked if the Commons provides any legal services related to debtor-creditor issues or bankruptcy. Amanda added:

Our work involves helping low income people make sure they have the financial wherewithal to make it.

In middle class divorces, for example, there are assets to split up. For our clients, there is typically just debt to split up. The financial aspects of our divorce cases are about making sure our clients are protected from their former spouse's debts, both at the time of divorce and in the future. Not to mention making sure they receive fair child support and, if applicable, spousal support.

Our estate planning cases involve asset preservation for largely African American clients, specifically those whose community was displaced from N/NE Portland over the last few decades. Creating trusts can provide creditor protections, thereby enabling descendants to benefit financially from what could easily have been lost to gentrification.

We don't do bankruptcy but we do work exclusively with people who are on the verge of not making it financially. We are living through a time when the government is failing low income people. There is not a nicer way to put it. From the lack of support for job losses to the inability of our clients to simply get in front of a judge, it is rough out here.

While we might be outside your traditional wheelhouse, I hope you'll agree that the work we do is invaluable to this community. Traditionally, the legal aid community has been scared of us: we aren't them and they weren't involved in our creation. So, too, has the private bar: our prices are far lower than theirs and our mission is to drop the cost of services for the public, period.

So, that leaves entities like yours to help see the bigger vision: if regular people do not have access to the rule of law, just how long can we expect it to persist? Thank you for considering making a gift to us despite our not providing bankruptcy services.

Thanks,

Amanda

[The Commons Law Center](#)

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