

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

Friday, May 13, 2022 at 1:00 pm
Cascade Locks, Oregon

The second regular meeting of the Debtor-Creditor Section Executive Committee in 2022 was held in person, with a remote attendance option by phone, at Bridgeside Restaurant in Cascade Locks, Oregon on Friday, May 13, 2022.

The Executive Committee for the Debtor-Creditor Section includes the following members for the 2022 term:

2022 Members: Margot D. Seitz (Past Chair), Erich M. Paetsch (Chair), Cassie K. Jones (Chair Elect), Douglas R. Ricks (Treasurer), Rosemary Zook (Secretary), Judge Theresa Pearson (Ex-Officio Member), Jeanne Sinnott (Member), Laura Zaro (Member), Craig G. Russillo (Member), Judson M. Carusone (Member), Holly Hayman (Member), Belle Na (Member), Tony Kullen (Member), with Robert Milesnick (BOG contact) and Karen Lee (OSB Liaison).

A quorum of the following members participated at the May 13, 2022 meeting:

Members Present: Margot D. Seitz (Past Chair) (via phone), Erich M. Paetsch (in person), Cassie K. Jones (in person), Douglas R. Ricks (in person), Judge Theresa Pearson (in person), Jeanne Sinnott (in person), Laura Zaro (in person), Judson M. Carusone (in person), Holly Hayman (in person), Belle Na (via phone), Tony Kullen (in person), Karen Lee (via phone).

Members Absent: Craig G. Russillo; Rosemary Zook; Robert Milesnick

MINUTES

1. Call to Order

The meeting was called to Order by Chair Erich Paetsch at 1:01 pm.

2. Minutes from the April 1, 2022 Meeting.

Minutes from April 1, 2022 will be reviewed and approved at the next meeting.

3. Treasurer's Report.

Doug Ricks gave a report regarding the state of the 2022 section budget. Member fees are bit low (86% of budget). We had budgeted a \$1,000 shortfall for Saturday Session and that projection looks like it will be accurate (we do not have the final numbers in). Doug reminded the committee that all reports can be found on the OSB website after logging in, accessing the Member Groups Tab, and then selecting the Treasurer Tools option.

4. Committee Assignments and Reports

Consumer Bankruptcy (Circle of Love) – Laura Donaldson has stepped down. There has been an extensive search for a replacement.

Laura Zaro: Would like to see it come back and in person- but need someone to take it on.

Judge Pearson: Can coordinate the space.

Plan: Email to the listserv to see if anyone is willing to take on and coordinate. Keep in mind we have to follow the Bar in-person event policies.

Annual Meeting and CLE: Annual meeting is scheduled for a one-day event in Portland on September 30th.

Legislative Committee Update: Met regularly, reviewed bills, nothing to comment on other than the Voidable Conveyance bill we've previously discussed.

Newsletter: Had a very strong slate for the last edition. There were some issues with the link to the listserv. Margot is following up. The committee is currently in a holding pattern, but actively looking for authors for the next edition. If anyone has any ideas for content/authors please let Margot know. This will be Margot's last year overseeing the newsletter. We need to have someone on the EC step up.

NWBI- Just occurred. Everyone was encouraged to fill out surveys. 40 people were signed up for the webcast.

Pro Bono (Portland) – Holly Hayman has agreed to be the committee liaison

Pro Bono (Eug) – Not much happening right now. Jud volunteered to be the liaison for the Medford program too.

Pro Bono (other cities)- Holly will follow up with Bend/Erich will follow up with Salem.

Saturday Session: Jeanne reported that Saturday Session was a great success with a good turnout.

New Lawyers: Cassie reported a plan for a social after our Exec meeting on 9/29 (will coordinate with ONLD and MBA)

Public Education: No report this month.

Website: Discussed the need for a password to access content (important because it's an incentive to join the section). We'll send out email on the listserv when newsletter link is fixed – and will send out the password as well.

Judge Pearson: Has hard copies of old newsletters in her office- the committee expressed interest in scanning those and adding to website.

Local Rules: No update.

Award of Merit: Erich and Jeanne volunteered to be on the nominating committee. Holly nominated Justin Leonard to serve. Holly moved to form the award of merit committee. Tony seconded. No objections. The nominating committee is approved.

FBA – Tony has agreed to be a liaison.

5. Oregon State Bar COVID Policy & ADA Access Requirement.

Discussion of Saturday Session outcomes with new Bar COVID policy requirements, budget impacts, and related lessons following NWBI.

Erich reported that he received an in-depth debrief with Loren and Elayna. This event was planned three times before the event actually happened due to changing policies. The committee also had to comply with ADA requirement. It was \$400 added cost to add audio-only live feed (would have been a \$7,000 addition for videos). There was a good turnout. Only 17 people had signed up the week before the event. There were 60 people signed up the week of the event. 11 people participated remotely.

The committee wants to hold Saturday Session next year. They will be aiming for February 2023.

6. Annual Meeting Update.

Annual meeting is confirmed for one day in Portland on Friday September 30, 2022 at the Porter hotel. Discussion regarding budgeting assumptions, bar policy impacts and format considerations together with potential topic suggestions. Discussion of location options for scheduling 2023 annual meeting.

Jeanne: Let's appeal to the non-bankruptcy debtor/creditor work. Bankruptcies are down. Let's address broader issues.

Erich: We had to work within the Bar's restrictions and policies. The hotel is newer and we got a bit of a break.

A/V: Members questioned whether we could simply put a laptop/zoom in front of the speaker?
Karen: you can opt not to offer remote – but if you get an ADA request you could be scrambling.

Current A/V package: Doesn't include full accommodation. Could increase the cost \$100/per person to have the full A/V – consensus is that we don't want to do full A/V. Preference would be one computer – utilize Zoom. Margot suggested that we need a tech subcommittee.

Erich: Probate is an interesting topic – specifically Debtor/Creditor issues that intersect with probate.

Merchant cash advance agreements. – Disguised financing. Whole body of law being developed. Going to be an issue in Chapter 5s.

Margot suggested the topic of commercial reasonableness of UCC sales.

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7. 2023 Legislative Proposal.

Reviewed legislative policy proposals under consideration by the Board of Governors. Tony updated the Committee regarding draft legislative proposal status for revisions to ORS Chapter 95 (Fraudulent Transfers).

8. Brainstorming Session. Discussion on traditional section activities and benefits, lessons from COVID and potential or need for change.

No discussion was held on this topic.

9. Edwin Petersen Professionalism Award.

The Section has been asked to nominate a recipient for the Edwin Petersen Professionalism Award. Please send Erich any nominations.

10. Other Business /Adjourn.

OSB Bulletin – Q & A with sections. Would be great to have a highlight of the Debtor-Creditor Section.

The meeting was adjourned at 2:20 pm.

Next Section EC Meeting on Thursday September 29, 2022 at 4:00 p.m. (Location TBD)