

**MINUTES OF THE EXECUTIVE COMMITTEE OF THE
CREDITOR/DEBTOR SECTION OF THE WASHINGTON STATE BAR
ASSOCIATION**

DATE: December 7, 2012 at 3:00 P.M.

LOCATION: WSBA Offices

1. Introduction:

The meeting was called to order by Chair John Rizzardi. Attendance at the meeting in person included Chair John Rizzardi, Chair Elect Jim Hurley and Past Chair Gloria Nagler. Also in attendance in person were Board Members William Malaier, John Knapp, Mark Northrup, Sheila O'Sullivan and Erik Bakke. Finally, in attendance in person was Stacy Holmes from the WSBA. Attending by telephone were Recorder Tom Linde, and Board Members Brett Wittner and Karen Gibbon. Also in attendance by telephone was Michael O'Meara and Ian Ledlin. Board member Russ Garrett was reluctantly unable to attend.

2. Approval of the Minutes:

The Minutes of the last regular meeting held September 14, 2012, were previously approved by the executive committee shortly after the last meeting by an email vote.

- 3. Chair Update:** Chair John Rizzardi reported that he attended the meeting of all the section and committee chairs presented by the WSBA and that it appears that the Creditor Debtor section is doing a good job in making information available to its members. To increase interaction between sections, John Rizzardi stated that he volunteered to forward questions relating to creditor debtor issues received from members of other sections to our section's list serve for review and comment by our section's members.

- 4. Grant Program Awards:** Bill Malaier reported on the applications received this year for grants made annually by the Creditor Debtor section to non-profit entities across the state. This year there were applications from 9 local bar associations and/or non-profit entities which provide debt clinic services or debtor education. After discussing the applications, the executive committee voted to award grants to the following five entities in support of their debt clinic and education activities in their locations:

Snohomish County Bar Association	\$1,000.00
Cowlitz County Bar Association	\$1,000.00
Northwest Consumer Law Center	\$2,000.00
Chelan/Douglas County Bar Association	\$2,000.00
Spokane County Bar Association	\$2,000.00

Chair elect Jim Hurley commented after the vote that the executive committee may want to explore producing some educational creditor debtor materials for use by the local bar associations. John Knapp also suggested that the committee may want to also look into ways to coordinate access to educational information already available (like the materials and videos prepared by the bankruptcy courts and by CENTS). It was decided to continue looking at these issues.

5. **Receivership Task Force:** John Rizzardi reported that two members of the receivership task force had a meeting with King County Superior Court Commissioner Carlos Velataqui which was informative and helpful in identifying issues to address regarding proposed amendments to the receivership statute. More meetings of the receivership task force are scheduled in 2013 and responses to the item regarding the task force posted recently in the Bar Bulletin are coming in.
6. **Financial Report:** John Rizzardi reported on the Section's current financial status and a financial summary report through September 30, 2012 was reviewed. The revenues to the section from the Distressed Residential Real Estate CLE were reported in the amount of \$10,155.70. In addition, a section membership report was reviewed indicating the section membership to be approximately 665 members.
7. **Report on CLE's:** Gloria Nagler and Sheila O'Sullivan reported that they both participated and made presentations to new lawyers for a basic bankruptcy skills program presented by the WSBA as part of its new lawyer training programs on December 5, 2012. Gloria Nagler and Tom Linde reported that the Lien CLE which they co-chaired (and which was co-sponsored with the WSBA) was held on December 6, 2012. The Lien program was well attended with attendance in excess of 150 (both live and via webcast). The Section is waiting for the final accounting from WSBA relating to the revenue generated from the Lien CLE. John Rizzardi and Gloria Nagler reported that the agenda and speaker roster for a Litigation Skills Seminar in Bankruptcy is almost finalized. This CLE program will be held in February, 2013.
8. **Report of Legislative Liaison:** John Knapp reported that legislative proposals will soon start to be forwarded to the section in January 2013, when the legislature reconvenes. John Knapp reported that this year he was proposing to communicate to the committee by creating a group on Yahoo in which members of the committee could communicate and cast votes on pending legislative matters sent to the committee for review. John Knapp reported that he liked the polling features on Yahoo and would advise the members of the committee of the process necessary to join the Yahoo group.
9. **Proposal for Legislative Action Relating to Consumer Collection Attorney's:** Michael O'Meara reported that the Collection Attorney's Sub Committee is meeting regarding a proposed legislative bill (being worked on by a collection attorney's trade association) to clarify the exclusion for consumer collection attorneys from the licensing requirements of collection agencies. The Sub Committee will have something to present to the Section executive committee for review and comment early in 2013.
10. **News Letter Report:**
Mark Northrup reported that he is actively looking for submissions for the 2012 Winter edition of the newsletter (which is now fully transitioned to an all-electronic format). In addition, a discussion was had regarding recruiting someone willing to be the author of the 9th Circuit Case Law Update which has been a popular component of the newsletter for many years. [After the meeting, Sheila O'Sullivan reported to the committee that attorney Kathleen Box of the Northwest Consumer Law Center would be willing to author the update].
11. **Report on NWBI: Report on NWBI:** Bill Malaier and Erik Bakke reported that NWBI 2013 will be held at the convention center and hotel in Vancouver, Washington on April 12-13, 2013. The program is still in the final planning phase with the OSBA, but that almost 80% of the program and speakers had been set.

12. **Sidney Volinn Award:** Ian Ledlin and John Knapp reported on their final nominations to the committee for the Sidney Volinn Award. The committee (absent nominee Gloria Nagler who excused herself from the discussion) had a discussion regarding the nominees and held a vote regarding same.
13. **Deed of Trust Revision Committee Update.** Sheila O'Sullivan reported that she attended the latest meeting of the Deed of Trust Revision Committee which has been created by state senator Adam Kline. Sheila O'Sullivan reported a number of proposed revisions are being discussed including a requirement of the licensing of foreclosure trustee's by the Department of Finance, changes to the time and service requirement relating to actions to enjoin sales, and issues relating to requiring deed of trust beneficiaries to record notice of their interests. Given the complexity of the issues, it was decided that once a legislative proposal has been finalized, the executive committee would call a special meeting addressed solely to the proposed revisions.
14. **Open Section Night.** John Rizzardi reported he would be attending Open Sections Night sponsored by the WSBA Young Lawyers Committee to represent the Creditor Debtor Section. Sheila indicated she could also assist. The purpose of Open Sections Night is to introduce the WSBA sections to young lawyers and encourage their participation and involvement in them. The committee voted to approve the expenditure of \$250.00 to sponsor the event and help defray the costs of appetizers.
15. **New Business:** There was no business reported.
16. **New Meeting Date:** The next meeting date of the Section's board was set for April 12, 2013, at 6:00 p.m., at NWBI to be held at the Vancouver Convention Center.
17. **Adjournment:** There being no further business, the meeting was adjourned at approximately 4:30 p.m.

Respectfully submitted,

Thomas S. Linde, Recorder