

AGENDA
EXECUTIVE COMMITTEE: CREDITOR-DEBTOR SECTION OF THE WSBA

December 17, 2013, 3 pm at WSBA offices

Calling in?

Dial	1-866-577-9294
PARTICIPANT – Pass Code	501657

As participants dial into the call, music is heard until the moderator dials in.

1. Introduction and Chair update (John R., by phone)
2. Ratification vote of the minutes of past meeting (not quite approved yet, copy attached)
3. Receivership Task Force update (John R.)
Update on drafting progress
4. Grant program – selection of recipients (Bill)
5. Financial report (John R.) (Reports from WSBA have been sent regularly with attachments)
6. Continued discussion of permanent standing committees (Russ)
7. CLE report: (Gloria, Tom)
8. Legislative Session Issues (John, Sheila, Karen)
New liaison, small group, vetting ideas, timing
9. Newsletter update (Mark)
10. NWBI update (John R.)
Noticing
Union issue
11. DOT Revision Committee - any update? (Sheila)
12. New Business?
13. Next Meeting Date - at NWBI – April 25, about 5 pm, in a Grand Hyatt conference room.

Executive Committee: Creditor-Debtor Section of the WSBA

Minutes of Quarterly Meeting Held September 20, 2013, at 3:00pm

(Next meeting – December 17, 2013 at 3:00 pm at the WSBA offices in Seattle)

Present at Meeting

The following were in attendance in person: John Rizzardi, Gloria Nagler, Bill Malaier, Christine Tobin-Presser, Kevin O'Rourke, Doug Cameron, Metiner Kimel, Mark Northrup, Sheila O'Sullivan and Jim Hurley, ; the following were in attendance via telephone: Brett Wittner, , Russ Garrett, and Karen Gibbon. There were also several guests personally in attendance and monitoring the video of the meeting.

Introduction and Welcome to New Members

Christine Tobin-Presser and Metiner Kimel were introduced to, and welcomed by, the Committee.

Chair Update

John Rizzardi discussed the WSBA Memo, attached to the Agenda, pertaining to expense reimbursement procedures, fiscal year and other State Bar issues

Receivership Task Force Update

John Rizzardi discussed the previously disseminated memo related to Receivership Task Force. No comments or edits were proposed, and as a result, the deadline for such comments was extended to the third week of October, 2013. The final proposed draft will be circulated for approval in November, 2013.

The board also discussed the Thomas T. Glover Mediation Program; it is successful, with 75% of the cases assigned to the program settling. John Rizzardi's term as Chair of that program is terminating, and Larry Ream is assuming the role of Chair; the program will be looking for a few new mediators in the near future.

Financial Report

John Rizzardi briefly discussed the current financial state of the Section. The financials are looking good, the Section currently enjoys a large surplus of net funds on hand.

Discussion of Permanent Standing Committees

Russ Garrett proposed the idea of creating permanent standing committees, with chairs, for certain tasks/areas, specifically delegated to such committees by the Executive Board. An example of such a committee would be a legislative review committee. The Board generally liked the concept, though some concern was raised about generating sufficient interest in potential members/chairs of such committees. Russ Garrett agreed to draft a proposal outlining the formation, duties, etc. of these committees and will circulate the proposal amongst the Executive Board prior to the December, 2013 meeting.

CLE Report

Gloria Nagler reported that she and Tom Linde have put together a CLE on Judgment Collection, scheduled for December 12, 2013. The Board reviewed the draft agenda of the CLE, and will sponsor/create a CLE on foreclosures in October, 2014. The Board also discussed doing a “road-show”/Eastern District CLE at a future date, although the trend is to do webinars to save costs. Russ Garrett suggested a CLE on litigation skills/practice.

Legislative Session Issues

The Board discussed the need to replace Erik Bakke (who has termed off of the Board) on this particular committee, ideally by the December, 2013 meeting. The Board discussed how this particular subcommittee may be superseded in some manner by Russ Garrett’s proposal re: permanent standing committees. Kathryn Leathers will hold a training session on October 25, 2013 at 1:45pm re: legislative process/review/input at the WSBA offices. Karen Gibbons will attend and we may have others willing to attend as well.

Newsletter Update

Mark Northrup announced that the Summer, 2013 Newsletter is about to be released, and that there are already sufficient submissions for the Fall, 2013 Newsletter. The Summer, 2013 edition will contain a case-law update, as well as our first article by a law student (Josh Feinstein). Mark confirmed that he is always accepting submissions for future editions.

NWBI Noticing Update

John Rizzardi will be discussing the noticing issue with Karen Lee of the OSB and will coordinate directly with her. The Board will explore the idea of using ECF to provide notice of the NWBI. Bill Malaier and Kevin O’Rourke briefly discussed the progress made in planning the April, 2014 NWBI in Seattle, including the fact that Judge Keith Lundin and Hank Hildebrand have been confirmed as plenary topic speakers re: Chapter 13 case-law update.

DOT Revision Committee

Sheila O’Sullivan confirmed that nothing new has occurred with regard to this committee during the past quarter.

New Business

Bill Malaier discussed the Grants Program, including new deadlines for application submissions, the fact that we have doubled the amount of money available for grants from \$8,000.00 to \$16,000.00. Applications are due on November 1, 2013, and once all timely applications have been filed, Bill will prepare a summary/recommendation list for final review and vote by the Board at the December, 2013 meeting.

Next Meeting Date

Thursday, December 12, 2013 at 3:00pm was selected as the date for the next quarterly meeting. It was learned after the meeting adjourned that there was a conflict, so the meeting date was reset to December 17 at 3:00 pm at the WSBA offices in Seattle.

Meeting adjourned by motion and vote at approximately 3:40pm.

Prepared by Bill Malaier (in absence of Tom Linde, Recorder)



MINUTES OF THE RECEIVERSHIP TASK FORCE MEETING

DATE: May 30, 2013 at 8:30 a.m.

LOCATION: Cairncross & Hempelmann

Members Present: Stuart Kastner, Chris Brain, Dan Bugbee, Heidi Anderson, John Rizzardi, Kevin Hanchett

Guests: Mary Reiten, Marti McCaleb (Young Lawyer Liaison)

Absent Member: John Ruhl (approves recommendations)

1. Items that were discussed:

a. John Rizzardi provided an update on the overall process of recommending statute changes to the Executive Committee, followed by a short summary of the legislative process. Also, he provided a summary of the input received to date from section members, the court and all out-reach efforts.

b. Statute items: The following items are suggested by the Task Force for further review and statutory wording change:

i. Make the automatic stay under RCW 7.60.110 permanent and shift the onus to a creditor to move for relief.

ii. Create an additional power under RCW 7.60.15 that would authorize a custodial receiver to have a power of sale, if authorized by the court, [and create related notice procedures].

iii. Review and identify all noticing procedures, master mailing list issues and time lines – revising all applicable statutes.

iv. As to noticing, provide for the ability to allow publication notice to management who may have abandoned the assets in lieu of actual notice, if authorized by the court.

iv. Add a series of recommended standard forms to RCW 7.60: Notices, Proofs of Claim, Monthly Financials and Receiver's Reports, Final Report.

v. Look at -260(3) with regards to what is an allowed claim and the interplay with credit bids. This statute might need some general work or secured creditors may need early notification of the need to have their claim allowed in order to credit bid. Consider requiring something in the first noticing of creditors that if they intend to credit bid they must secure allowance of their claim. This requirement is being bypassed in cases.

vi. Also, in 7.60.260, examine, and if needed, clarify who can object to a sale.

vii. Resolve the issue in RCW 7.60.250 as to how interest is paid after a secured creditor's principal is paid. The statute is not clear as to whether secured creditors are paid their interest, in full, before general creditors are paid. Reconcile this with 7.60.230.

viii. Provide for appropriate civil rule references in RCW 7.60 when there is a need to approve a settlement so that procedure will be followed.

xi. Consider an additional form for RCW 7.08 (ABC) providing that the Assignor shall list all transfers for previous four years.

x. Address the right of the receiver to remove a tenant after a lease rejection under RCW 7.60.130. For example, receivers need the power to avoid unusual occupancy agreements that may have been made prior to the receivership.

2. These Minutes will be provided to the Executive Committee for their consideration at either/both of the meetings at Sun Mountain in late June and the Annual meeting in September, 2013. The Task Force asks that the Executive Committee indicate no later than the conclusion of the Annual meeting that it would want to review suggested statutory language changes so that such changes can be considered in the winter of 2013/early spring of 2014 in advance of the 2014-2015 legislative process.

Recent Memo from WSBA:

Dear Section Leaders,

The Fall Season has begun! For sections, this means a new membership year, a new budget and new section leaders. You will be receiving a series of e-mails throughout the fall season from the Sections Team. These e-mails contain important section-related information and deadlines and we would appreciate your keen attention to each e-mail.

This e-mail focuses on deadlines for wrapping up fiscal year 2013, which ends September 30th. The new year begins October 1st.

- 1) **Annual Reports:** due October 4th. Please send your reports to Raelani Valaile (raelaniv@wsba.org) with a CC to your liaison. You can find the template [here](#). In October, we will submit a summary of your section's report to the WSBA Board of Governors for their November meeting.
- 2) **FY2013 Expenses:** Please submit all expenses as soon as possible. As always, please mail in the complete expense report with original signature and receipts. The current expense report form can be found [here](#).
 - Please remember there is a delay in the monthly financial statements during the first quarter of the new fiscal year (FY14). We appreciate your patience as we work through the closing of one budget and the opening of another.
- 3) **New Membership Year:** begins October 1st. For those who join a section in the month of September, their section membership will not begin until October 1st and therefore they are not considered a member in the month of September. Those who join or renew in September will do so at the new section membership rates (if applicable). The new section membership forms are currently online [here](#). Don't forget to renew your section membership!
- 4) **Save the Date!** The Section Leaders Fall Meeting will be the afternoon of Thursday, **November 7th** at the WSBA Offices. More information will be sent as the date approaches.

Thank you for your attention to these matters. We look forward to seeing you at the Section Leaders Fall Meeting on November 7th.

If you have any questions, please do not hesitate to contact our team.

Sincerely,
The Sections Team
Stacy Holmes, Paris Eriksen and Raelani Valaile