

**Minutes for Meeting of the Bankruptcy/Uniform Commercial Code Committee of
the Business Law Section of the Florida Bar
Mid-year Meeting Held on January 21, 2015 at 9:00 a.m.
Location: Rosen Shingle Creek, Orlando, Florida**

Cori Lopez-Castro, Chair

Lynn Welter Sherman, Vice-Chair

Hon. Catherine Peek McEwen, Judicial Chair

I. Welcome and Approval of Minutes.

The meeting was called to order at 9:00. On motion by Jay Brown and seconded by Leyza Blanco, the minutes from the August 30, 2014 meeting were approved. New members were introduced and welcomed. Special guests were also recognized by the Chair.

II. Pro Bono Reminder. Judicial Chair, Hon. Catherine Peek McEwen reminded members of the importance of pro bono service. John Kozyak was recognized for receiving the Tobias Simon pro bono award from The Florida Bar. The Judicial Chair also recognized the following Committee members for their pro bono service during the past year: Jake Blanchard, Thaddeus Freeman, Cassidy Jones, Michael Barnett, Traci Stevenson, and Jane Soboda. The firms of Stichter Reidel Blain & Prosser and Berger Singerman were recognized for their pro bono service. Chair Cori Lopez-Castro advised members that Judge Isicoff wrote an excellent article on pro bono week events in the Southern District of Florida.

III. Update and Welcome from the Section Chair Hon. William Van Nortwick, Chair-Elect Alan Howard, and Treasurer Jon Polenberg. Each commented on the important work of the Business Law Section and the hard work of the Committee. Committees were encouraged to conduct CLE and to solicit sponsorships of the Section from vendors that members work with on a regular basis.

IV. Legislative Update. Aimee Diaz Lyons and Melanie Damian, Chair, provided a report. The first Legislative Committee call will be on March 5, 2015. Melanie Damian and Cori Lopez-Castro encouraged all members of the Bankruptcy/UCC Committee to assist in reviewing bills. A sign-up sheet was circulated for volunteers. Amy Diaz Lyons reported that the 2015 retreat is the deadline for 2016 legislation. This year's projects for the Section include: Financial Literacy, CADRA legislation, and an LLC glitch bill. Proceedings Supplementary legislation won't be introduced until the 2016 session, and Senator Simmons has agreed to this timetable.

Financial Literacy—several bills are presently circulating. It is anticipated that the Financial Literacy bill will be controversial in that it involves curriculum changes

Amendments to Article 4A—Lou Conti has circulated the amendment proposed by NCCUSL to 4A-108. More than 30 states have adopted the amendment. On

motion by Jay Brown and seconded by Jeff Davis, a motion to support the adoption of the amendment to Article 4A-108 was passed.

V. Judicial Liaison Committee Report. J. Hyman, Judicial Chair, invited all members of the Bankruptcy/UCC Committee to attend the meeting.

VI. Reports from Study Groups

- a. Proceedings supplementary joint subcommittee/study group with Business Litigation. Donald Kirk provided a report on some of the issues to be addressed and a proposed time table for completing draft legislation. The target is to have a draft to present at the June meeting of the Executive Council.
- b. Committee of districts/divisions on mortgage modification procedures. No report.
- c. Florida Insolvency/HMO Statutes Study Group. No report.
- d. Collaborative Law. The Chair provided a brief update. Consideration is being given to a CLE to educate members on how collaborative law is applied in a business litigation context.
- e. Government Workers. Julie Hough reported that the City County and Local Government Law Section is opposing a proposed amendment that would limit communications with government employee and proposed that the Business Law Section should also oppose the amendment.

VII. Continuing Legal Education

- a. Report on View from the Bench Seminar – Hon. Michael Williamson reported that 529 people attended the 2014 VFB seminar. Stephanie Lieb and Lisa Schiller were recognized for their efforts in planning the receptions in Tampa and Miami, respectively. The 2015 seminar will take place on Nov. 5th in Tampa and November 6th in Miami. Steve Busey will be the moderator.
- b. Case summaries. Andrew Roy reported for Brad Saxton that monthly case law summaries continue to be prepared and posted on the website. A signup sheet was circulated for volunteers to digest cases in future months.
- c. Bankruptcy Law Education Series (BLES) update - Hon. Michael Williamson reported that a recent Florida Bar Opinion precludes Judges from serving on the BLES board of directors. Executive Director, Andrew Roy, was commended for his service. The current balance on hand is \$69,741.00, with \$43,571 raised in 2014. The district-wide pro bono clinic is well under way.
- d. Forbearance Agreement CLE. Judge Funk and Roy Kobert will be presenting a seminar on Forbearance Agreements following the meeting.
- e. ABI/Paskay Seminar. Judge McEwen reported that the seminar will be held on February 12-14, 2015
- f. Upcoming Seminars. Stephanie Lieb reported that the Bankruptcy Evidence Boot Camp Seminar will be held in Tampa on May 15, 2015. The seminar will include speakers, as well as mock trials by Florida Trial lawyers. Input was solicited regarding whether to present CLE at the annual meeting. S. Lieb will follow up to determine whether there is sufficient time for CLE at the annual meeting

VIII. New Business

- a. UVTA. A task force was formed to work on the Uniform Voidable Transfers Act. Cori Lopez-Castro reported that the RPPTL Asset Protection Subcommittee has some concerns about certain provisions of the act.
- b. Hosting 11th Circuit Receivership Applications on BLS website. Leyza Blanco and Cori Lopez-Castro reported that we are working on the technical aspects raised by the BLS, and have asked the 11th circuit committee to provide input on the technical issues. A suggestion was made that the committee put on a CLE for the judges regarding the receivership website at the NCBJ in Miami in 2015.
- c. Amicus Brief in Baker Botts v. ASARCO. Cori Lopez-Castro reported that the Committee filed an amicus brief, which was prepared by Tom Messana, Brett Lieberman, Paul Singerman, Ilyse Homes and other volunteers. The authors of the brief were thanked for their assistance. Members discussed their impressions from the oral argument.
- d. Amicus Brief in Wellness v. Sharif. Cori Lopez-Castro reported that the Committee filed an amicus brief, which was prepared by Chris Landau and reviewed by Paul Avron. The authors of the brief were thanked for their assistance. Oral argument is scheduled for February.
- e. NCBJ 2015, Miami, FL. Lori Vaughan reported that we have raised more than \$100,000 for a party. The location has not yet been determined.
- f. HCBA Diversity Networking Social. Judge McEwen reported that the social will be held at the HCBA building on February 21, 2015, and encouraged members to attend.

IX. Liaison Reports. Chair Cori Lopez-Castro reminded Liaisons to provide written reports prior to the meeting for posting to the website.

- a. Pro Bono Committee – Reported that the Pro Bono Committee has prepared a pro bono best practices policy for law firms. The Pro Bono Committee will be setting up a statewide pro bono website for non-bankruptcy fields. Judge Isicoff reported thanked all members who provide pro bono services.
- b. Diversity Committee –Chair Cori Lopez-Castro reported that Leyza Blanco was recognized as a Minority Power Broker by Law 360.
- c. Membership Committee. No report
- d. YLD Committee. No report
- e. Communications Committee. Stephanie Lieb reported that the new web page needs content and solicited input from members on content before the June meeting.
- f. FICPA. Jay Brown reported that the FICPA has approached the Section to rekindle the relationship.

X. Old Business.

- a. Each One, Reach One Campaign. Members were reminded of the importance of the campaign.
- b. Out of State Division/Newsletter submissions. Judge McEwen solicited articles for publication and reminded members of the publicity.
- c. CARE program. Judge Isicoff reported that John Good will be coming to South Florida to put on a CARE training program. Local CARE programs should contact Judge Isicoff if they want local training. Roy Kobert reported that CARE now has corporate sponsors.

XI. Future Meeting Dates

- a. The next meeting will be at the annual Florida Bar Convention on June 24-27, 2015 at the Boca Raton Resort & Club. A diversity cocktail party may be planned, with admission only to those who bring a new minority guest. Jay Brown suggests co-sponsoring a CLE with another Section.
- b. The NCBJ will be September 27-30, 2015 at the Fontainebleau, Miami Beach.

XII. CLE Program

A presentation focusing on negotiating and drafting Forbearance Agreements was presented by Roy Kobert and the Hon. Jerry A. Funk.

XIII. Adjourn

The meeting was adjourned.