

**Minutes for Meeting of the Bankruptcy/Uniform Commercial Code
Committee of the Business Law Section of the Florida Bar**

**Annual Meeting
Held on June 25, 2014 at 9:00 A.M.
Location: Gaylord Palms, Osceola**

Robert Charbonneau, Chair
Cori Lopez-Castro, Vice-Chair
Hon. Catherine P. McEwen, Judicial Chair

- I. Welcome and Introduction of Special Guests by Chair
- II. The meeting was called to order at 9:00 a.m. On motion by Sam Zussman and seconded by Cori Lopez-Castro, the minutes from the January 22, 2014 were approved.
- III. **Pro Bono Reminder** – Members were reminded of the importance of pro bono service
- IV. **Update and Welcome from the Section Chair Steph Nagin, Chair Elect Hon. William Van Nortwick, and Treasurer Alan Howard-** Each commented on the important work of this Committee and how it is an example of how a committee should work.
- V. **Legislative Update** – **Aimee Diaz Lyons, John Polenberg and Greg Black** provided a legislative update. Melanie Damian, the upcoming Legislative Chair was introduced.
 - a. Several glitch bills were passed.
 - b. A list of legislative positions which are scheduled to sunset were provided to the Committee. Chair will email the positions and ask for input. A vote on whether to sunset any position will be taken at the Retreat.
 - c. Aimee Diaz Lyons gave a report on the financial literacy bill. She explained that a bill which changes graduation requirements in the state of Florida is a multiyear endeavor. After new leadership is chosen in November, Aimee and Greg Black will meet with them to educate them on the bill.
 - d. Proceedings Supplementary Task Force- Senator Simmons introduced a bill during this last session. The members of the task force worked to minimize any damage. The Task Force will determine what work can be done during this session (if possible) to assist with changes/fixes that are needed with the statute.
 - e. Reported that Legislative Committee has not heard anything regarding changes that the RPPTL section wants to make to the fraudulent transfer law.

- f. Collaborative law -our section took no position on whether to expand this law to business law. The intent was to limit its application to family law although it could have been read to be more expansive. Bill died due to timing. There was discussion on creating a study group to study collaborative law in the context of business law. No motion was made.
- g. Surcharge of exempt statutes- J. Cooke moved to establish study group on surcharge of exempt assets after *Siegel* decision. Motion was seconded by S. Lieb and passed.

V. Judicial Liaison Committee Report – J. Hyman, Judicial Chair, provided a short summary of the meeting held on June 24th which was very well attended.

VI. Continuing Legal Education

- a. Report on View from the Bench Seminar – Hon. Michael Williamson reported that this year’s seminar will take place on Nov. 6th in Tampa and November 7th in Miami. Paul Singerman will be the moderator. Brad Saxton is the editor of publications and a sign up of sheet was circulated for volunteer to digest cases.
- b. Bankruptcy Law Education Series (BLES) update - Hon. Michael Williamson reported on the history of BLES, its source of funding (CLE revenue). The board is comprised of prior Chairs.
- c. CLE Seminar Sub-Committee- S. Lieb reported on the success of the receivership seminar on 5/2/2014 in Miami. She also spoke of the success of the March 20, 2014 presentation where Tom Messana and Linda Leali spoke to a dozen judges. S. Lieb also asked for input for future CLE seminars.
- d. Report of Mortgage Modification Seminar- On Feb. 27th (100 lawyers and 11 judges attended). Hoping to have a uniform order circulated as a result of the seminar.
- e. ABI/Stetson seminar- will be held February 12- 14th of 2015. Organizers expect to replicate same format as this year.

VII. Liaison Reports

- a. Pro Bono Committee – Reported that clinics are being established around the state.
- b. Diversity Committee – Leyza Blanco reported that the section is involved in several initiatives including Kozyak Minority Mentoring picnic. The committee wants to start a similar event in Jacksonville area (picnic, reception, etc.) and a signup sheet for volunteers in the Jacksonville area to assist with this effort was circulated. There is currently funding for 2 fellows and that may expanded to 10 fellows. During the retreat, the committee will review applications.

- c. Membership Committee – David Jennis (sp?) spoke on 8 initiatives to attract new members including: law school enhancement, grass roots efforts, delivery of short message at section sponsored events, planning and hosting social events, cohosting CLE programs with other Bar sections and mentoring program.
- d. Webpage –Lynn Sherman reported that development of the new webpage is almost done. Each committee will have its own page and it could be used for CLE programs, announcing events and pro bon opportunities.

VIII. Reports from Study Groups

- a. Proceedings supplementary joint subcommittee/study group with Business Litigation – Donald Kirk reported that the task force is analyzing the statute to see if perceived problems exist and options for solutions. Approximately 8 topics have been delegated to various team leaders, who are reviewing the statute, case law, and legislative history pertaining to the topic. D. Kirk spoke about the recent *Sargeant* decision out of the 4th DCA and noted the conflict with the 3d DCA on the same issue. The Task Force has accelerated its schedule to review the statute in light of the interested by Senator Simmons on this statute.
- b. Receivership Study Group – there was no additional report by this Study Group. Hoping to have the white paper published by the Labor Day Retreat.
- c. Updating Bankruptcy Reaffirmation Flow Chart- Jennifer Morando reported the video that is being proposed for pro se debtors.
- d. Bankruptcy Venue Legislation – Ivan Reich reported on the recent ABI meeting he attended in Austin, Texas. His team presented benefits of keeping case local. Other matters were discussed including how solving the venue problem would address the need for more judges.

IX. Old Business

- a. Each One, Reach One Campaign: the Chair reminded members of the importance of getting new members involved.
- b. Out of State Division/Newsletter Submissions–Hon. Catherine P. McEwen recognized Alvin Benton’s submission which was published in the newsletter. Members were encouraged to contribute articles of interest.
- c. Committee Publications- signup sheet was sent around for volunteers.
- d. CARE program- J. Isicoff updated the members on the presentation used by the S.D. of Florida and the new elder CARE presentation. M.D. Florida is doing the same.

- e. Amicus Briefs – J. Williamson gave a report on *Executive Benefits Insurance Agency v. Arkison* decision which did not reach the consent issue. The Committee filed an amicus brief in this case.

X. New Business

- a. Hosting 11th Judicial Circuit Receivership Applications on BLS website. L. Blanco explained the background of the project by the 11th judicial circuit, including its goal of diversifying professionals who are appointed receivers in cases. The clerk's office is unable to host on the website. L. Blanco spoke on the benefits of having the website hosted by the Section and how it would be searchable by judges and litigations. Judge McEwen moved to request Executive Council's permission to host the receivership applications on the Sections' website. Roy Kobert seconded the motion and it passed.
- b. Linda Leali spoke on the organization: Informed Voters for Fair Judges and its mission to educate voters on judicial elections and the judiciary's role. She requested a financial contribution of \$5,000 and encouraged members to become involved. Judge Isicoff moved to ask the Executive Council to approve the donation. Paul Singerman seconded the motion and it passed.
- c. Scott Underwood spoke on the request to establish a study group to analyze Florida insurance insolvency and HMO statutes (Fla. Stat. Sections 631 and 641). He noted there are several inconsistencies in the statutes (internally). A motion was made and seconded. The motion passed.

XI. Future Seminar Dates

- a/ BLS Retreat at the Ritz Carlton, Naples, Florida Labor Day weekend (August 29th – Sept. . 1, 2014).
- b. Annual Meeting January _____, Orlando

XII. CLE Program

A presentation focusing on the nuts and bolts of receivership practice was presented by _____.

XIII. Adjourn

` The meeting was adjourned.