

**Minutes for Meeting of the Bankruptcy/UCC
Committee of the Business Law Section
of the Florida Bar**

Meeting Held on August 31, 2013 10:00 a.m. to 12:00 p.m.

Location: Boca Raton Resort and Convention Center – Venetian Meeting Room

Chair: Robert Charbonneau, rpc@ecclegal.com

Vice-Chair: Cori Lopez-Castro, clc@kttlaw.com

Judicial Chair: Hon. Catherine McEwen, cmcewen@flmb.uscourts.gov

- I. **Welcome and Approval of Minutes** The meeting was called to order at 10:00 a.m. The minutes from the June, 2013 meeting were unanimously approved. Chair thanked the sponsors.

- II. **Pro Bono Reminder** Given by the Chair. Chair also noted that the Middle and Southern Districts are some of the busiest pro se jurisdictions and it is important to assist by representing pro se litigants.

- III. **Business Law Section Update & Welcome from Section Chair Steph Nagin, Chair Elect Judge William Van Nortwick and Alan Howard-Secretary/Treasurer (assigned to the Bankruptcy/UCC Committee)**

- IV. **Judicial Liaison Committee- Judicial Chair, Judge Hyman and Chair, Jay Brown:** Judge Hyman reported on the meeting which was well attended (65 attendees) and noted that there was a good discussion regarding the new U.S. Trustee Guidelines.

- V. **Continuing Legal Education**
 - a. View from the Bench Seminar – Hon. Michael Williamson –report from J. Williamson that seminar is on track for November 7th and 8th (Tampa and Miami) to be moderated by Roberta Colton.
 - b. Bankruptcy Law Education Series (BLES) update - Hon. Michael Williamson- J. Williamson reports the first contribution will be to FAMU to establish clinic and pay professor.
 - c. CLE Sub-Committee - New CLE chair will be Stephanie Lieb. T. Messana attended the CLE Committee of BLS meeting and reminded the group of the deadlines to submit articles for the BLS Journal (Nov./Dec.) and the Florida Bar Journal. The FBJ has a number of commitments for the next few issues so new submissions would be put into the queue. S. Lieb noted that in light of the number of events at the local level she would like to put establish a master calendar so local bars can upload their seminars and avoid conflicts.

- d. Mortgage Modification Subcommittee- J. McEwen spoke about mortgage modification in Chapter 13. She reported on conference call that occurred regarding seminar on the subject. A survey on the subject is being sent out in the SD Florida. Pro se debtors should be surveyed. Judge Specie and Chapter 13 Trustee for Northern District spoke on this issue and the success rate of certain programs.
- e. ABI/Stetson Seminar – J. McEwen reports that seminar will occur March 13-15 of 2014 in Tampa. Speed dating roundtables will be part of the seminar with longer intervals.

VI. Liaison Reports

- a. Pro Bono Committee – report given by Jennifer Morando on pro bono efforts and the work of Judge Isicoff to finish the Best Practices Guide for Law Firms which is being submitted to the Executive Council.
- b. Diversity Committee – report given by Leyza Blanco on the meeting attended earlier in the morning. There is a Sept. 5th event in Jacksonville to speak on the benefits of BLS membership. There is a FAMU school diversity picnic on Sept. 21st and the Kozyak Minority Mentoring Picnic on Nov. 9th. She needs volunteers for the BLS booth at both events. The committee is putting on a program with CABA and Caribbean Bar Association on October 23 and 24th- the Minority Business Lawyer - with funds provided by the BLS and Florida Bar. She spoke about the Fellows Program for which Committee will select 2 fellows from a pool of 20. L. Blanco noted she would like to see more representation from the Middle and Northern Districts.
- c. Membership Committee – report given by Jodi Cooke, who updated Committee on business lawyer mentoring handbook which will be ready by January. The Committee has a goal to increase membership by 15%.
- d. Young Lawyers Division – Report given by Jay Brown on behalf of Christian George.
- e. Webpage – reported that it is being revamped and the leadership would like to have more content.

VII. Reports from Study Groups

- a. Receivership Study Group – Report given by Tom Messana, paper will be published by January. This group is working with RPPTL section. Group was approached by 11th Judicial Circuit to address perceptions regarding receivership. Motion made by Jay Brown and seconded to have seminar on the subject.
- b. Bankruptcy Venue Legislation – Report drafted by Ivan Reich and distributed to attendees.
- c. Chapter 9 bankruptcy cases – Chair, Doug Bates was not present but it was reported that a report will be ready by mid-November.
- d. Proceedings Supplementary- task force reviewing statute to determine whether changes are needed. D.Kirk/B. Reisberg/I.Reich chairing task force.

VIII. Legislative Update – Jon Pohlenberg and Amy Diaz Lyon reported on the process and timing of the legislation. They also emphasized the need to obtain comments about legislation affecting our Committee.

- a. Non-Judicial Foreclosure/Foreclosure Bills generally – Bob Charbonneau reported that he will continue to monitor as bills are introduced every year regarding this subject even though study group was disbanded.
- b. Amendment of Fla. Stat. § 55.10 to include final orders of state agencies – Diane N. Wells (D. Wells was not in attendance and matter was passed).
- c. Proposed amendments to the covenants not to compete statute (Mindy Mora to obtain status report on Task Force formed by S. Nagin).
- d. Work with Business Litigation Committee re charging order and execution process
- e. RPPTL proposed legislation regarding payment of insurance proceeds to revocable trust and exemptions (the Morey Fix) and UFTA/creditor remedies (Vice Chair will form subcommittee to comment)
- f. Financial Literacy- discussion on legislation requiring a full year (one credit) of financial literacy for high school students (expanded from a semester/ ½ credit). Motion made by Jay Brown to support legislation requiring full credit. Motion passed. Chair will take it to the Executive Council.
- g. Jodi Cooke reported that Trenam Kemker/Berger Singerman firms are working on the Section's *Amicus* brief on *Bellingham* which needs to be filed on Sept. 16th.

IX. Old Business

- a. Each One, Reach One Campaign: Reminder of Significance of Campaign given by Jay Brown.
- b. Out of State Division/Newsletter Submissions– Benefits of submissions explained by Hon. Catherine P. McEwen.

X. New Business

None discussed due to time constraints.

XI. Future Seminar Dates

- a. October 29-November 2, 2013 – NCBJ Annual Meeting
- b. BLS Midyear Meeting- Jan. 22/23- Orlando
- c. March 13-15, 2014 ABI/Stetson seminar, Tampa
- d. June 24-28, 2014 – Florida Bar Annual Meeting

XII. Adjourn

XIII. CLE presented by Latasha Johnson on Predictive Coding