

Minutes for Meeting of the Bankruptcy/UCC Committee
of the Business Law Section of the Florida Bar
Meeting Held on Thursday, June 21, 2012 in at Gaylord Palms Resort,
Orlando, Florida

Chair: Douglas Bates (dbates@bergersingerman.com)
Vice-Chair: Jay Brown (jacob.brown@akerman.com)
Judicial Chair: Hon. Catherine P. McEwen

- I. Introduction and Call to Order:** The meeting was called to Order at 9:00 a.m. There were 64 attendees per sign-in sheet. Appear to be more attendees than signed in. The minutes from the December 1, 2011 committee meeting were published prior to the meeting and unanimously approved. The Chair announced that the meeting would focus on legislation. Attendees introduced themselves and pro bono work by committee members was encouraged. Members were encouraged to use website (www.flabizlaw.org).
- Douglas Bates and Jacob Brown, respectively Chair and Vice-Chair of the Business Law Section, and Hon. Catherine P. McEwen, Judicial Chair, welcomed attendees.
- II. Pro Bono Reminder** – Given by Chair Bates
- III. Memorial of Hon. Alexander L. Paskay** – remarks by Hon. Paul M. Glenn
- IV. Legislative Update** – William B. Wiley reported. Passed 2 of 3 bills we were proactive on: (i) Article 9 of UCC (passed) – Don Workman, Prof. Davis, and Doug Bates, (ii) Transferee tax liability (passed), and (iii) Revised uniform arbitration bill. FUFTA act – triple motion from last year; Prof Davis and Patrick Scott. FUFTA legislation will likely be back next session. Senate Bill 2012 – Ethics Commission Lien Bill for mortgage foreclosure did not pass, but expected to be back. Study group formed to be led by Diane Wells. There was non-judicial foreclosure legislation passed, but this legislation could be back next session. Aimee Diaz Lyon and Greg Black with Metz firm were introduced. They assist Bill.
- V. Judicial Liaison Committee Report.** Leyza Blanco reported. Well attended meeting with at least 100 attendees.
- VI. Reports from Regional Bar Associations.** Regional Bar reports were given at the Bankruptcy Judicial Liaison meeting. Chairman Bates suggested that these reports now will be posted on BLS website.
- VII. Continuing Legal Education.**
- a. Mini Article 9 of UCC refresher. Stephanie Lieb reported; tentative date for February 8, 2013 in Tampa; ½ day transactional and ½ day litigation.

- b. Stetson ABI Seminar. Hon. Catherine P. McEwen reported. Judge McEwen and Williamson are new judicial chairs; likely not in Tampa, but March 2013 on water nearby.
- c. View From Bench. Hon. Michael G. Williamson reported. To be held November 7 and 8, 2012 respectively at the Tampa Marriott and Miami Hyatt. Brad Saxton continues to coordinate materials and asked for volunteers for case blurbs. Also asked for firm sponsors for the reception. Also wants a sponsor to underwrite thumb drives. Brad Saxton digesting cases and noted a 7/30/12 due date for blurbs for all Florida and 11th circuit cases.

VIII. Liaison Reports.

- a. Pro Bono Committee. Report by Jennifer Morando.
 - i. 50 % retreat discount
 - ii. Not-for-profit clinics – Miami, Jacksonville, Tampa, Orlando
 - iii. High school financial literacy program
 - iv. Justin Luna reported on the Pro Bono program in Orlando
- b. Diversity. Report by Leyza Blanco.
- c. Membership. Report by Jodi Cooke.
 - i. Law school receptions across states
 - ii. 337 students now on listserve
 - iii. Meet & Greet at Florida Coastal
 - iv. Membership up now over 5,100
- d. Webpage. Chairman Bates encouraged continued use and thanked Lynn Welter Sherman for her help to improve website.
- e. Out of State newsletter – Continued requests for articles

Judicial Chair – Hon. Catherine P. McEwen recognized and welcome soon-to-be Judge Karen M. Specie and outgoing Judge Lewis M. Killian, Jr.

IX. Business Law Section Update & Welcome from Section Chair Mindy Mora and Chair Elect Brian Gart

Bar Leadership. Report by Section Chair Mindy Mora, Chair Elect Brian Gart, and Treasurer Steph Nagin

- a. Mindy Mora – invite to lunch and executive committee meeting and noted that you don't need to be a member of the executive committee to attend; Noted CLE programs – lunch CLEs with call-in; opportunity to publish – August 15, 2012 deadline; submit to Lynn Sherman.
- b. Brian Gart reported trying to improve website to add content and improve ability to use; Vice Chair of Bankruptcy/UCC committee for 2012-2013 will be Bob

Charbonneau; Labor Day retreat; Doug Bates will serve as LLC Legislation liaison for Bankruptcy/UCC.

Motion by Tom Messana for BLS to spend funds up to \$7,000 for putting on the full day Art IX-UCC refresher course; have outside funding of \$2,500 committed already; Motion passed without opposition.

X. Reports from Study/Legislative Review Groups.

- a. Request for reaffirmation agreement guide January 2001 to be updated – Jennifer Morando to chair
- b. SB 2012– liens study group – Diane Wells to chair
- c. Receiver Study Group – expect final report by Retreat
- d. Non-Judicial Foreclosures. Report by Bob Charbonneau. Nothing current to review. Will continue to monitor developments.
- e. ABC. Report by Jodi Cooke. Current draft circulated; hope to have version to proposed by Labor Day retreat with presentation there. Abandonment is key issue. Thanks to Daniel Stermer, Michael Moecker and Phil von Kahle for involvement.
- f. FUFTA. Prof. Davis and Pat Scott reported on status of charitable organization clawback provision

XI. Old Business: None identified on agenda.

XII. New Business: None identified on agenda.

XIII. CLE Presentation (1 Hour): The Anatomy of a Workout (Moderator Lori Castro Lopez, panel members Elana Ketchum and Donald Kirk)

XIV. Lou Conti presented on status of amended LLC drafting project. Doug Bates to serve as committee liaison to drafting subcommittee.

Meeting Adjourned By Chair shortly after 12:00 p.m.