

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

Meeting Held on June 27, 2013 9:00 a.m. to 11:30 a.m.

Location: Boca Raton Resort and Convention Center – Grand Ballroom G

Chair: Jacob Brown, jacob.brown@akerman.com

Vice-Chair: Robert Charbonneau, rpc@ecclegal.com

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

- I. Welcome and Approval of Minutes** **Welcome/Approval of Minutes:** The meeting was called to order at 9:00 a.m. There were 52 attendees per the sign up sheet. The minutes from the January, 2012 meeting were unanimously approved. Attendees introduced themselves.
- II. Pro Bono Reminder** Given by the Chair.
- III. Business Law Section Update & Welcome from Section Chair Brian Gart and Chair Elect Steph Nagin**
- IV. Legislative Update – William B. Wiley**
- a. LLC Statute Amendment (passed)- Doug Bates gave a brief report.
 - b. Assignment for Benefit of Creditors (passed) – Jodi Cooke gave a brief report.
 - c. Non-Judicial Foreclosure/Foreclosure Bills generally – Bob Charbonneau advised that Representative Passidomo’s bill passed.
 - d. Amendments to Florida's Uniform Fraudulent Transfer Act (Fla. Stat. ch. 726) to add charitable organization protections (passed) – Professor Jeffery Davis summarized Changes, differences from protections in Bankruptcy Code and potential impact.
 - e. Arbitration – report of stellar effort by Jon Pohlenberg in getting this bill passed by William B. Wiley.
 - f. Amendment of Fla. Stat. § 55.10 to include final orders of state agencies – Diane N. Wells
 - g. Proposed amendments to the covenants not to compete statute
 - h. Additional matters expected to be addressed during upcoming legislative session
- V. Judicial Liaison Committee Report – Doug Bates, Chair**
Hon. Paul J. Hyman, Judicial Chair –report given by both Chairs of well attended meeting and successful dinner after.

J. Jenneman gives update on mortgage modification programs, suggests statewide program for continuity and efficiency. Jay Brown suggests local Bar leaders identify local debtor and creditor representatives to participate in mortgage modification summit.

VI. Continuing Legal Education

- a. Report on View from the Bench Seminar – Hon. Michael Williamson –report from J. Williamson that seminar is on track. Brad Saxton reports that case digests done on rolling basis.
- b. Bankruptcy Law Education Series (BLES) update - Hon. Michael Williamson- J. Williamson reports on BLES
- c. CLE Seminar Sub-Committee (Cori Lopez-Castro/Tom Messana – Co-Chairs) – report given by Jay Brown. UCC seminar in Tampa a great success. Program recorded and available.
- d. Upcoming CLE Opportunities/Suggestions for Seminars.
- e. Mini Article 9 Refresher Course (Follow-up report from Stephanie Lieb)
- f. ABI/Stetson Seminar – J. McEwen reports that seminar will occur March 13-15 of 2014.

VII. Liaison Reports

- a. Pro Bono Committee – report given by Jennifer Morando on pro bono efforts
- b. Diversity Committee – report given by Leyza Blanco
- c. Membership Committee – report given by Jodi Cooke, who updated Committee on business lawyer mentoring handbook.
- d. Young Lawyers Division – Report given by Jay Brown on behalf of Paige Greenlee/Christian George
- e. Webpage – Nothing to report.

VIII. Reports from Study Groups

- a. Receivership Study Group – Report given by Jay Brown, that paper is in progress, with possible finished product by Labor Day.
- b. Updating Bankruptcy Reaffirmation Flow Chart – Report given by Jennifer Morando
- c. Bankruptcy Venue Legislation – Update and report given by Ivan Reich

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 Don Workman/ Hon. Catherine P. McEwen
- c. Federal Court Practice Committee Applications – Hon. Catherine P. McEwen – report deferred until Labor Day retreat

X. New Business

- a. Formation of joint subcommittee/study group with Business Litigation Committee to address possible flaws in Fla. Stat. § 56.29 proceeding supplementary statute/recommendations for corrective legislation – update and report by Brian Gart
- b. Formation of study group on Chapter 9 bankruptcy cases – Doug Bates reports on this new initiative, and agrees to Chair study group.
- c. Other new business – J. Isicoff reports on legislation requiring a semester of financial literacy for high school students, and suggests possible formation of a study group on how this education can and should be implemented. J. McEwen to bring this up in support to the Executive Council.
- d. Committee voted to continue to support the Section’s *Amicus* brief on *Bellingham*, and Trenam Kemker and Berger Singerman are leading that effort. 52All judges present abstained.

XI. Future Seminar Dates

- a. July 18-21, 2013 – ABI: Southeast Bankruptcy Workshop – Amelia Island
- b. August 30-September 2, 2013 – BLS Retreat – Boca Raton Resort & Convention Center
- c. October 29-November 2, 2013 – NCBJ Annual Meeting
- d. TBD – BLS Midyear Meeting
- e. March 13-15, 2014 ABI/Stetson seminar, Tampa
- f. June 24-28, 2014 – Florida Bar Annual Meeting

XII. Adjourn