

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

## **Meeting Held on September 1, 2012**

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/Approval of Minutes:** The meeting was called to order at 10:00 a.m. There were 67 attendees per the sign up sheet. The minutes from the June 21, 2012 meeting were unanimously approved. Attendees introduced themselves. The Chair thanked the Retreat sponsors and said a few words honoring them.

**II. Pro Bono Reminder** – Given by the Chair.

**III. Business Law Section** – Welcome from Chair (presented in general meeting at 8:30 a.m.)

**IV. Legislative Update** – William B. Wiley reported. All standing positions of the Section have been rolled over and continued. There then commenced a discussion of UFTA and potential bill to be filed. Discussion of analysis that needs to be done in advance of upcoming 2013 legislative session. Inquiry by Ivan Reich regarding corporate giving as opposed to personal giving. A sign up sheet was circulated for a study group on UFTA legislation. A report was given by Pat Scott on the question of protection from fraudulent transfers for Florida charities. This discussion involved a description of options for extension of protection to charities, including dollar limitation, Ponzi Schemes only, and entities beyond simply charities. It was decided that the study group would continue to prepare in anticipation of bill to be filed for 2013 legislative session.

2013 Session begins in March. A sign up sheet was circulated for “Legislative Review Team”

**LLC Statute Amendment** – Report by Doug Bates/Mark Mitchell, Comments by Mindy Mora, Comments by Brian Gart, Discussion, generally, regarding review of current draft of LLC Statute.

**Fla Statute 55.10** – Report by Diane Wells. New legislation will be proposed for 2013 Session.

**Proposed Amendments to Covenants not to Compete Statutes** - Hal Litchford’s group has moved along; Discussion of whether or not we need a liaison?; **April ?** and Mindy Mora to serve as liaison.

**V. Judicial Liaison Report** – Report by Doug Bates. Report about the importance of Court funding.

**VI. Continuing Legal Education** – Report by Tom Messana regarding upcoming CLEs; Report by Judge Williamson regarding BLES program; Description from Judge Williamson as to the details of the BLES program and request for meeting with local bar chairs to advance the BLES efforts. Motion by Chair to have the Bankruptcy/UCC Committee support BLES efforts. Unanimous approval.

**View from the Bench Report** – Judge Williamson. Description of Tampa and Miami seminars - November 8<sup>th</sup> and 9<sup>th</sup>. Berger Singerman LLP agrees to fund the flash drive with materials. Berger Singerman LLP agrees to assist in funding of law student participation. Mini Article 9 Refresher Court – Report from Stephanie Lieb. Discussion regarding details of seminar. Half litigation/Half transactional. Stetson Bankruptcy Seminar – Judge McEwen. Annual ABI Paskay Seminar

**VII. Study Groups** –

**ABC Study Group** – Report by Jodi Cooke. Discussion of proposed legislation. Question from Mindy Mora regarding abandonment issue and status of secured creditor “abandon to” statutory language. Issue tabled for January meeting. Chair discusses development of a white paper in advance of January meeting. Motion to approve draft legislation – carried unanimously. Bill Wiley cautioned the Study Group to stay focused.

**Receivership Study Group** – Chair Brown. Report is gathering input. New report in January meeting.

**VIII. Liaison Reports** –

**Diversity Report** – Leyza Blanco gives report. Discussion of Minority Mentoring Picnic. Leadership Roundtable coming up soon. Reminder of Each One/Reach One.

**Pro Bono Committee** – Judge Isicoff gives report. Identifying not for profits. Mark Stein will give further report at EC

**Membership** – Jodi Cooke. Mentorship programs (Peter Valori). Member benefits campaign. Law School networking continues.

**Webpage** – Lynn Sherman. Call for Updates to the Webpage

**IX. Old Business** – briefly address all old business issues. All covered by Judge McEwen.

**X. CLE** (from 11a.m to noon).

**XI. Adjourned at noon.**