

# Tidewater Bankruptcy Bar Association e-Newsletter

April 2010



## Dear TBBA Members:

First, I want to thank **Dan Blanks**, the out-going TBBA president, for his leadership and contributions over the past year. Our thanks also goes to the out-going Board members, **Linda Coppinger & Trenita Stewart**, for their outstanding service over the past year. I would also like to welcome the new Board members, **Ann Brogan** and **Laura Pyle**. And last but not least, I want to recognize the continued contributions of the Board members who have unselfishly (and perhaps unwisely) agreed to serve for another year. These members include **John Bollinger, Ken Whitehurst, John Ryan, Tom Dickenson, Kelly Barnhart, Ellen Carlson and Dan Blanks**. I am confident with their help the TBBA will have a stellar year.

This year I have three primary goals beside managing the traditional functions of the TBBA. The first is to improve communications by expanding the TBBA's use of the internet and internet companies providing communication services.

The second is to increase the value of your TBBA membership. This I hope to accomplish through seeking CLE credit for all the luncheon seminars we traditionally sponsor each year and by establishing an on-line membership directory to assist individuals and corporations seeking local bankruptcy counsel.

My final goal is for the TBBA to spearhead the pro bono initiative in this region for indigent individuals seeking pro bono bankruptcy assistance. As you may know, The Virginia Bar Associations along with the Chief Justices of the Virginia Supreme Court have identified a greater need for pro bono support from the legal community. On April 27th, a "Pro Bono Summit" is being held in Richmond to address this concern statewide. My goal for our organization is simply this: to establish a list of members interested in donating their time to handle one pro bono case per year. If you are interested in assisting an individual who could not otherwise afford an attorney to file a bankruptcy please look for more information below. I believe as a privileged class of professionals we not only have a duty to give back to the community but also a duty to the court to assist in reducing the administrative inefficiency caused by pro se filings. I hope you will assist me in accomplishing this goal.

I thank you also for your continued support of the TBBA.

Sincerely,  
John G. Merna  
TBBA President

## Pro-Bono Attorneys Needed Only One Pro Bono Case Per Year.



In an effort to assist the State Bar, our local community and the U.S. Bankruptcy Court to deal with the greater number of indigent debtors in need of assistance, the TBBA is compiling a list of attorney's willing to commit to assisting one pre-qualified debtor with the filing of a pro bono bankruptcy per year. The referrals will be pre-screen by Legal Aid prior to being forwarded to us.

If you are willing to assist with this new program please send an e-mail to [jmerna@mernalaw.com](mailto:jmerna@mernalaw.com). Further information and instructions will be provided.  
Your assistance is greatly needed and greatly appreciated.

### In This Issue

- Pro Bono Attorneys Needed
- UST News
- Save the Date
- Upcoming Seminars
- Recent Decisions
- TBBA 2009 Annual Report
- Board Meeting Minutes

### TBBA Board of Directors:

- President: John G. Merna
- Past Pres: Daniel Blanks
- Pres Elect: Kelly Barnhart

## News from the UST

### Chapter 13 Trustee Vacancy



The US Trustee's Office announces an upcoming Chapter 13 Trustee vacancy as Mr. George Neal retires.

#### Applications Due:

April 9, 2010 (Today!!!)

Resumes to:  
Office of the United States Trustee Attn: [Debera Conion](#) Asst. US Trustee  
200 Granby Street,  
Suite 625  
Norfolk, VA 23510

The Board and members of the TBBA wish to thank Mr. Neal for his service and leadership. We wish him the best in his second attempt to retire.

[Click here for link to public notice.](#)

## Mark Your Calendar - TBBA Luncheon on Business Bankruptcy Issues

Tentatively: Friday, May 21

Location: To Be Announced

### Upcoming Seminars:

April 30 - May 2: [NACBA's 18th Annual Convention](#)  
San Francisco, CA

April 29 - May 2: [ABI Annual Spring Meeting](#)  
National Harbor Maryland

May 11- 14: [Litigation Skills Symposium](#)  
New Orleans, LA

May 14-15: [13th VBA Bankruptcy Law Conference](#)  
Sanderling Inn, Duck, N.C.

July 8-11: [Northeastern Bankruptcy Conference](#)  
Brewster, MA

July 14-17: [Southeastern Bankruptcy Workshop](#)  
Amelia Island, FL

## Recent Decisions - Student Loan Discharge?

*United Student Aid Funds, Inc. v. Espinosa*, \_\_\_ U.S. \_\_\_, \_\_\_ S. Ct. \_\_\_, 176 L. Ed. 2d 158 (Mar. 23, 2010).

In an unanimous decision, the U.S. Supreme Court held that a bankruptcy court's confirmation of a chapter 13 plan which discharges a student loan debt in the absence of an undue hardship determination is not void, and also does not deny the creditor due process, when that creditor received actual notice of the proposed treatment. While the bankruptcy court's failure to find undue hardship was in error, the confirmation order is considered enforceable and binding on United Student

Treasurer: Ann B. Brogan  
Secretary: Tom Dickenson  
Seminar: Kenneth Whitehurst  
Laura Pyle  
Events: John Bollinger  
Social: John Ryan  
Newsletter: Ellen Carlson

#### Proposals being accepted:

The TBBA Board of Directors is accepting proposals to update and expand the association's website. If you are aware of an IT firm interested in submitting a proposal they may send an e-mail to [John Merna](#) (click on name) for details and specifications.

#### Not a member? Need to renew?

Go to the following link:

[TBBA Membership](#)

#### Speakers & Ideas Needed!!!

Build your resume, earn CLE credit and educate.

The TBBA is constantly looking for speakers and topic ideas for its quarterly luncheon seminars. If you have a topic and are interested in speaking please contact [John Bollinger](#) (click on name). Your contribution is always appreciated.

#### Thank you!

Thanks again to our speakers panel, Trustees **Tom Smith**, **Clara Swanson**, and **Carolyn Carmado** for making the February 19th Luncheon Seminar, Navigating the Exemption Minefield, a great success.

#### In loving memory.

This year the bankruptcy community lost two of its beloved members: **Kristen Smith** and **Tracey Lewis**. They remain in our thoughts and prayers.

Aid Funds, Inc., since it could have objected to its treatment.

**Newsletter Contributions?**

Articles, event photos, case synopsis, anything newsworthy? Forward it to [Ellen Carlson](#) (click on name).



**Tidewater Bankruptcy Bar Association's Annual Report for 2009**

Net Balance in bank account as of January 1, 2009: \$ 9,540.11

**Revenue:**

Membership Revenue:	\$ 8,800.00
Seminar Revenue (2009):	\$19,325.00
Seminar Revenue (2010)	\$ 2,000.00
Social	\$ 240.00
Interest	\$ 7.96
Miscellaneous	\$ 44.00
<b>Total Revenue:</b>	<b>\$30,416.96</b>

**Expenses:**

Luncheon Expenses:	\$ 1,692.00
Annual Seminar Expenses (for 2009):	\$ 13,491.37
Annual Seminar Expenses (for 2010):	\$ 500.00
Annual Social Expenses:	\$ 2,357.59
Cox - Internet expenses	\$ 299.40
P.O. Box Rental	\$ 70.00
Board Meetings	\$ 646.22
Bank Charges	\$ 6.00
Refund Dues	\$ 100.00
<b>Total Expenses:</b>	<b>\$ 19,162.58</b>

Net Balance in bank account as of December 31, 2009: \$20,794.49

**Board of Directors:**

Dan Blanks, President  
John Merna, President-Elect  
Barry Spear, Past President  
Kelly Barnhart, Treasurer  
John Bollinger, Seminar Chair  
Ken Whitehurst, Vice Seminar Chair  
John Ryan, Website/Newsletter  
Linda Coppinger, Programs Chair  
Ellen Carlson, At Large Member  
Tom Dickenson, At Large Member  
Trenita Stewart, At Large Member

*Tidewater Bankruptcy Bar Association is tax-exempt under section 501(c)(3) of the Internal Revenue Code.*

**March 19, 2010 TBBA Meeting Minutes**

TBBA Board of Directors Meeting - FRIDAY, MARCH 19

**I. TRANSITION ISSUES**

John Merna stated that he hopes to have an efficient process set up for the board to run for the next year.

## II. FINANCES

### a. Budget review/status

Ann Brogan reported that the Association is in the black with a balance as of 1/31/10 of more than \$30,000.00.

Ann Brogan made a motion to make herself (treasurer), John Merna (president), Kelly Barnhart (president-elect) and Thomas Dickenson (Secretary) all signatories on the Association bank account in accordance with the bylaws which call for the four aforementioned officers to be such signatories and which require double signatures on all checks. The Motion was seconded by Tom Dickenson, the question was called and the motion was passed unanimously.

### b. Hiring a CPA

After a general discussion regarding the need to find a professional to research the Association's tax status and further assist us, Ann Brogan made a motion to approve contact by her with Lauren Wolcott, CPA to propose hiring her to do the association's 2009 tax return if one is required and to investigate whether or not a 2008 return needs to be filed. The Motion was seconded by Tom Dickenson, the question was called and the motion was passed unanimously.

## III. CALENDAR

### a. Outline full years calendar

Discussion was held regarding the timing of the annual transition between boards. Ann Brogan suggested that the timing of this past years transition was helpful as it allowed the prior year's treasurer to have all seminar related matters resolved before handing over the books to her. We discussed that it therefore might be appropriate to do the board election at the February seminar to take effect in March to allow for such a transition period. It was agreed to discuss this further in the future.

### b. Schedule meetings, luncheons, newsletters

January -

February - seminar

March -

April - newsletter

May - Board meeting, luncheon (Wheaton & Camper?)

June - newsletter

July - Board meeting

August - Social function (baseball game? picnic area or box?)

September - newsletter, luncheon (3rd week)

October -

November - luncheon (12th)

December - newsletter, Winter Social (9th)

## IV. COMMUNICATIONS

### a. Website

#### i. Update Board Membership

It was agreed that we should update the board list on the website

#### ii. Discuss updating site to include member locator

Discussion was had regarding adding a list of the membership on the TBBA website, including a disclaimer to the public as well as having an opt-out possibility for those members who do not (or should not) be on such a list. It was agreed that we do not want this to be in the nature of a referral service, and it was generally agreed that this would be a positive thing if it is technically possible.

#### iii. Revamping site

Discussion was had regarding our web-hosting service and that we were generally pleased with our current service, but that John would explore our options.

### b. Newsletter

#### i. Information to include

#### ii. Liaison with Chambers and Clerk

John Merna agreed to check with Chambers to see if they had anything to contribute to the newsletter.

#### iii. Adding a constant contact account

It was agreed to explore having a static e-mail address for the Association officers (president@tbba.org; treasurer@tbba.org etc.) that would follow the office rather than the person from year

to year.

## **V. ORGANIZATIONAL ISSUES**

### **a. Collecting and centralizing prior information**

It was discussed that the organizational memory of the Association was fragmented and that we should try to gather this information together.

### **b. Requiring publication on Minutes.**

The secretary will provide the minutes to the president who will submit them to the board for approval and then publish them to the membership.

### **c. History of organization added to website.**

Tom Dickenson will work on pulling together the history of the Association.

### **d. Amendment to Bylaws to adjust annual calendar.**

See III(a) above

## **VI. PRO BONO INITIATIVE**

John Merna announced that he hoped to organize a pro bono initiative in which each member would agree to take on one pro bono bankruptcy case per year through the auspices of the legal aid society. This was felt by the board to be an appropriate use of our services and it was agreed that John Merna should pursue this further.

Ken Whitehurst & Ann Brogan agreed to reach out to the Norfolk/Portsmouth and Va. Beach Bar Associations and John Bollinger agreed to reach out to the Peninsula and Williamsburg Bar Associations.

**THE MEETING WAS ADJOURNED AT ABOUT 1:45 P.M.**

**SUBMITTED 3-31-2010**

**/s/ Thomas B. Dickenson**

**Secretary**

Minutes approved by Board on 4/7/2010