

**NCBC Board Meeting Minutes  
June 5, 2008**

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The meeting was held via teleconference and was called to order by President Ken Gardner at 12:05 p.m. CST

Officers: Ken Gardner, President  
Mark Hatcher, President Elect  
John Ginocchetti, Treasurer (**absent**)  
Trisha Harrington, Secretary  
Barry Lander, Past President

Governors present: Jerry Truitt  
Linda Spaight  
Monica Menier  
Milton Aguila  
Kathy Grzybowski (**absent**)

Other Attendees: Celia Strickler, Business Manager  
Sandy Smith - IMPACT Editor  
Mary Lynn Wilson, Historian  
George Prentice (Clerk of Court Texas Western - San Antonio - Host Court 2008 NCBC Conference) (**absent**)  
Patty De La Garza (Host Court 2008 NCBC Conference)

**President Ken Gardner**

**\*\*A Motion is made by Monica Menier to approve the minutes with changes as noted from the April 27, 2008 mid-year board meeting. Linda Spaight seconds.**

**The Motion is approved by the board with no objections.**

**\*\*A Motion is made by Milton Aguila to approve the April Treasurer's Report. Mark Hatcher seconds.**

**The Motion is approved by the board with no objections.**

**Update on San Antonio Conference**

Patty addressed the board regarding the 2008 San Antonio Conference. Patty indicated that everything is coming along. There are currently 540 people registered and registration is set to close on June 16<sup>th</sup>. Currently there are 18 pages of people registered who haven't chosen meals. Those people are in the process of being contacted. John Evans has sent information to Ken indicating that the NCBC insurance policy includes liability coverage for 12 person vans to be rented to transport conference attendees from outlying hotels. Patty indicated that they are contemplating doing that for

the conference and also for use to transport supplies and pick up faculty and presenters. Marketing and Events is also coordinating additional transportation and will contribute \$1500.00 toward transportation. Patty indicated that an additional \$800.00 will be needed to cover the transportation costs but that they might be able to reduce the number of hours that the vans are rented for and thereby the cost will be cut as well. Patty indicated that Tanya from the San Antonio court is working on name badges and has asked if the board would like ribbons. The board makes a decision to not have ribbons attached to their name badges. The board name badges will be a different color. Patty indicated that they had thought about the possibility of holding the President's Reception offsite but there are too many participants and the Reception will remain at the hotel.

### **Business Manager**

Celia asked that Trisha send her the format for the mailing labels and that she will email the mailing list to Trisha for mailing of the ballots. Celia indicated that she needed the Grand Hyatt to direct bill NCBC and that she was having a problem getting them to do that. Celia indicated that she might get David with Marketing & Events involved to see if he could help with that. David worked with the hotel for last year's conference on this issue and was able to get it resolved.

Patty indicated she had a couple of money issues and that she would send Celia an email regarding those issues. Patty indicated that the meals alone for the conference are about \$120,000.00 and that 30% of that amount goes to taxes, gratuities and service charges.

Celia indicated that three weeks before the conference she will mail any invoices to the San Antonio court for review to be sure that the invoices are accurate. Patty indicated that the person they have assigned to the budget for the conference is looking for a daily bill from the hotel. Ken indicated that type of bill is normal and that the hotel should be able to provide that.

Patty indicated that the sponsorship amount is currently at \$21,000.00 and that she is still waiting to hear from Gallagher and the Chapter 13 office. Patty indicated that the sponsorship amount is in line with the last two conferences. George has posted the first "Texas Tattler", an online conference update newsletter, on the NCBC website. George will be posting another one in mid-June and again in mid-July.

Patty indicated that the Maverick Plaza belongs to the city of San Antonio and that the city charges \$700.00 to use the Plaza for up to 499 people, for over 500 people the cost doubles to \$1400.00. Right now there are 508 people registered to attend the Thursday night dinner. Ken indicated that generally there will be about 10% loss through attrition so we should be fine with the \$700.00 amount for use of the Plaza. Patty indicated that the admittance to the grounds is very strict and that whatever number of tickets we are given are all that is allowed. No one without a ticket will be admitted. As Patty mentioned earlier there are 540 people registered for the conference but only 508 signed up for the Fiesta dinner. Patty is in the process of sending out email to the people who are not signed up for the Thursday night dinner to verify that they do not want to attend. Mark asked Patty if the budget was on track for the conference. Patty indicated that if this conference receives the same amount of sponsorship as Rhode Island and Seattle that there should be a nice profit. Ken indicated that he had heard that the BNC contract was being renewed this week. Monica indicated that it

should be renewed but she hadn't heard that it was renewed yet. Ken asked if the BNC contract were renewed if there might be sponsorship money available from BNC? Patty said she wasn't sure but that the conference needed \$11,000.00 to break even. Mark indicated that amount sounded attainable. Barry indicated that Jill Sayenga and John Cooke will be kicking off the conference. Patty indicated that she had obtained a room at the Hyatt for them.

### **Update on Future Conference Locations**

Monica indicated that Baton Rouge will co-host the 2011 conference with New Orleans. Ken indicated that LeeAnn Bennett will be working with a sister property for the conference in Florida next year. Ken indicated that the maximum number of rooms available at the Vinoy is 360. Right now we have 300 rooms wrapped up.

Ken asked for suggestions for the 2010 conference. Mark suggested Portland, OR or New Mexico. Monica suggested South Carolina, Charleston or Myrtle Beach. Ken suggested Denver but indicated there might not be the support in that court to host a conference. Barry indicated that San Diego was available and willing and that it had been 10 years since they had hosted a conference.

Ken indicated that he'd like to see the suggestions narrowed down to a few courts so that NCBC can have Marketing & Events start looking into hotel availability and pricing for those areas. Ken indicated that NCBC needs to take into account court support and hotel availability when choosing a host court.

Barry suggested New Jersey. Linda suggested Pennsylvania. Ken indicated that NCBC should look into the Carolinas, Pittsburgh and New Jersey as possible locations for the 2010 conference with San Diego as a back up. Ken indicated that he would make a couple of contacts with some of these courts and see what interest there might be to host the 2010 conference. Once interest is determined, Marketing & Events can start looking into hotel availability and pricing for those areas.

### **Request for NCBC Endorsement of Small Court Work Measurement Formula Issue**

Monica addressed the court regarding the new staffing formula that is being suggested by the JRC. The formula indicates that about 92% of small courts (1 judge or less) will be losing staff while 100% of large courts are gaining staff. The formula amounts to about 40 positions being lost amongst all of the small courts. While 40 positions doesn't sound like a lot, the loss of one position in a small court can be really devastating. The study is being devised around the basic number of employees it takes to open the doors. Right now it appears that 2 judge courts will be less affected. The overriding concern is how many positions will the 1 judge courts be losing. Jerry indicated that the 2 judge courts are also being affected. Ken indicated that NCBC endorsing this issue is somewhat of a slippery slope - what are they asking NCBC to support? If NCBC endorses one size of court over another size of court, how is that perceived? The large courts don't appear to be as adversely affected. Mark indicated that it is like pieces of a pie. There is a pie of staff resources, the pie won't change but how the pieces are sliced up between small, medium and large courts will change. Should the NCBC weigh in on how the pie gets carved up specifically? Ken asked the board if NCBC should endorse fair and equitable distribution. There is an ad hoc committee formed with 3

clerks from BCAG but no small courts are represented on this committee. Linda indicated that by excluding small court representation you are excluding 30% of the courts. The 3 main suggestions appear to be:

1. Suggest an actual fair and equitable distribution among the courts
2. Recommend having a small court representative on the ad hoc committee
3. Recommend a threshold on downsizing

Monica indicated that her thoughts would be to support all courts of all sizes. Linda indicated that she felt to make a broad endorsement is aligned with what NCBC is in existence to do. There is actually a fairly large increase in overall funding. Ken indicated that all of this information was to be shared with the entire bankruptcy community and that hasn't happened. Barry indicated that this scenario came about because they tried to make the formula more stable so they moved it away from filings to judgeship.

Ken indicated that he will draft a letter and contact Glen Palman. Ken will send the letter to the board before he sends it to Glen. Linda asked why is Glen so opposed to having small court representation. Ken indicated that he isn't sure. Mark asked if the letter should also go to the JRC. Ken indicated that was a good suggestion and that he would get something drafted and sent out to the board for review.

### **Committee Reports**

**Awards** - Linda indicated that the deadline for submitting nominations for awards closed on Monday, June 2. There will be a committee meeting next Monday to go over the nominations. Any late submissions will be welcomed as well. Barry suggested nominating the person who is heading up the BNC contract renewal.

**By-Laws** - Jerry indicated that what the committee hopes is the last revision to the By-laws has been sent out. Section 2.1 was changed at the last hour. The By-laws will be published in the next edition of the Impact which Sandy indicated will be in about 3 more weeks. Ken asked that the revised By-laws be sent out to the board for review and that he will call a special meeting to approve them. Then the By-laws can be published in the Impact for membership review prior to the conference.

**Nominations** - Trisha indicated that the declarations of candidacy and candidate statements have been received and a ballot is ready for distribution to the membership. Celia indicated that she will send the mailing list to Trisha via email sometime next week.

Sandy Smith is running for the board of governors and asked if there was a conflict if she remains the Impact editor while running for the board. Ken indicated that he had no problem with Sandy remaining as Impact editor while running for the board.

**Benefits** - Kathy is unable to attend the meeting but submitted an email report including the following information:

1. The Open Season for the NCBC Life Program has been changed to July 1 through August 31, which will nicely accommodate the time surrounding the NCBC conference.
2. The committee has been reviewing and commenting on Gallagher's NCBC Life Program marketing drafts of fliers and announcements.
3. The committee's biggest concern is providing the membership with cost/benefits comparison tools between FEGLI & the NCBC Life Program. Aetna will not provide these comparisons. The committee is planning to create the tools, with Gallagher's help.
4. Those committee members planning to attend the conference will observe the Gallagher breakout sessions and solicit feedback from other participants
5. NCBC-sponsored onsite retirement education/financial planning education sessions - the committee is working on developing a proposal for board approval to move this program forward. Based on the recent survey, it seems there are many courts who would like this training

Kathy also submitted the following information regarding the Tech Trail at the conference in San Antonio:

Tech Trail update:

To date, I have received 10 Tech Trail registrations. Another 6 courts have said they are planning to participate, but haven't registered yet, including the FJC who plans to use 4 tables. We have room for about 25 exhibits in all. I have a list of courts to solicit based on conference registrations. Historically, courts tend to put their focus on who they are sending to the conference first and then think about the information sharing plenary. If you have any courts to recommend, I will be happy to follow-up with them. Timing-wise, everything is right on track. The host court is wonderful to work with - Thank you, George!

Mark asked about the email letter sent out by Jim De La Torre. Ken indicated that as a board we should not respond and that one option is to unsubscribe to the emails from Andreini. Linda asked about emails being sent to HR people causing confusion. Barry suggested making HR people aware that there is a difference between Gallagher and Andreini and also having Ken make a simple statement at the annual meeting that Gallagher and Federal First are the NCBC representatives.

The next meeting will be held on June 26<sup>th</sup>.

Meeting adjourned at 1: 57 CST.

Respectfully Submitted

Trisha A. Harrington, Secretary