

NCBC Board Meeting Minutes
Annual Conference - San Antonio Texas
August 5, 2008

The meeting was held at the Grand Hyatt in San Antonio Texas and was called to order by President Ken Gardner at 2:13 p.m. CST

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

Governors present: Jerry Truitt
Linda Spaight
Monica Menier
Milton Aguila
Kathy Grzybowski

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)
Patty De La Garza (Host Court 2008 NCBC Conference)
Randall Dunn (NCBJ Representative)
John Evans (Gallagher Representative)
Maureen Conner (MSU Representative)
Bill McCool (FCCA President)
Ray Hendren (NACTT)
Jody Troxler (NACTT)

San Antonio Court

George Prentice introduced the board to the staff who will be helping out at the conference.

President Ken Gardner

Ken asked that everyone on the board and guests seated at the table introduce themselves.

****A Motion is made by Jerry Truitt to approve the minutes from the July 25, 2008 board meeting. Kathy Grzybowski seconds.**

The Motion is approved by the board with no objections

Faculty introduction assignments are given to the board for the conference.

Judge Randall Dunn - NCBJ Update

Judge Dunn indicated that there is good news coming from Washington. Judge Dunn indicated that budget matters look good and that the numbers from the House and Senate should be good. He indicated that most if not all courts should not be facing staffing cuts. The cuts are attached to the judiciary appropriations bill. The election could play a part in the outcome of the bill. Ken indicated to Judge Dunn that he felt that the future of CM/ECF initiative received good support from the NCBJ. Judge Dunn indicated that initially CM/ECF was developed without a mindset to be used for bankruptcy judges and staff. CM/ECF is in the process of being improved to be much more user friendly. Judge Dunn indicated that by the end of the year CM/ECF should be operational at the BAP level. There is an NCBJ meeting being held in Arizona the end of September.

Gallagher Update

Kathy indicated that it has been a good year for the benefits committee. Kathy indicated that the benefits committee membership will stay as is for the upcoming year. There will be a report coming out regarding the status of long term disability claims. There will be life insurance email blasts coming out soon. Kathy indicated that all but one of the benefits committee members are here and will be surveying the breakout sessions. Kathy indicated that there is probably a need for HR training programs. Ken indicated that this next year will be ripe for a lot of initiatives. Training will probably be needed with the new CPS rules going into effect in 2010.

John Evans addressed the board and indicated that the long term disability enrollment continues to run smoothly and that membership is growing. The life insurance program has gone smoothly. The sign up activity is small but growing. John indicated that he felt the premium rates are good and that most people are looking for additional coverage when signing up for this program. Ken indicated that he would get the word out about the life insurance program during the conference. Ken also indicated that NCBC really appreciated Gallagher's service this past year.

Bill McCool, FCCA President

Bill indicated that he and Ken had a discussion about 18 months ago and agreed then that FCCA and NCBC would create a good partnership between the associations. There has been talk of a joint conference but the individual organizations may have gotten too large at this point. Ken indicated that he received notice from the Federal Managers Association indicating that there has been House movement on the sick leave initiative that would bring FERS enrollees more in line with CSRS enrollees. The FERS sick leave initiative is attached to a tobacco rule. The Senate could possibly approve it. The House has a paygo rule. We should be able to ride the coattails of

the Federal Managers Association. Bill indicated that the AO got wind of the bill and agreed to take a look at it and track it. The AO and the Judicial Conference endorsed it in large part because FCCA and NCBC drew their attention to the bill.

Bill also indicated that their partnership with MSU mirrored our program. FCCA's first graduation will be next year as well in Detroit. Director Duff will be attending. FCCA's current membership is 1470 which is an increase from last year. The incoming president is Jim Larson. Bill indicated that he'll be at St. Petersburg next year.

Bill gave the board information about MemberClicks which is a membership software the FCCA uses to monitor their membership dues. Bill indicated that MemberClicks is an online automated membership service. Members pay their dues online using PayPal. The Washington Legal Administrators handle their conference with this software. The software offers auto renewal, electronic payments and manages conference activities. There is a membership database which can be downloaded in an Excel spreadsheet. There is a \$560.00 set up fee and a monthly service fee.

Mary Lynn asked Bill if FCCA is making a concerted effort to retain and encourage retirees to be involved. Bill indicated that they are working to reach out to retirees.

Maureen O'Connor, MSU

Maureen indicated that currently there are 22 people eligible to graduate at the first graduation in Florida in 2009. Currently NCBC has the highest enrollment but still the lowest payment record. Maureen indicated that students have been receiving information about what is necessary to complete in order to graduate. Maureen indicated that another 10 - 15 students are a course or two away from graduation and would most likely graduate as well.

Maureen indicated that the deadlines to be met are to complete all non-credit courses and pay outstanding fees by November 10, 2008, and to complete an audit by December 15, 2008. Maureen indicated that by January 9, 2009 anyone who is going to graduate will need to have submitted their capstone proposal and will have until March 6, 2009 to complete their capstone experience. Students will then be given feedback and a pass/fail by March 31, 2009. Maureen indicated that she would like to be given a specific date and time for the ceremony and the MSU/NCBC reception for graduates. Maureen asked if there would be speakers for that and whether or not outside guests would be allowed. Once the specifics are arranged the information would be sent out to Court Clerks and students. Maureen indicated that most graduates want to bring family members and that could possibly have an impact on lodging, etc.

Maureen indicated that Vice President of the University would be attending both graduations. MSU will also fly in the deans. Bill indicated that FCCA had blocked out 2 hours for the graduation.

Establishing Credit for NCBC

Ken indicated that NCBC has been running into a problem with being required to pay up front with the conference hotel because NCBC does not have a credit history beyond paying for conferences every year. Hotels are generally looking for some type of monthly payment being made to establish credit history. Ken suggested that there be some sort of revolving credit established for NCBC. Ken indicated that this year NCBC had to give a \$25,000 check to the hotel because NCBC had no credit history.

****A Motion is made by Monica Menier to establish revolving credit for NCBC. John Ginocchetti seconds.**

The Motion is approved by the board with no objections

John will look into establishing a revolving credit account for NCBC.

National Association of Chapter 13 Trustee Update (NACTT)

Ray Hendren and Jody Troxler addressed the board regarding NACTT. An issue that the NACTT is currently dealing with involves mortgage companies who are paid through the Ch 13 Plan. The mortgage lenders are pushing changes in the plan payment through as a docket issue rather than a claims issue. Any change to the mortgage payment is being docketed to the case when it should be dealt with as a claims amendment. A number of judges are very concerned with mortgage lenders docketing to the case in this way. NACTT is asking that mortgage lenders stay away from the docket if it relates to the claim. A position paper has been drafted outlining the best practices, Ray indicated that he would forward that to NCBC. Ray also addressed NCBC regarding an easier way of handling unclaimed funds. The Ch 13 Trustees provide this information to the National Data Center. Jerry indicated that a lot of this is judge driven.

FAS4T Working Group Request

Ken indicated that the FAS4T Working Group is asking if NCBC would like to have some sort of booth or table set up at their conference to be held September 17 - 19. Ken indicated this would be a way to market NCBC to the people who attend these conferences. Bill indicated that FCCA would also be willing to set up something at a FAS4T Working Group conference.

****A Motion is made by Jerry Truitt to allot an amount equal to FCCA's contribution to set up a table at the FAS4T Working Group conference, not to exceed \$1000.00. Linda Spaight seconds.**

The Motion is approved by the board with no objections

Committee Reports

Awards - Linda reported that the awards certificates are done and ready to go. Linda indicated that she will stay on the awards committee and that John Horner has agreed to chair. Ken will announce membership awards at tonight's president's reception.

By-Laws - The amended By-laws have been sent out and will be voted on at Thursday's business meeting luncheon.

Membership - Monica sent out a suggestion to ask deputy clerks to pay regardless if they are going to the conference in any given year. Linda wondered why deputy clerks aren't paying even if they're not going to the conference. Ken indicated that some courts aren't in support of NCBC. Celia indicated that currently there are close to 1000 paid members. Mark indicated that NCBC should work at getting some larger courts on board.

Historian - Mary Lynn indicated that she has started to receive some items after the last article was sent out in the Impact. Mary Lynn indicated that she hasn't been able to get interviews with past presidents and that not very many of them were at the conference. The history table has been set up at this conference.

Update on Future Conferences

Ken indicated that there is still a need for a 2010 host court. Ken indicated that Pittsburgh had been considered as a possible choice. John Horner indicated that he was willing to look into it. Ken will work with John on the possibility of Pittsburgh hosting the 2010 conference.

Cancellation Policy

Ken indicated that for the past few years there have been last minute cancellations prior to the conference which causes NCBC to incur additional food costs. Ken indicated that NCBC is in need of a cancellation policy to be implemented and publicized prior to next year's conference. Celia suggested that it be based on the hotel's deadline for commitment for food costs. Ken indicated that 7 - 10 days might be a good cancellation timeline. Jerry suggested setting the deadline at 2 weeks.

****A Motion is made by Jerry Truitt to implement a 2 week cancellation policy for the NCBC Conference beginning with 2009's Conference. Milton Aguila seconds.**

The Motion is approved by the board with no objections

Celia indicated that possibly invoices should be sent out earlier. Ken asked John Ginocchetti to verify with Bill Roeder that this cancellation can be implemented by NCBC.

Business Manager Stipend

Ken reported to Celia that the committee formed to make this determination had not had a chance to form a decision. Celia asked that the committee meet with her so that she can present information about her duties and why she is seeking a stipend. Ken asked that the committee meet with Celia on Friday August 8 to discuss her request for a stipend.

Miscellaneous

Ken indicated that there were tables reserved for the board at the opening plenary on Wednesday and the business meeting on Thursday and that the board should sit together at these tables.

Ken thanked the outgoing board members for all of their work the last two years on the board.

****A Motion is made by Jerry Truitt to adjourn the meeting. Linda Spaight seconds.**

The Motion is approved by the board with no objections.

Meeting adjourned at 5:20 CST.

The next meeting will be held on Thursday, August 28 at 10:00 PDT, by conference call.

Respectfully Submitted,

Trisha A. Harrington, Secretary