EASTERN WASHINGTON BANKRUPTCY NOTES

PUBLISHED FOR MEMBERS OF THE BANKRUPTCY BAR ASSOCIATION • EASTERN DISTRICT OF WASHINGTON

VOLUME XXVIII, NUMBER 1 • NOVEMBER 2017

The New NOTES

The Notes newsletter is very excited to announce changes to both the format of the newsletter and its frequency, as well as related online content. Due to Notes historical long-form printed content, and the lack of recent contributions to the magazine, it has been extremely difficult to obtain the necessary content to continue the newsletter in its current form. Further, we believe that changes need to be made to both modernize the newsletter as well as control its cost-structure. Due to such concerns, the newsletter will have the following changes:

- Shorter format: The newsletter will have ½ to ¾ of the content that it previously contained.
- Greater frequency: The newsletter will arrive on a quarterly basis, with this issue being the issue for the third quarter of 2017.
- Electronic format: To improve cost-structure, as well as to allow quicker processing times, the newsletter will most likely be available online only. When the new issue is available, all members will receive notification of the availability by e-mail, and will receive a link to download through the bar association's website. Those who desire a printed copy may have one mailed to them for an added fee.

With the changes to the format of the newsletter also comes a big change to the Bankruptcy Bar Association for the Eastern District of Washington's website. Not only will each issue of Notes going forward be available online through the bar association's website, but the website will have its own original content, scheduled to go live the fall of 2017. The website is slated to have the following content:

- Weekly to bi-weekly columns with commentary about recent bankruptcy law related cases, news or information
- Links to local bankruptcy rules, forms, contacts
- Updated sidebar direct links to opinions from across the 9th Circuit and nationwide
- RSS News feed with items related to bankruptcy, the business community or the economy overall
- The ability (and invitation) for practitioners in the community to write a guest column, to get publicity for their practice or to highlight an issue of concern. With website columns being shorter on average than an article for the newsletter, and a little less restrictive, we hope that this will encourage practitioners to consider contributing more often.
- Future: Subscriber forum to discuss and solicit input from the legal community

We thank all that have contributed to Notes, and everyone who has had a part of the publication in the past. We realize that the publication needs to work to adapt to a new format, and with this new format strive to deliver relevant content quicker. At the same time we encourage and solicit all contributions from the community. An issue you think may be important or interesting may be one of common interest to all. Please feel free to contact the Notes editors if you have any ideas. Going forward, David Kazemba and Tim Fischer will be Associate Editors of the Notes Magazine and will be running the website in partnership along with the input of the Board for the Bankruptcy Bar Association for the Eastern District of Washington. We look forward to the changes that will be occurring and hope you enjoy them as well.

Inside…

Litigating Student Loan Discharge Cases in the Eastern District of Washington

By Jamie DeMello
Associate, Ekimoto & Morris, PLLC; Honolulu, HI
Former Extern to the Hon. Fredrick P. Corbit

Courts throughout the United States have seen an increasing number of student loan discharge cases and the Eastern District of Washington Bankruptcy Court is following this trend. Student loan discharge is considered an adversary proceeding under the Bankruptcy Code and is governed by 11 U.S.C. § 523(a) (8). Student loan debt is presumed to be nondischargeable in bankruptcy, unless the presumption is rebutted in an adversary proceeding by a showing of "undue hardship" on the debtor.[1] Recent case law out of the Eastern District of Washington provides some "tips" for debtors and their attorneys considering whether to file a student loan discharge case.

Tip 1: Know the *Brunner* Test.

The Brunner test has been adopted by the Ninth Circuit and is used in determining whether undue hardship exists in a student loan discharge action.[2] According to *Brunner*, in order to show undue hardship, the debtor must prove that: 1) he cannot maintain, based on current income and expenses, a "minimal" standard of living for himself and his dependents if forced to repay the loan; 2) additional circumstances exist indicating that this state of affairs is likely to persist for a significant portion of the repayment period; and 3) he has made good faith efforts to repay the loan.[3] These factors are discussed in more detail throughout this article using case law decided within the Eastern District of Washington.

Tip 2: The Court Considers What is Reasonable, Not Impossible When Analyzing "Minimal Standard of Living."

In considering the first prong of the *Brunner* test, a court is charged with scrutinizing the debtor's budget in order to make a determination regarding whether a debtor (and dependents) can maintain a "minimal" standard of living while making payments on the debt.[4] Generally, in these cases, the creditor will claim that expenses in the debtor's budget are unnecessary and that those amounts could be used to pay the debtor's student loan debt instead. This tends to intimidate debtors, making it seem like they have to go without necessary expenses in order to meet prong one of the *Brunner* test. However, courts take into account what is and is not in a debtor's budget when making a determination about whether the debtor could maintain a minimal standard of living and still make payments on their debt.

In certain cases bankruptcy courts have found such expenses as Hulu and Netflix subscriptions, home repair, allowance for children, cell phone bills, and other budget items contested by creditors to be allowable and reasonable under the first prong of the *Brunner* test.[5]

Bankruptcy courts balance the various factors in making their decisions about what is reasonable, as was pointed out by the court in the *McCafferty* Case[6]:

Resolving the dispute over the McCaffertys' budget, "is a matter properly left to the discretion of the bankruptcy court." *Pena*, 155 F.3d at 1112. This court employs common sense, knowledge gained from ordinary observations in daily life, and general experience when determining whether someone's expenses are unnecessary or unreasonable, whether someone is paying for something that is not needed, or whether someone is paying too much for something that is needed. This court agrees that "[p]eople must have the ability to pay for some small diversion or source of recreation, even if it is just watching television or keeping a pet." *Ivory v. United States Dep't of Educ. (In re Ivory)*, 269 B.R. 890, 899 (Bankr. N.D. Ala. 2001).

Among the contested expenses in *In re McCafferty* was the debtor's monthly tithe, which could be considered a reasonably necessary expense.[7] While there has been case law supporting both sides, this court in *In re McCafferty* determined that tithing would be considered on a case-by-case basis, taking into account such factors as the frequency and amount given, along with the debtor's history of tithing in order to determine whether, for that particular debtor, tithing constitutes a reasonably necessary expenditure.[8] The take away here is that this court will look at the totality of the circumstances in determining whether a debtor meets prong one of the *Brunner* test.

Tip 3: Investigation and Participation in Government Repayment Plans Are Considered But Not Determinative.

Debtors are often reluctant to bring a discharge case because they are not participating in a government repayment plan. However, the Bankruptcy Court for the Eastern District of

[1] *In re Morrison*, Adv. No. 13-80034-FPC, 2014 WL 739838 (Bankr. E.D. Wash).
[2] *United Student Aid Funds, Inc., v. Pena (In re Pena)*, 155 F.3d 1108, 1112 (9th Cir. 1998) (adopting *Brunner v. N.Y. State Higher Educ. Svcs. Corp. (In re Brunner)*, 831 F.2d 395 (2d. Cir. 1987).
[3] *Id.* at 1111.
[4] *Morrison*, 2014 WL 739838 at 3.
[5] *See Morrison*, 2014 WL 739838 at 3; *In re McCafferty*, 2015 WL 6445185.
[6] *In re McCafferty*, 2015 WL 6445185 at 4.
[7] *Id.* at 4.
[8] *Id.*

Washington does not find non-participation in such repayment plans to be a determinative factor of whether or not the debtor will satisfy prongs one and three of the Brunner test. Nevertheless, whether a debtor has negotiated or investigated a plan could be determinative.

In *In re Lynda M. Booth*, the Bankruptcy Court for the Eastern District of Washington looked at whether the debtor's participation in the Income Contingent Repayment Plan ("ICRP"), which resulted in no current requirement to make a monthly payment, precluded the debtor from demonstrating that, based upon income and expenses, she cannot maintain a minimal standard of living if forced to repay the loan.[9] The court noted that the relief under bankruptcy and under ICRPs are very different and ICRPs cannot replace the discretion of the court in a bankruptcy case.[10] The court held that the chapter 7 debtor was not precluded from establishing undue hardship under the *Brunner* test just because the debtor has a zero dollar monthly payment obligation under the ICRP.[11] This court has made it clear that government repayment plans, while important for many debtors, cannot replace the role of the bankruptcy court in providing relief for a debtor.

While participation in a government repayment plan is not a determinative factor, the debtor's investigation into and negotiation of a plan can be a factor considered by the court in the good faith analysis under prong three of the *Brunner* test. In *In re McCafferty*, the debtor admitted that she did not even investigate her repayment options, which led this court to find that the debtor did not meet the good faith requirement of the *Brunner* test.[12] What is significant here is not whether or not she accepted a plan, but whether or not she investigated her options. The court in the Eastern District of Washington has not allowed government repayment plans to be determinative as to whether or not a debtor receives a discharge. However, a debtor should be aware that the court will look at whether a good faith effort was made to investigate a plan.

Tip 4: Timing is Everything, So Don't Bring the Case Too Early.

A very significant consideration in bringing a student loan discharge case is determining when to bring it. Under the Bankruptcy Rules, you can bring a discharge case at any time. *See* Fed. R. Bankr. P. 4007(b). Therefore, a debtor should consider taking actions that will strengthen their case before bringing it before this court. For example, in the *In re McCafferty* case, it appears that had the debtor made minimal payments on her student loan debt and investigated a payment plan option, she would have improved her chances of meeting prong three of the *Brunner* test.[13] The debtor should take time to consider taking measures, such as, investigating and negotiating a government repayment plan, making payments on student loans, and maximizing their income while minimizing their expenses, before bringing their case before this court.

Tip 5: Even If the Debtor Meets the *Brunner* Test, the Debtor May Still Have to Pay a Portion.

The Ninth Circuit courts have held that even if a debtor meets all prongs of the *Brunner* test, a debtor is still obligated to repay any portion of a student loan debt that does not pose an undue hardship on the debtor.[14] When determining the amount and length of payments toward the student loan debt, this court in *In re Morrison* took into consideration the debtor's age, projected income, proposed budget, and future expenses.[15] This court capped the amount the debtor would have to pay at $72,000, which at the time was approximately $25,000 less than the prepetition debt.

The benefit to the debtor in going this route is that the total amount the court decides is nondischargeable could be significantly less than what the debtor would be charged without the relief provided by the court. In conversations with debtors, attorneys should always remind the debtor that although the undue hardship test may be met, the debtor could still be required to make payments on a portion of the debt. This final tip should in no way discourage a debtor from attempting to have their student loan debts discharged, but should instead give a realistic approach to the process.

Conclusion

Student loan discharge cases are likely to increase over time, particularly with the rising costs of education. In such cases, attorneys and their clients need to be mindful of substantial case law that has been developed by the bankruptcy courts, including the Bankruptcy Court for the Eastern District of Washington. Looking at the decisions of the Eastern District of Washington, attorneys will have access to materials sufficient to address many of the issues they will confront in student loan discharge cases.

---

[9] 410 B.R. 672, 674 (Bankr. E.D. Wash. 2009).

[10] *Id.*

[11] *Id.* at 676.

[12] *McCafferty*, 2015 WL 6445185 at 9.

[13] *Id.* at 8. In its decision, this court stated that debtor's using any extra income to pay other loans before the student loan debts made sense from a financial perspective, in bankruptcy, not making payments will hurt your ability to show good faith.

[14] *Saxman v. Educ. Credit Mgmt. Corp. (In re Saxman),* 325 F.3d 1168,1175 (9th Cir. 2003).

[15] *In re Morrison*, 2014 WL 739838 at 8. Here the court looked at the debtor's age and time to retirement; income increase due to trust payments; proposed budget; and the increased expenses as debtors aged when determining what amount would not be an undue hardship for the debtor to pay.

Where's My d___ Order?

Frederick P. Corbit, Chief Bankruptcy Judge
for the Eastern District of Washington

Clients and their attorneys may work for a year or more to resolve an issue in court, and after a settlement or a judge's oral ruling, they are understandably eager for the entry of an order that puts the matter to rest. Every bankruptcy judge in Eastern Washington practiced law for decades prior to putting on a judicial robe and understands the angst of attorneys and their clients. As a result, the judges work hard to minimize the wait. Moreover, the clerk's office diligently ensures that orders are entered on the case docket promptly after being signed.

The Process

After an order is submitted to the court for entry, which is accomplished by an attorney, the clerk's office, or chambers' staff uploading an order into Case Management/Electronic Case Files (CM/ECF), the order is reviewed by a law clerk or judicial assistant who prepares notes for the assigned judge. The judge then reviews the proposed order, the notes, and the case docket before either signing the order as presented, revising the order, rejecting the order, or scheduling a hearing. For some matters, this process is fairly simple. For example, a motion for relief from stay can be processed quickly when proper notice is given, the motion is accompanied by a supporting declaration, and the debtors admit in their schedules that they hold no equity and intend to surrender the subject property. Likewise, submissions that fail to comply with procedural rules, such as the rules prescribing minimum notice, may quickly be rejected.

Most orders are entered on the case docket by the clerk's office on the day they are signed by a judge. Orders signed by a judge in the evening, on weekends, or on court holidays, are entered by the clerk's office on the case docket on the next court day.

Not all orders require a judge's signature. Pursuant to Administrative Order Number 08-02, many ministerial orders, like an order approving the payment of a filing fee in installments, may be signed by clerk's office staff. Additionally, there are text-only orders that appear directly on the case docket without being signed by a judge. An example of a text-only order is an order confirming an uncontested chapter 13 plan.

The Numbers

In 2014, there were 4,119 orders signed by the bankruptcy judges in the Eastern District of Washington. About 68 percent of those orders were submitted by attorneys after the notice period for objections expired or after a judge announced an oral ruling. The remaining orders signed by the judges were submitted by either the clerk's office or chambers' staff. For example, the clerk's office will submit an order to dismiss a bankruptcy case where a debtor fails to fully pay the filing fee.

The Timeline

On average in 2014, after orders were submitted by attorneys, it took four days, including weekends and holidays, for the orders to be reviewed and then signed by bankruptcy judges in the Eastern District of Washington. When weekends and holidays are not counted, the average turnaround time is less than three days. Similarly, orders submitted by the clerk's office and chambers' staff are reviewed and signed promptly – the average turnaround is less than two days. In order to keep the turnaround time this short, the judges frequently use iPads and laptop computers to review and electronically sign orders while they are out of the district for court business or on vacation.

The Zombie Absolute Priority Rule:
Back from the Dead in Individual Chapter 11 Cases

Timothy Fischer, Principal, Winston & Cashatt, Lawyers

In case any doubt remained, the Absolute Priority has risen from the dead and is back in effect with regard to individual Chapter 11 cases in the 9th Circuit. In a case of first impression the Ninth Circuit Court of Appeals held that the Absolute Priority Rule applies in all Chapter 11 cases, wherein a dissenting class of unsecured creditors must be provided for in full before the debtor retains any assets. *Zachary v. California Bank & Trust (In re Zachary)*, 811 F.3d 1191 (2016). The ruling overturned previous rulings holding to the contrary including *In re Friedman*, 466 B.R. 471 and abrogated *In re Shat*, 424 B.R. 854, and limits the debtor to retain only the property acquired after the filing of the bankruptcy if a dissenting class exists.

In *Zachary*, a husband and wife filed a joint voluntary Chapter 11 petition. The filed plan of reorganization proposed paying their largest unsecured creditor, California Bank & Trust only $5,000 on a $2,000,000 claim while retaining ownership of a large amount of non-exempt assets, including their business, their home, and a rental property. The bank objected, arguing that the plan violated the Absolute Priority Rule embodied in 11 U.S.C. §1129(b)(2)(B)(ii). The bankruptcy court agreed and the 9th Circuit took the matter up on direct appeal. In their opinion, the 9th Circuit followed four other circuits that have considered the same question and found that the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("BAPCPA") did not abrogate the Absolute Priority Rule.

The Court began its analysis by describing the history of the Absolute Priority Rule. Initially a judicially created concept, the Absolute Priority Rule was designed to "prevent deals between senior creditors and equity holders that would impose unfair terms on unsecured creditors." *In re Zachary*, 811 F.3d at 1194. The concept later gained statutory force when it was incorporated into Chapter 11 of the Code in 1978. The Rule requires that with respect to unsecured claims, "the holder of any claim or interest that is junior to the claims of such class will not receive or retain under the plan on account of such junior claim or interest any property." 11 U.S.C. §1129(b)(2)(B)(ii).

The Court rejected the line of cases espousing what has been termed as the "broad view" with regard to the applicability of the Absolute Priority Rule in individual Chapter 11 cases and adopted the "narrow view" approach. *In re Zachary*, 811 F.3d at 1198. The broad view, as set forth in *Friedman* and *Shat*, attempts to hybridize individual Chapter 11 cases into a variation of a Chapter 13 case, arguing that Congress attempted such an outcome. Under that view, "an individual debtor is entitled to retain most prepetition and postpetition property and nonetheless cram down a plan over an unsecured creditor's objection." *Id.* at 1196. Under the "narrow view," "BAPCPA amendments merely have the effect of allowing individual Chapter 11 debtors to retain property and earnings acquired after the commencement of the case that would otherwise be excluded under § 541(a)(6) & (7)." *Id.* This allows the debtor to only cram down a plan retaining only postpetition property.

The Court rejected the premise that Congress did not know what they were doing when enacting BAPCPA, and that if Congress really intended the results of the "broad view" approach, it could have simply made 11 U.S.C. § 1129(b)(2)(B)(ii) "inapplicable to individual Chapter 11 cases." *In re Zachary*, 811 F.3d at 1199. Or "Congress could have raised the debt limits for Chapter 13 cases, ushering more individuals into that regime." Id. The Court recognized the resulting harsh result for individuals for the applicability of the rule, but likewise recognized the harsh result for unsecured creditors if it was absent, as the *Zachary* case illustrates. The Court said that its job was "not to balance the equities, however, but to interpret the Bankruptcy Code." *Id.* Any relief must come from Congress. In any event, in the 9th Circuit the Absolute Priority Rule applies to individual Chapter 11 cases, and with five Circuits in agreement with the *Zachary* case, it does appear that Congress would need to act if any change is desired.

Recovering Garnished Wages in a Chapter 7 Case

By Jamie DeMello
Associate, Ekimoto & Morris, PLLC; Honolulu, HI
Former Extern to the Hon. Fredrick P. Corbit

Introduction

This article will provide guidance to chapter 7 debtors and debtors' attorneys in recovering wages garnished within 90-days prior to filing for bankruptcy. While this can be done automatically after claiming the amounts as exempt, sometimes a phone call or letter can provide the debtor with a favorable outcome. If the creditor continues to refuse to return the garnished wages at issue, the debtor may file an adversary proceeding under Bankruptcy Rule 7001 seeking to: avoid the lien; avoid the preferential transfer; and require the turnover of the wages. The Ninth Circuit in In re Hernandez, supports the debtor's right to the garnished wages in these cases.[1] Below is a step-by-step guide.

Part I. Claim and exempt the garnished wages in the bankruptcy schedules.

1) Ensure minimum amount requirement is met.

   A debtor must have at least $600 in aggregate wages that were withheld 90-days prior to filing in order to avoid the transfer as a "preference."[2] The debtor and debtor's attorney should ensure that all requirements for a transfer to be considered "preferential" under 11 U.S.C. § 547(b) have also been met.[3]

2) Claim amounts as exempt.

   In order to recover garnished wages, debtors must claim in their bankruptcy schedules the garnished funds as exempt under 11 U.S.C. § 522 or RCW 6.15.050, depending on whether the debtor intends to claim federal or state exemptions. The "catch all" exemptions under 11 U.S.C. § 522(d) and RCW 6.15.050 are frequently used for this purpose. The debtor should ensure that the exemption is a valid exemption under 11 U.S.C. § 522(b).[4] The debtor can list the garnished wages as "Funds garnished within 90-days." This step is very important because it establishes the debtor's interest in the amounts and, provided the trustee does not attempt to recover the garnished wages for the benefit of the estate, the exempt amounts will go back to the debtor. Further, listing the exemption of these amounts will make it clear that the debtor is not attempting to "conceal" assets and puts all parties on notice.

Part. II. How to recover the amounts.

1) Automatic Return.

   Provided the steps above are completed, local creditors generally understand that they must return garnished wages to the debtors. Creditors will receive notice of the filing and will know that the debtor has a right to those amounts. This would be the best scenario for the debtor. The collectors could send a refund check to debtor's attorney, debtor, or to debtor's employer.[5]

2) Phone Call to Creditor/Collector.

   If the garnished wages are not timely returned, the debtor or the debtor's attorney could call and inform the creditor: (1) that debtor has filed for bankruptcy; (2) that the creditor is holding funds that are considered preferential; and (3) that those amounts must be returned to the debtor. This courtesy call will allow the creditor the opportunity to return the wages without incurring further costs.

3) Demand Letter.

   Should the creditor not return the funds automatically or after a phone call, a debtor or debtor's attorney could send a demand letter that points out to the creditor that the debtor is entitled to the transferred funds under bankruptcy law. Debtor or debtor's attorney can further state that if the funds are not returned, the debtor will file an adversary action. A demand letter can be a cost-saving tool that informs the creditor of the opportunity to comply without incurring further costs of litigation.

4) Avoid the lien, avoid the preferential transfer, and request turnover through an adversary proceeding.

If the above suggestions do not work, a debtor's next step would be to file an adversary proceeding under Bankruptcy Rule 7001.[6] In an adversary proceeding, the debtor would seek to avoid the creditor's lien rights under 11 U.S.C. § 522(f) and recover the preferential transfer pursuant to 11 U.S.C. § 522(h) and 547(b). Each step is discussed in detail below.

11 U.S.C. § 522(f) allows the debtor to avoid a lien where it impairs a debtor's exemption to which debtor would have been entitled.[7] The debtor's complaint should comply with federal and local Bankruptcy Rule 4003. This step is important in order to ensure the garnishment will not continue after discharge in bankruptcy.

---

[1] *In re Hernandez*, 483 B.R. 713 (B.A.P. 9th Cir. 2012).

[2] 11 U.S.C. § 547(c)(8).

[3] 11 U.S.C. § 547(b)(1)-(5) states: "1) to or for the benefit of a creditor; 2) for or on account of an antecedent debt owed by the debtor before such transfer was made; 3) made while the debtor was insolvent; 4) made on or within 90 days before the date of the filing of the petition…; 5) that enables such creditor to receive more than such creditor would receive if – the case were a case under chapter 7 of this title; the transfer had not been made; and such creditor received payment of such debt to the extent provided by the provisions of this title."

[4] A debtor's ability to recover garnished wages also depends on the reason why the wages were withheld. For example, if the wages were withheld due to back child support, these wages will not be eligible for exemption.

[5] In some cases, where the employer has not turned over the wages to a collector, the employer may return amounts less than $600 that are still being held by an employer.

[6] A debtor will not have to pay the fee of $350 according to 28 U.S.C. § 1930 Bankruptcy Court Miscellaneous Fees.

In the same complaint, debtor should seek to avoid the transfer of the wages for the past 90-days under 11 U.S.C. § 522(h). The debtor may use the trustee's avoidance powers where: (1) the debtor could have exempted the property that is subject to the alleged preference; (2) the transfer was not a voluntary transfer of property by the debtor; (3) the property was not concealed by the debtor; (4) the trustee has not attempted to avoid the transfer; and (5) the transfer would have been otherwise avoidable by the bankruptcy trustee.

This step is important in order to provide the debtor with the ability to bring the garnished wages back into the estate, where they can be claimed as exempt by the debtor.[8] The debtor should note in his or her proposed order that the lien has been avoided; the transfer has been deemed preferential; and the transfer amount avoided.

Conclusion

The ability of debtors to recover garnished wages is a valuable tool. If the tool is used correctly, some debtors may be able to recover more than what they paid in fees to the bankruptcy court and their bankruptcy attorney.

[7] *Owen v. Owen*, 500 U.S. 305, 310, 111 S. Ct. 1833, 1837 (1991) ("To determine application of bankruptcy lien avoidance provision, bankruptcy court should ask…whether [lien] impairs exemption to which debtor would have been entitled under applicable state or federal law but for lien itself.").

[8] *Hernandez*, 483 B.R. at 725("even exempt property must initially be regarded as property of the estate and then claimed and distributed") (citing *In re McAlister*, 56 B.R. 164, 166 (Bankr. D. Or. 1985).

2017 - 2018 Bankruptcy Bar Officers & Board Members

President
Circuit Director (18-1)
Newsletter Co-Editor

David Kazemba
Overcast Law Offices, P.S.
23 Wenatchee Ave, Ste 320
Wenatchee, WA 98801
Phone: (509) 663-5588
dkazemba@overcastlaw.com

President-Elect
Spokane Director #1 (19-1)

Darren M. Digiacinto
Winston & Cashatt
601 W. Riverside Ave., Ste. 1900
Spokane, WA 99201-0695
Phone: (509) 326-4800
Fax: (509) 326-4891
dmd@winstoncashatt.com

Secretary
Spokane Director #2 (18-1)

Elizabeth M. McBride
Elizabeth M. McBride P.S. Corp.
28 W. Indiana
Spokane, WA 99205
Phone: (509) 838-0435
Fax: (509) 327-2810
lisa@lisamcbride.com

At Large Director (18-1)

Kevin O'Rourke
Southwell & O'Rourke, P.S.
421 W. Riverside Ave., Ste. 960
Spokane, WA 99201
Phone: (509) 624-0159
Fax: (509) 624-9231
kevin@southwellorourke.com

Past President
Spokane Director #3 (18-2)
Newsletter Co-Editor

Timothy R. Fischer
Winston & Cashatt
601 W. Riverside Ave., Ste. 1900
Spokane, WA 99201-0695
Phone: (509) 838-6131
Fax: (509) 838-1416
trf@winstoncashatt.com

Yakima Director #2 (20-1)

Roger W. Bailey
Bailey & Busey PLLC
411 N Second St
Yakima, WA 98901
Phone: (509) 834-6611
Fax: (509) 834-6610
roger.bailey.attorney@gmail.com

Tri-Cities, etc.
Director #1 (19-1)

Robert G. McMillan
Telquist Ziobro & McMillen PLLC
1321 Columbia Park Trail
Richland, WA 99352
Phone: (509) 737-8500
Fax: (509) 737-9500
rob@tzmlaw.com

Tri-Cities, etc.
Director #2 (18-2)

John O'Leary
Hames, Anderson, Whitlow & O'Leary
601 W. Kennewick Ave.
PO Box 5498
Kennewick, WA 99336-0498
Phone: (509) 586-7797
Fax: (509) 586-3674
johno@hawlaw.com

Yakima Director #1 (196-1)

Matthew Anderton
Anderton Law Firm
1424 Summitview Ave
Yakima, WA 98902
Phone: (509) 469-6648
Fax: (509) 469-0438
manderton@charter.net

Treasurer, Ex Officio

Ian Ledlin
Phillabaum, Ledlin, Matthews & Sheldon, PLLC
1235 N. Post St., Ste. 100
Spokane, WA 99201
Phone: (509) 838-6055
Fax: (509) 625-1909
ian@spokelaw.com

Finance Report

BANKRUPTCY BAR ASSOCIATION

Summary of Checking Account Transactions
1/1/2017 through 11/6/2017

INCOME

2017 Lawyer membership	4,200.00
2017 Support membership	375.00
2018 Lawyer membership	420.00
2018 Support membership	75.00
2017 Sun Mountain Income	9,250.00
Spring/Fall Seminars Income	7,620.00
TOTAL INCOME	21,940.00

EXPENSES

2017 Sun Mountain Exp	11,723.73
2018 Sun Mountain Exp	1,000.00
Ballots	38.82
Board solicitation	37.30
Organization	246.08
Scholarship	2,000.00
Spring/Fall Seminars Expense	4,682.09
Website	1,250.00
TOTAL EXPENSES	20,978.02
OVERALL TOTAL	**961.98**

Checking Account Book Balance:
November 6, 2017: $7,440.13

Checking Account Bank Balance:
October 31, 2017: $8,574.74

Savings Account Bank Balance:
October 31, 2017: $12,748.23

Total Funds on Deposit: $21,322.97

2017 Lawyer Member Count
September 30, 2017: 121

2018 Lawyer Member Count
September 30, 2017: 11

2017 Support Member Count
September 30, 2017: 16

2018 Support Member Count
September 30, 2017: 3

Total Member Count
September 30, 2017: 151

2016 Lawyer Member Count
December 31, 2016: 142

2016 Support Member Count
December 31, 2016: 20

2016 Total Member Count
December 31, 2016: 162

Bankruptcy Bar Association
Eastern District of Washington
P.O. Box 21045
Spokane, WA 99201