

September 15, 2009 [www.orb.uscourts.gov](http://www.orb.uscourts.gov)

### **Recent Opinions**

*In re Clark*, Case No. 06-62497-aer13

August 21, 2009

11 USC §329; FRBP 9011(b)(1) and (3); ORCP 1.3, 1.4(a), 1.5(a), 3.3(a)(1) and (3), 5.5(a), and 8.4(a)(3) and (4); OSB Rule of Procedure 6.3(b); ABA Sanctions Standards; Attorney Discipline and Suspension

An attorney for debtors in several chapter 13 cases charged his normal flat fee to file them despite a 90-day suspension order that was to take effect less than 60 days after the cases were filed. The attorney had failed to advise his clients of his suspension and misrepresented to the court that exigent circumstances required him to file the cases despite his suspension order. He did not facilitate timely retention of substitute counsel, he filed a motion while suspended, and he failed to abide by an order to disgorge fees. The court denied his fees, ordered all collected fees disgorged, and suspended him from bankruptcy court practice for an additional 90 days.

*In re Cascade Grain Products, LLC*, Case No. 09-30508-ekp11

August 31, 2009

Settlement, ORBP 9019 and 2002(a)(3), absolute priority rule

The court approved a settlement agreement between the debtor, its loan creditors and its sponsor. The US Trustee had objected to the settlement based, *inter alia*, on lack of notice to all creditors. The debtor's design/builder had objected based on the absolute priority rule. The court concluded the settlement was fair and equitable and satisfied factors set out in *In re Woodson*, 839 F2d 610 (9th Cir 1988).

Click on [Opinions](#) (the last item in the column headed **Information for Attorneys**), for two search options. Clicking on [To view a list of all current opinions](#) takes you to a list of opinions organized by date, most recent to oldest. Entering a search term in the box on the [Opinions](#) page produces a list of results. Search logic for opinion searches appears on the [Opinions](#) page.

### **NEW ITEM:**

#### **Mortgage Modification Forms**

New LBF #751.7 and revised LBF #1350.05 are posted on the website, per General Order 09-3. They can be found by clicking on **Rules & Forms** at the top of the home page, then Local Bankruptcy Forms, or on **Court News & Announcements** on the right side of the home page.

### **PREVIOUSLY PUBLISHED ITEMS:**

The following is a summary of items added in the past several weeks.

#### **ECF Training**

Currently scheduled training dates for **Eugene and Portland** are September 16, October 22, November 18 and December 10. Lawyers get 4 CLE credits for ECF

training. Sessions run from 8:30 am to 12:30 pm. **The Clerk's office will add ECF classes if there is sufficient demand.**

### **General Order 09-3**

Judge Perris signed GO 09-3 on August 17, to be effective August 31, 2009. It amends LBR 6007-1 and adds text to 20LBR 4008 as 4008-2. It relates to abandonment of real property and modification of debt secured by debtor's residence.

### **Job Opening**

The Court is seeking candidates for Clerk of the Court, a position which will be open in January 2010. This is a high-level management position under the direction of the Chief Judge of the Bankruptcy Court. Applications must be received by October 2, 2009, to ensure consideration, but the position is open until filled. Click on "8/3/09 – Clerk of Court Vacancy" under **Court News and Announcements** on the home page for more details.

### **Message from Clerks Office**

Please do not modify the fixed text in a local bankruptcy form (LBRs 1001.1.F. and G.)! If adequate room does not exist in any area, attachment pages may be added to the end of the form for inclusion of essential text.

### **Debtor-Creditor Section Website**

An archive of these court updates is maintained on the Debtor-Creditor Section website at <http://www.osb-dc.org/orb.htm>.