



Section on Commercial Banking, Collections and Bankruptcy

The Mission of the [ISBA Commercial Banking, Collections and Bankruptcy Section](#):

To promote professional excellence in the areas of commercial law and practice, banking law and practice and bankruptcy law and practice by providing a forum for the interchange of information, experience and available materials relative to commercial, banking and bankruptcy law. The section council will provide practical information, monitor fields of interest and anticipate problems for the profession through the practice and through the review of proposed new legislation and amendments to existing legislation. The section council further, would promote excellence in practice through presentation of continuing legal education programs in areas of current interest to the profession.

General:

- ◆ Section fees are \$25 per year.
- ◆ To join, go to www.isba.org/sections

Continuing Legal Education

The Section sponsored or co-sponsored two programs during the year:

- ◆ **Litigation and Enforcements of Judgments** (Oct. 21, 2016)
- ◆ **Commercial Loans/Documenting for Success and Preparing for Failure** (June 8, 2017)

Section members also receive discounts on section-sponsored CLE programs.

Legislation

The Section Council reviews proposed legislation that may affect their members' practice area. Highlights of the most recent legislative session include:

1. Number of bills reviewed: 78
2. Significant legislation:
 - a. House Bill 188 - Civil Law-Jurisdiction
 - b. Senate Bill 192 – Foreclosure-Burden Of Proof
 - c. Senate Bill 326 – Mechanics Lien Act

Other

- ◆ [The ISBA Commercial Banking, Collections and Bankruptcy Discussion List](#) allows section members to pose questions and share information with fellow section members from around the state.

Newsletters

Delivered electronically unless otherwise requested. During 2016-17 the Section published three newsletters. Articles include:

- ◆ Clear and convincing burden of proof required for joint owner to claim ownership of garnished funds (Aug. 2016)
- ◆ Confession of judgment clause valid in note with variable interest rate (Oct. 2016)
- ◆ Medical marijuana attorneys can breathe easier when advising clients (Oct. 2016)
- ◆ Electronic filing fees may now be taxed as court costs (& more)! (Jan. 2017)
- ◆ Is my bank client stuck paying for my fees to enforce a judgment? (Jan. 2017)
- ◆ Recovering post-judgment attorney fees – A practice pointer for transaction and litigation counsel (Jan. 2017)
- ◆ Sheriff sale purchasers keep the property despite void judgment of foreclosure and sale (Aug. 2016)
- ◆ To be or not to be—Is that the question? (Oct. 2016)
- ◆ When defense is offense: Burdens of proof in mortgage foreclosure trials (Aug. 2016)