

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

IN RE)
)
APPLICATION FOR INCLUSION ON COURT'S)
REGISTER OF QUALIFIED MEDIATORS) John H. Durkheimer
)

I, THE UNDERSIGNED, HEREBY APPLY FOR INCLUSION ON THE REGISTER OF MEDIATORS QUALIFIED FOR SERVICE IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF OREGON. IN MAKING THIS APPLICATION I CERTIFY UNDER PENALTY OF PERJURY THAT ALL OF THE FOLLOWING INFORMATION IS TRUE AND CORRECT:

1. I WILL FULLY COMPLY WITH THE RELEVANT PROVISIONS OF THIS COURT'S GENERAL ORDERS, LOCAL RULES, AND LOCAL FORMS, AND ANY MODIFICATIONS THERETO, RELATING TO MEDIATION.

2. I HAVE BEEN LICENSED UNDER THE LAWS OF OREGON IN THE PROFESSIONS LISTED BELOW (E.G., ATTORNEY, ACCOUNTANT, REAL ESTATE BROKER, APPRAISER, ENGINEER, ETC.) FOR THE NUMBER OF YEARS INDICATED:

PROFESSION	ACCREDITING ORGANIZATION	YEARS
Attorney	Oregon State Bar	15 years

3. I AM, OR HAVE BEEN, A MEMBER IN GOOD STANDING OF THE FOLLOWING PROFESSIONAL ORGANIZATIONS:

ORGANIZATION	MEMBERSHIP #	NO. OF YEARS	ACTIVE/RETIRED
Oregon State Bar	79034	15 years	Active
Debtor/Creditor Section of Oregon State Bar	79034	15 years	Active
American Bankruptcy Institute		5 years	Active
Multnomah Bar Association		15 years	Active
American Bar Association	98654498OW	15 years	Active

4. A GENERAL EXPLANATION OF MY EXPERIENCE IN EACH OF MY AFOREMENTIONED PROFESSIONS IS LISTED BELOW:

Lane Powell Spears Lubersky (1988-present) Represented creditors and debtors in bankruptcy and related proceedings, as well as advising clients in general business and litigation matters.
Sussman Shank Wapnick Caplan & Stiles (1978-1988)

5. I HAVE COMPLETED THE FOLLOWING OREGON STATE BAR CONTINUING EDUCATION MEDIATION TRAINING PROGRAMS:

COURSE	HOURS	CLE CREDITS
Mediation Training in Conflict Resolution Skills by the Institute for Conflict Management, June 8 & 9, 1994	16 hours	16 CLE credits

6. THE FOLLOWING IS A LIST OF OTHER COURT, STATE OR FEDERAL MEDIATION PROGRAMS I HAVE COMPLETED:

COURT	PROGRAM	HOURS
N/A		

7. THE FOLLOWING IS A GENERAL STATEMENT CONCERNING OTHER PERTINENT MEDIATION TRAINING I HAVE RECEIVED:

I have served as an arbitrator in Multnomah County Circuit Court

8. THE FOLLOWING IS A BRIEF EXPLANATION OF MY PERTINENT BANKRUPTCY EXPERIENCE:

I have represented virtually every type of party to a bankruptcy proceeding, including debtors, Chapter 11 and Chapter 7 trustees, secured and unsecured creditors and lessors and lessees.

Types of proceedings include proceedings in Chapters 7, 11 and 13 and a multitude of adversary proceedings, including avoidance actions under Chapter 5 of the Bankruptcy Code, discharge and dischargeability actions and confirmations, stay litigation and confirmation litigation.

9. THE FOLLOWING IS A GENERAL EXPLANATION OF ANY OTHER PERTINENT EXPERIENCE I HAVE:

- (a) Representing creditors and debtors in loan workouts involving both real and personal property;
- (b) Bankruptcy collection actions including provisional process, garnishment and receiverships;
- (c) Article 9 transactions, including perfecting security interests and foreclosures; representing creditors and debtors in judicial and non-judicial foreclosures of real property

10. I HAVE:

- (A) NEVER BEEN SUSPENDED, DISBARRED OR HAD ANY PROFESSIONAL LICENSE REVOKED;

(B) NO PENDING PROCEEDING TO SUSPEND OR REVOKE ANY OF MY PROFESSIONAL LICENSES; AND

(C) NEVER BEEN CONVICTED OF A FELONY.

11. THE FOLLOWING IS A LIST OF EACH OF MY PREVIOUS APPLICATIONS FOR INCLUSION ON ANY COURT'S MEDIATION REGISTER, AND AN EXPLANATION OF THE CURRENT STATUS OF EACH SUCH APPLICATION (E.G., PRESENT STATUS; CIRCUMSTANCES, AND DATE, OF ANY REMOVAL):

APPLICATION DATE	COURT	PRESENT STATUS
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N/A

12. UNLESS FULLY DISCLOSED AND THE POTENTIAL DISQUALIFYING CIRCUMSTANCE WAS THEN WAIVED BY THE COURT AND ALL PARTIES, I WILL NOT ACCEPT APPOINTMENT AS A MEDIATOR IN ANY PROCEEDING OR MATTER UNLESS AT THE TIME OF APPOINTMENT I WOULD QUALIFY AS A "DISINTERESTED PERSON" AS DEFINED BY 11 U.S.C. 101; I WOULD NOT BE DISQUALIFIED PURSUANT TO 28 U.S.C. 455 IF I WERE A JUSTICE, JUDGE, OR MAGISTRATE; AND I KNEW OF NO OTHER REASON THAT WOULD DISQUALIFY ME AS A MEDIATOR.

13. I WILL IMMEDIATELY CONTACT THE COURT, AND ANY PARTIES FOR WHOM I HAVE ACCEPTED APPOINTMENT AS A MEDIATOR, UPON LEARNING I AM NO LONGER QUALIFIED TO SERVE PURSUANT TO THE PROVISIONS OF G.O. 93-1, OR THIS APPLICATION (E.G., DUE TO AN ADVERSE CHANGE OF CIRCUMSTANCES RELATING TO POINTS 10 OR 12).

14. THIS APPLICATION IS ACCOMPANIED BY A DISKETTE (WHOSE SIZE IS COMPATIBLE WITH THE COURT'S CURRENT HARDWARE) WHICH CONTAINS A TRUE COPY OF THIS APPLICATION IN A VERSION OF SOFTWARE ACCEPTABLE TO THE COURT.

DATED: 8/16/94

John H. Durkheimer

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