

Chapter 11 Lawyers' Advisory Committee  
for the United States Bankruptcy Court for the Eastern District of New York

Minutes

Meeting Date: April 22, 2015  
Location: Brooklyn Law School  
Attendees: See below

Chair Update and Approval of Minutes:

LAC Chair Thomas Slome ("Chair") opened the meeting and welcomed the attendees. The Chair introduced two new members of the LAC: Leah Eisenberg, Esq. and Kenneth Rosen, Esq.

The minutes of the January 14, 2015 meeting were approved.

The Chair noted that the LAC is entering its second year and reviewed the LAC's accomplishments during its first year. The Chair identified future goals to consider, including (a) obtaining feedback from the bar in the LAC's continuing effort to carry out its mission and (b) exploring Chapter 11 lawyer education. The Chair noted that EDNY will coordinate with SDNY and the New York City Bar's Bankruptcy Committee to determine what amendments may be appropriate for the EDNY local rules as a result of the December 2014 amendments to the Federal Rules of Bankruptcy Procedure.

Board of Judges Update:

Chief Judge Craig provided an overview of current case filings and trends in the EDNY and at the national level. Judge Craig noted the filing of one large case in EDNY, in the Central Islip courthouse, since the LAC last met.

Subcommittee Reports:

Large Chapter 11 Case Subcommittee.

Subcommittee co-chair Leslie Berkoff reported that she and co-chair Robin Keller expect to circulate revised draft guidelines for pre-packaged Chapter 11 cases. Previous drafts were circulated and are under revision.

The Committee discussed ways to obtain feedback from practitioners concerning practices in the EDNY. The subcommittee has prepared a short e-mail questionnaire that could be provided by the LAC to bar association committees and groups to distribute to their members for response. LAC members were encouraged to contact Leslie with suggestions and contact information for such groups that could assist with the dissemination of the questionnaire.

Ken Rosen described a survey that was used by the Clerk of Court in New Jersey to solicit input from bankruptcy practitioners, and suggested that the EDNY may wish to consider a similar approach.

The subcommittee has also prepared a draft first day hearing checklist for Chapter 11 cases. The Committee discussed additional revisions to the checklist, coordination with the Middle/Market, Small Business and Individual Chapter 11 Case subcommittee, the prospect of coming up with a uniform approach within the District, and ways in which such a checklist might be used. Judges Scarcella and Trust described protocols that they use at the beginning of a Chapter 11 case. The subcommittees will continue to work on the checklist.

LAC Vice Chair Lori Lapin Jones addressed the development and adoption of uniform protocols for claims agents that have been adopted in SDNY and Delaware. Leah Eisenberg agreed to work with her on this project.

#### Website Subcommittee.

The Website subcommittee has concluded work on its present tasks, and may undertake new ones in the future.

#### Liaison Introduction: Enid Stuart

Enid Stuart of the New York State Attorney General's Office gave a very useful presentation on the work of her office in Chapter 11 cases. Enid reviewed and described the various State agencies that the AG's office represents, and described the wide range of issues in which they become involved.

#### Discussion Topic – ABI Review Commission Report: Damian Schaible

Damian Schaible gave an informative overview of the recommendations of the ABI Chapter 11 Reform Commission Report relating to secured creditors, debtor in possession financing, asset sales, safe harbors, employee issues, contract counterparties, plan process, *in pari delicto* doctrine, estate neutrals and governance, and valuation. Written materials were provided in connection with this presentation.

#### New Business:

The Committee continues to address issues related to Chapter 11 lawyer education.

The Committee noted that consideration should be given to how to broaden the range of participants at the Court's "brown bag lunch" programs.

#### Next Meeting:

The next meeting will be August 11, 2015.

#### Attendees

Thomas R. Slome, Esq.  
Lori Lapin Jones, Esq.  
Leslie A. Berkoff, Esq.  
Christine Black, Esq.  
Patrick Thomas Collins, Esq.  
Leah Eisenberg, Esq.

Norma Ortiz, Esq.  
Bonnie Perlin, Esq.  
Kenneth Rosen, Esq.  
Bonnie Pollack, Esq.  
Damian Schaible, Esq.  
Robert Schmidt, Esq.  
Enid Stuart, Esq.  
Bruce Weiner, Esq.  
Hon. Carla E. Craig  
Hon. Nancy Hershey Lord  
Hon. Louis A. Scarcella  
Hon. Alan S. Trust  
Robert A. Gavin, Jr., Clerk of Court  
Paul Dickson, Chief Deputy Clerk