

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

Minutes

Meeting Date: February 11, 2021  
Location: Via Zoom Meeting  
Attendees: See below

Chair Update and Approval of Minutes:

Chair Michelle McGreal asked for comments on the minutes of last meeting, there being none, a motion was made for approval of the minutes of the last meeting – the minutes were approved.

Board of Judges Update:

Chief Judge Trust advised that court operations will continue to be completely virtual at least through March, 2021 and provided an update on bankruptcy filings noting that the number of chapter filings are down about 50% in 2019 v. 2020. Chapter 11 filings (447) are also down about 50%. There are 37 Subchapter V filings pending in the district, 31 are new filings. Six of these are conversions from Chapter 11 to Subchapter V.

Judge Trust added that we may expect an increase in filings when the eviction/foreclosure moratoriums expire.

Small and Medium Chapter 11 Case Subcommittee:

The committee led a discussion on Subchapter V cases. Matters discussed included setting a bar date in the case scheduling order. The subchapter v subcommittee agreed to provide an update of how subchapter v cases are proceeding in the District. The subcommittee addressed the lack of cases as companies are still considering when they may be able to reopen. Judge Lord and Stong each served on panels discussing Subchapter V topics and provided input on Subchapter V issues. Subcommittee also discussed standard forms for Subchapter V cases and the dismissal of cases when a settlement is reached.

Mediation Subcommittee:

Andy Thaler advised that a mock mediation training session was scheduled for March 26, 2021 at 12:00 p.m. E-mail blasts will be sent by the Court to advise of this educational opportunity.

Junior Lawyers Initiative Subcommittee:

Chief Judge Trust reported that committee members Mickee Hennessey Esq. and Martin Bunin, Esq. were looking for a date for a virtual calendar to be scheduled, it will be the same format but will need to be held virtually.

Large Chapter 11 Committee:

Subcommittee members Robert Schmidt, Fred Stevens and Sheryl Giugliano presented practice pointers for large Chapter 11 cases. Topics discussed included critical vendor motions, landlord issues, recent case law and how venue in Chapter 11 cases is often selected.

General Discussions:

Chief Judge Trust led a discussion on how to further the mission of the Committee. Also discussed was continuing “Brown Bag” training opportunities and a recent successful presentation by the Consumer Law Advisory Committee where over 300 people logged into the program.

Old Business:

None.

New Business:

None.

Next Meeting Date:

Schedule TBD.

Attendees:

Michelle McGreal, Esq.  
Robert Schmidt, Esq.  
Lori Schwartz, Esq.  
Enid Stuart, Esq.  
William C. Heur, Esq.  
James R. Cho, Esq.  
Dawn Kirby, Esq.  
Gerard Luckman, Esq.  
Frank Oswald, Esq.  
Leslie Berkoff, Esq.  
Christine Black, Esq.  
Thomas Slome, Esq.  
Martin Bunin, Esq.  
Mickee Hennessey, Esq.  
Holly Holacek, Esq.  
Evan Zucker, Esq.  
Lori Lapin Jones, Esq.  
Bonnie Pollack, Esq.

Andrew Thaler, Esq.  
Marylou Martin, Esq.  
Sheryl Giugliano, Esq.  
Anthony Giuliano, Esq.  
Fred Stevens, Esq.  
Burton Weston, Esq.  
William Curtin, Esq.  
Paul Dickson  
Robert Gavin  
Hon. Jil Mazer-Marino  
Hon. Elizabeth Stong  
Hon. Nancy Lord  
Hon. Alan S. Trust  
Hon. Louis A. Scarcella