

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

Minutes

Meeting Date: January 18, 2017
Location: Garden City Hotel
Attendees: See below

Chair Update and Approval of Minutes:

LAC Chair Thomas Slome ("Chair") opened the meeting. The Chair provided an overview of the LAC's accomplishments since its formation three years ago and addressed members rolling off and new members joining the Committee. Patrick Collins and Robin Keller will be stepping down and Frank Oswald (Togut Segal & Segal, LLP) and Michelle McGreal (Davis Polk & Wardwell LLP) will become members of the Committee effective as of the next meeting.

The minutes of the September 15, 2016 meeting were approved.

Board of Judges Update:

Chief Judge Craig provided information on case filings in the district as of the end of 2016. She also announced that as a result of the productive work of the Committee, a Consumer Lawyers' Advisory Committee was recently formed in the district, in both Brooklyn and Central Islip.

Local Rules Project:

Judge Scarcella reported that he is overseeing a new committee to review and make recommendations for revisions to the Local Rules in the district. Michelle McGreal and Veronique Urban (Farrell Fritz P.C.) are co-chairing the committee and Committee members Ken Rosen and Burt Weston are also members of the Local Rules committee. The Local Rules committee is aiming to work swiftly and may coordinate with the S.D.N.Y.'s efforts to revise its local rules.

Subcommittee Reports:

Large Chapter 11 Case Subcommittee:

Fred Stevens circulated the final version of the Claims Agent forms and protocols prepared by the Large Chapter 11 Case Subcommittee. Fred will provide blackline versions and the Chair will circulate them for a vote. If approved, the Committee will recommend adoption to the Board of Judges.

The Chair announced that if any members are interested in co-chairing the Large Chapter 11 Case Subcommittee, they should contact the Chair. New co-chairs for this subcommittee are needed since Robin Keller is ending her tenure on the Committee and Leslie Berkoff will be chairing the newly formed Mediation Subcommittee. A potential project for the Large Chapter 11 Case Subcommittee is reviewing the Chapter 15 protocol currently out for comment in the S.D.N.Y. to determine whether such a protocol should be adopted in this district.

Small and Medium Chapter 11 Case Subcommittee:

Bonnie Pollack addressed the proposed Chapter 11 small business case workshop and solicited comments on the materials circulated prior to the meeting. The subcommittee proposed giving the workshop four times a year (twice in Brooklyn and twice in Central Islip) as well as making it available on an individual basis if the US Trustee or a Judge recommended the workshop to an individual attorney. It is expected that the workshop would be about ninety minutes to two hours. It would not be a forum to discuss individual cases. The workshop would be led by subcommittee members (Bonnie Pollack, Gerry Luckman, Mickee Hennessey, and Anthony Giuliano) as well as other Committee members that are interested in taking on that role. It was also suggested that the workshop may include some participation by a Judge and an attorney from the United States Trustee's office. The materials will be circulated by the Chair for comments and then a final vote.

Mediation Subcommittee:

Leslie Berkoff will be chairing a new subcommittee on Mediation. The subcommittee was an outgrowth of the Committee's ongoing discussion of mediation issues and protocols in the district. Judges Stong and Trust will be participating on this subcommittee. Any Committee member interested in participating on the Mediation Subcommittee should contact the Chair. The Committee also agreed that professionals outside of the Committee may participate on this subcommittee.

Discussion Topics:

Decisions of Interest

Vice Chair, Lori Lapin Jones, introduced a new topic for Committee meetings covering recent decisions of interest. The Vice Chair discussed a recent decision outside the district that addressed the reach of the United States Supreme Court's decision in *Baker Botts*. Committee members are encouraged to present a recent decision of interest at future Committee meetings.

Amendments to Bankruptcy Rules

Marty Bunin gave an excellent overview of the recent amendments to the Federal Rules of Bankruptcy Procedure.

Next Meeting:

The next meeting of the LAC will be on May 17, 2017 in Brooklyn.

Attendees

Thomas R. Slome, Esq.

Lori Lapin Jones, Esq.

Leslie Berkoff, Esq.

Christine Black, Esq.

Marty Bunin, Esq.

Patrick Collins, Esq.

Anthony Guiliano, Esq.

Mickee Hennessy, Esq.

Gerry Luckman, Esq.

Frank Oswald, Esq.

Bonnie Pollack, Esq.

Robert Schmidt, Esq.

Fred Stevens, Esq.

Burton Weston, Esq.

Hon. Carla E. Craig

Hon. Elizabeth S. Stong

Hon. Louis Scarcella

Paul Dickson, Chief Deputy Clerk