

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

Minutes

Meeting Date: January 10, 2018
Location: Garden City Hotel (Long Island)
Attendees: See below

Chair Update and Approval of Minutes:

LAC Chair Thomas Slome ("Chair") opened the meeting. The Chair introduced a new member of the LAC, Evan J. Zucker, Esq. of Blank Rome LLP. The Chair also introduced the guest speaker Hon. Ira B. Warshawsky (ret.) of Meyer, Suozzi, English & Klein, P.C.

The Chair led a discussion on the recently-introduced bill in Congress restricting venue options for business debtors.

The minutes of the September 6, 2017 meeting were approved.

Board of Judges Update:

Chief Judge Craig provided information on case filings in the district over the past twelve months. Chapter 11 filings were up 73%, which is in part attributable to the filing of numerous taxi medallion cases (a significant number of which were transferred from the District of New Jersey to the Eastern District of New York (Brooklyn)). Chapter 11 filings were otherwise up 7% to 10% in the district. There were no recently filed "mega" cases in the district.

Local Rules Project:

Judge Scarcella is overseeing the local rules project and LAC member Michelle McGreal serves as Chair. The Chair reported that the local rules committee is nearing the end of its initial review and drafting and expects to circulate a recommended mark-up of the local rules in the near future. Michelle addressed specific rules that may be modified or adopted. There was a discussion on whether current guidelines should be adopted as local rules. Michelle noted the recent adoption of the new local rule addressing the model Chapter 13 plan for the district. Judge Scarcella expects that the local rules committee will complete a draft of revised local rules by the end of 2018.

Judge Craig noted that the approval process will require recommendation by the Board of Judges, a period of public comment, a review of any comments, adoption by the Board of Judges, and District Court approval.

Subcommittee Reports:

Large Chapter 11 Case Subcommittee:

There was no formal report from this subcommittee. The subcommittee is currently working on finalizing Cross-Border guidelines for submission to the Board of Judges.

Small and Medium Chapter 11 Case Subcommittee:

Subcommittee Co-Chair Gerry Luckman reported on the first debtor counsel education workshop held in Brooklyn. 97 people responded they were attending and 35 attended. The Brooklyn workshop was presented by Gerry and Mickee Hennessey and lasted more than one hour. The committee discussed how best to obtain feedback from the attendees. It is anticipated that the next workshop will take place during the first quarter 2018 in Central Islip.

Mediation Subcommittee:

Subcommittee member Mickee Hennessey addressed the work of the mediation subcommittee. Certain topics on which the subcommittee is focused include whether to use a one- or two-step process for the appointment of a mediator and how to streamline the process of paying the mediator. Mickee circulated a working draft of an order appointing a mediator. The work of the subcommittee is ongoing.

Discussion Topics:

e-Discovery and e-Mediation

Guest Speaker: Hon. Ira Warshawsky (ret.)

Judge Warshawsky is a retired Supreme Court Justice for Nassau County and now practicing at Meyer, Suozzi, English & Klein, P.C. Judge Warshawsky led a very informative and detailed discussion on the mechanics of e-discovery, the disputes that arise, and the utility of an e-mediator to resolve e-discovery disputes. Educational materials were circulated to the committee.

Initiative to encourage participation by younger attorneys in the courtroom

Mickee led a discussion on a recent initiative at the federal and state levels (courts and bar associations) to encourage more active participation on the courtroom of younger attorneys and women attorneys. Materials were circulated. It is anticipated that this discussion will continue at the next LAC meeting

Next Meeting:

The next meeting of the LAC will be on May 9, 2018 at the Brooklyn Bankruptcy Court.

Attendees

Thomas R. Slome, Esq.
Lori Lapin Jones, Esq.
Anthony Giuliano, Esq.
Mickee Hennessy, Esq.
Gerald Luckman, Esq.
Michelle McGreal, Esq.
Bonnie Pollack, Esq.
Burton Weston, Esq.
Evan J. Zucker
Hon. Carla E. Craig
Hon. Nancy Hershey Lord
Hon. Louis Scarcella
Robert A. Gavin, Jr., Clerk of Court
Paul Dickson, Deputy Clerk of Court

Guest Speaker

Hon. Ira Warshawsky (ret.)