

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

Minutes

Meeting Date: June 11, 2019  
Location: Garden City, New York  
Attendees: See below

Chair Update and Approval of Minutes:

Vice Chair Gerard R. Luckman 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. He then introduced two new members, William Curtin and William Heuer.

Board of Judges Update:

Chief Judge Craig provided an update on chapter 11 filings noting that the number of filings is up. The EDNY is 4th in the country in the number of new filings. Chief Judge Craig advised that the Court adopted the proposed chapter 15 guidelines and they are now available on the Court's website. Chief Judge Craig also reported that the Court held two very successful junior lawyer workshops. The Judges in Central Islip and Brooklyn each had 6-7 participants.

Local Rules Project Update:

Chief Judge Craig advised that there were some non major revisions by the Judges which were reviewed with Michelle McGreal and Veronique Urban.

Subcommittee Reports:

*Large Chapter 11 Case Subcommittee:*

Nothing new to report.

*Small and Medium Chapter 11 Case Subcommittee:*

Bonnie Pollack, the Subcommittee Co-Chair recommended that the chapter 11 primer program be split into multiple sessions due to the number of topics that need to be covered and that 1.5 hours is just not enough time. After discussion, the consensus of the committee was to split this program into two programs. This will require two sessions each at Brooklyn and Central Islip. Also discussed, the ability to close confirmed individual chapter 11 cases to avoid continued fees and then reopen to obtain the discharge.

*Mediation Subcommittee:*

Subcommittee Co-chair Leslie Berkoff reported that this committee held two brown bag breakfast presentations on mediation issues, one in Brooklyn and one in Central Islip. These were attended by 10-15 practitioners in Central Islip and 20 in Brooklyn. The subcommittee expects to run these programs again in the fall and next spring. A suggestion was made to allow video call-in.

*Junior Lawyers Initiative Subcommittee:*

Subcommittee Co-Chair Martin Bunin advised that there is a lot of positive feedback on this program. Attendance is better, there being only one no-show at the last session. Using motions from one case rather than several and allowing participants to argue opposition to certain motions has been well received by the Judges and the participants. It was noted that other courts are trying to roll out similar programs. The subcommittee thinks that large firms and the Federal Bar Association should be made aware of the availability of this program.

Discussion of Potential New Projects/Subcommittees:

The members discussed a number of potential new projects such as a form for small case chapter 11 plans.

Dawn Kirby agreed to look for an appropriate form of plan. Holly Holecek offered to assist.

Discussion Topic:

Mickee Hennessy led a discussion of recent Supreme Court decisions on bankruptcy issues.

Old Business:

The Committee was asked to consider if there are other things it can be doing to enhance the practice of chapter 11 cases in the District.

New Business:

None

Next Meeting Date:

Scheduled for November 14, 2019.

Attendees:

Bonnie Pollack, Esq.  
Martin Bunin, Esq.  
Sheryl P. Giugliano, Esq.

Anthony Giuliano, Esq.  
Mickee Hennessy, Esq.  
Holly R. Holecek, Esq.  
Lori Lapin Jones, Esq.  
Dawn Kirby, Esq.  
Gerard Luckman, Esq.  
Leslie Berkoff, Esq.  
Frank Oswald, Esq.  
Thomas R. Slome, Esq.  
Fred Stevens, Esq.  
Andrew M. Thaler, Esq.  
Burton Weston, Esq.  
William Curtin, Esq.  
Paul Dickson, Esq.  
Christine Black, Esq.  
Robert A. Gavin, Jr., Esq.  
Hon. Carla E. Craig  
Hon. Elizabeth Stong  
Hon. Nancy Lord  
Hon. Alan S. Trust  
Hon. Louis A. Scarcella