

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

Minutes

Meeting Date: March 3, 2022
Location: Via Zoom Meeting
Attendees: See below

Chair Update and Approval of Minutes:

Chair Sheryl Giugliano opened the meeting and noted she was hopeful that this will be the last meeting to be held virtually. The Chair then introduced three new members: Rachel Ehrlich Albanese, Cindi M. Giglio and Luke A. Barefoot.

The Chair then 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 Alan S. Trust started by indicating that the court mourns the loss of two of its retired judges: the Honorable Dorothy T. Eisenberg and the Honorable Jerome Feller.

Chief Judge Alan S. Trust then provided an update from the Judges for the U.S.B.C. E.D.N.Y. Chief Judge Trust advised that court operations will continue to be virtual but noted that some Judges have conducted a limited number of in-person or hybrid-format hearings. The Court has implemented certain protocols for the safety of those appearing in person and continues to update such protocols based upon local and national guidance.

Chief Judge Trust further advised that the number of filings are starting to pick up. Additionally, Chief Judge Trust indicated that the court has implemented an e-court platform for parties to register their appearance ahead of a court hearing. A transition period will be implemented to ensure all parties have appropriate notice of the e-platform and how to register one's appearance before a court hearing.

Small and Medium Chapter 11 Case Subcommittee:

Bonnie Pollack provided an update on the Subchapter V working group's webinar scheduled for March 11, 2022, on the procedural issues in a Subchapter V case. Bonnie Pollack will moderate the webinar with Sheryl Giugliano, Christine Black and Evan Zucker as panelists. Over 400 participants signed up to attend the webinar.

The Subchapter V working group also discussed ways to streamline the plan process and potential amendments to the standard initial case status conference order.

Large Chapter 11 Cases Subcommittee:

Robert Schmidt reported that the Subcommittee was considering potential new projects including educational programing concerning the recent developments on third party releases.

Mediation Subcommittee:

Leslie Berkoff, Co-Chair of the Mediation Subcommittee, advised that the Mediation Subcommittee would plan an additional training session for April 2022.

Junior Lawyers Initiative Subcommittee:

Martin Bunin reported that there were virtual sessions conducted on November 16, 2021, and December 1, 2021. Chief Judge Trust reported that a record number of lawyers participated in the sessions. The Committee is looking at potential dates in June for the next session. The Committee is also considering whether the sessions should be conducted in a hybrid in-person/virtual format as updating some of the motions used during the session.

General Discussions:

Judge Mazer-Marino proposed a brown bag lunch on interpretating and reading financial statements for attorneys. All attendees agreed on the proposal. Jerry Luckman and Judge Mazer-Marino volunteered to coordinate the planning of the brown bag lunch.

Committee member Fred Stevens along with his colleague John Jureller, Jr. presented on pending third-party release legislation and recent case law affecting third-party releases.

Old Business:

None.

New Business:

None.

Next Meeting Date:

Schedule TBD.

Attendees:

Luke A. Barefoot, Esq.
Cindi M. Giglio, Esq.
Rachel Ehrlich Albanese, Esq.
Michelle M. McGreal, Esq.
Gerard R. Luckman, Esq.
Leslie A. Berkoff, Esq.
Marty G. Bunin, Esq.
William E. Curtin, Esq.

Sheryl P. Giugliano, Esq.
Mickee Hennessey, Esq.
Lori Lapin Jones, Esq.
Frank A. Oswald, Esq.
Bonnie Pollack, Esq.
Robert T. Schmidt, Esq.
Lori A. Schwartz, Esq.
Andrew M. Thaler, Esq.
Burton S. Weston, Esq.
Evan J. Zucker, Esq.
Christine H. Black, Esq.
Enid N. Stuart, Esq.
Sean P. Greene-Delgado, Esq.
Dawn Kirby, Esq.
Fred Stevens, Esq.
John Jureller, Esq.
Marlyou Martin, Esq.
William Heuer, Esq.
Hon. Alan S. Trust
Hon. Elizabeth S. Strong
Hon. Nancy Hershey Lord
Hon. Louis A. Scarcella
Hon. Jil Mazer-Marino
Paul Dixon