

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

Minutes

Meeting Date: November 14, 2019
Location: Brooklyn, New York
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 Craig provided an update on chapter 11 filings noting that the number of filings is up 6% from last year through 9/30/19. The EDNY is 3rd in the country in the number of new filings. Chief Judge Craig advised that the Court submitted the Local Rules to the District Court for approval and expected an approval within a couple of weeks. Chief Judge Craig also reported that the Court held a very successful junior lawyer workshop stating that there were 33 people who registered, there were some drop offs, but still an active and lively group. Judge Stong noted that there were maybe 4-5 year attorneys without court experience participating. Judge Stong received positive feed back from the participants. Burt Weston commented that his associate had a terrific experience. The Judges expressed appreciation for the Committee members, deputies and Court staff for providing their time. Chair Michelle McGreal questioned whether any other courts have rolled out similar programs. There was discussion regarding reaching out to the NYC Bar Association, the TMA, and the NCBJ to assist with expanding the program to other courts. The Central Islip session is scheduled for December 18th.

Local Rules Project Update:

Chief Judge Craig advised that the Amended Local Rules were sent to the District Court for approval.

Subcommittee Reports:

Large Chapter 11 Case Subcommittee:

The Committee discussed potential new projects for the Subcommittee, including local rules/guidelines for litigation financing and a local rule requiring financial advisors to provide disclosure regarding their IT protections.

Small and Medium Chapter 11 Case Subcommittee:

Dawn Kirby is looking into a small case chapter 11 plan. Chief Judge Craig suggested a training seminar on the SBRA and suggested we ask Bill Harrington to be on the panel. There was a suggestion to have a joint program with the N.Y. State Bar Association regarding changes to regarding preference actions.

Mediation Subcommittee:

No update – the Subcommittee is scheduling another brown bag session for the spring.

Junior Lawyers Initiative Subcommittee:

Nothing further to report.

Discussion of Potential New Projects/Subcommittees:

It was discussed and determined that the Committee would undertake two new projects, one to review and make recommendations for revisions to the Local Forms and another to review and make recommendations for revisions to the ECF e-filing events. It was agreed that these projects should also include participants from the Consumer LAC, the US Trustee's office, and the Clerk's office.

Discussion Topic:

Dawn Kirby led a discussion on the Small Businesses Reorganization Act of 2019.

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. – via Audio
Frank Oswald, Esq.
Fred Stevens, Esq.
Burton Weston, Esq.
William Curtin, Esq.
Paul Dickson
Robert A. Gavin, Jr.
Hon. Carla E. Craig – via Audio
Hon. Elizabeth Stong
Hon. Nancy Lord
Hon. Alan S. Trust – via Audio