

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

Minutes

Meeting Date: September 9, 2014

Location: Brooklyn Law School

Attendees: See below

Chair Update and Approval of Minutes:

LAC Chair Thomas Slome ("Chair") opened the meeting and welcomed the attendees.

The minutes of the June 26, 2014 meeting were approved.

The next meeting will be on January 14, 2015 at a venue to be determined on Long Island.

The Chair reported that the LAC's e-mail box has been established on the Court website but noted that no e-mails have yet been received. The Committee discussed methods to increase awareness of the LAC and this means of communication among practitioners, including outreach through local bar committees.

The Chair suggested that we incorporate in meetings a brief presentation on a designated topic of interest. He invited LAC members interested in proposing a topic or making a presentation to contact him via e-mail.

Board of Judges Update:

Chief Judge Craig provided an overview of current case filings and trends in the Eastern District of New York and at the national level.

Subcommittee Reports:

By-Laws Subcommittee. The By-Laws were approved by the Committee and will be posted on the Court's website. The Chair thanked the By-Laws Subcommittee and Chair Bonnie Pollack for their work on this task.

Large Chapter 11 Case Subcommittee. Subcommittee co-chair Leslie Berkoff reported that the Subcommittee has focused on the preparation of guidelines for pre-packaged plans. The Subcommittee has recently circulated draft guidelines to Subcommittee members for their comment, and aims to circulate a draft to the full Committee before the next meeting.

Lori Lapin Jones ("Vice Chair") reported on the status of proposing claims agent protocols including both protocols and form retention documents similar to those adopted by the Southern District of New York. The Subcommittee aims to circulate drafts of proposed protocols and related documents to the full Committee before the next meeting.

The Committee discussed the benefits of a project that would informally “survey” practitioners for suggestions to improve the administration of large Chapter 11 cases in the Eastern District of New York. Such a project could also include exploring how to achieve greater uniformity among judges on procedures in the early stages of large Chapter 11 cases. The Chair invited LAC members interested in working on this project to contact him via e-mail.

Middle Market, Small Business and Individual Chapter 11 Cases Subcommittee: Subcommittee co-chair Norma Ortiz reported on the status of the Subcommittee’s work to develop methods to improve and streamline the administration of middle market and small business Chapter 11 cases. The Subcommittee has focused on modifying the existing initial case order to provide greater guidance to and requirements for debtors and their counsel in connection with the initial case status conference.

Website Subcommittee: The Committee determined to form a Website Subcommittee to review the Court’s website, to consider ways to make it more user-friendly, and to make any other suggestions that would enhance its usefulness to the bar. The Committee discussed the possibility of seeking input and feedback from website users including law firm associates, legal assistants, and managing attorneys, as the more frequent users of the Court’s website. The Chair invited LAC members interested in working on this project to contact him via e-mail.

Liaison Presentation: Bonni Perlin, Assistant United States Attorney for the Eastern District of New York, gave an informative presentation on the bankruptcy related work performed by her office, including in the civil and the criminal contexts. She also identified several issues that they most frequently encounter.

Other Matters:

The Committee agreed to take up the topic of Chapter 11 plan mediation at a future meeting.

Attendees

Thomas R. Slome, Esq.
Lori Lapin Jones, Esq.
Leslie A. Berkoff, Esq.
Patrick Thomas Collins, Esq.
Salvatore LaMonica, Esq.
Robert T. Schmidt, Esq.
Norma Ortiz, Esq.
Burton Weston, Esq.
Christine Black, Esq.
Alicia Leonhard, Esq.
Bonni Perlin, Esq.
Hon. Carla E. Craig
Hon. Louis A. Scarcella
Hon. Elizabeth S. Stong

Hon. Alan S. Trust
Robert A. Gavin, Jr., Clerk of Court
Paul Dickson, Chief Deputy Clerk