

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

Minutes

Meeting Date: September 17, 2020  
Location: Via Zoom Meeting  
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 chapter filings dropped dramatically after shut down of the State Courts. Chapter 7 and 13 filings are also down. There were 19 Subchapter V filings in the district. Some of these are conversions from Chapter 11 to Subchapter V. Trials are proceeding. Judge Craig conducted evidentiary hearings via Webex. Concerns – need to make sure attorneys know how to use it. Need to share documents in advance.

Regarding Court reopening, there are no immediate plans to develop protocols to maintain social distancing. There may be a need to construct an outside of the courtroom waiting area for cases to be called in order to limit people in the courtroom.

Judge Trust commented – staff and the Court monitoring what the District Court in Central Islip is doing. Very different type of docket. Based on dimensions of the court, even with plexiglass partitions, may allow for a maximum of 14 people, rather than the 50-60 people usually in the courtroom. Judge Trust suggested the Court provide Webex training. Judge Craig added that we may expect an increase in filings when the eviction/foreclosure moratoriums expire.

Local Forms – E-filing Project

Judge Stong reported that the team continues to work with the clerk's office and trustee's office to determine what is needed and what filing options may not be needed.

Subcommittee Reports:

*Large Chapter 11 Case Subcommittee:*

Subcommittee is looking into projects concerning litigation funding, sales of actions and DIP funding of the adversary proceedings. Also being considered are recent developments with Financial Advisor and Investment Banker security protocols. Subcommittee discussed trends in

critical vendor motions, putting cases in sleep mode during the pandemic and landlord objections.

*Small and Medium Chapter 11 Case Subcommittee:*

Subcommittee discussed coordinating a Zoom training session and adding Subchapter V to the program, which will now be split into two sessions.

*Mediation Subcommittee:*

Subcommittee is working on a program to present a mock mediation conducted via Zoom. Comments were made that Zoom mediators have been very successful. Training may include a “do’s and don’t’s” segment when mediating via video.

*Junior Lawyers Initiative Subcommittee:*

Subcommittee is considering continuing the program by moving forward with remote appearances.

Discussion of Potential New Projects/Subcommittees:

Judge Lord suggested the Committee consider a year end recap of Sub V cases and a presentation to the City Bar on Bankruptcy basics.

Discussion of Recent Trends:

Committee discussed recent trends with out of court restructurings with landlords and lenders. While there is an increase in forbearance agreements, banks and landlords are preparing for moratoriums to be lifted to take action.

Old Business:

None.

New Business:

Lori Jones led the committee in a tribute and toast to Chief Judge Craig on her retirement from the bench.

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.  
Frank Oswald, Esq.  
Leslie Berkoff, Esq.  
Christine Black, Esq.  
Thomas Slome, Esq.  
Martin Bunin, Esq.  
Mickee Hennessey, Esq.  
Holly Holacek, Esq.  
Evan Zucker, Esq.  
Lori Jones, Esq.  
Bonnie Pollack, Esq.  
Andrew Thaler, Esq.  
Marylou Martin, Esq.  
Sheryl Giugliano  
Anthony Giuliano, Esq.  
Fred Stevens, Esq.  
Burton Weston, Esq.  
William Curtin, Esq.  
Paul Dickson  
Hon. Carla E. Craig  
Hon. Elizabeth Stong  
Hon. Nancy Lord  
Hon. Alan S. Trust