

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

Minutes

Meeting Date: Tuesday, March 4, 2014
Location: Armando's Restaurant, Brooklyn
Attendees: See attached

Welcome Remarks:

Chief Judge Craig ("CEC") welcomed and thanked the group. She explained that the Chapter 11 Lawyers' Advisory Committee ("LAC") was an outgrowth of strategic planning of the Bankruptcy Court that took place over the last 4 years. The LAC is intended to provide a means of communication between the bench and bar and be used as a vehicle to identify things that can be done to better serve the needs of parties and lawyers in Chapter 11 cases in this district. CEC thanked the Chair and Vice Chair for their work.

Chair, Thomas Slome ("Chair") thanked the group. He explained that the group is diverse in terms of location (Long Island, Manhattan and Brooklyn), firm size (large and small firms) and backgrounds of lawyers. He explained that the group will act as a liaison between the judges and practitioners. The Chair encouraged members to bring relevant issues to the attention of the LAC. The Chair looks forward to having the group brainstorm and make recommendations for improvements.

Member Introductions:

Each member in attendance introduced themselves and provided their professional background.

Description of New Jersey's Lawyers' Advisory Committee:

The Chair gave an overview of the NJ LAC which has been in existence for 20 years. The NJ LAC has a similar mission to the EDNY's proposed mission, which includes bringing concerns from the bar to the bench and from the bench to the bar. Notably, the NJ LAC is not restricted to Chapter 11 practice (as the EDNY LAC is) and includes Chapter 7 and Chapter 13 issues. The Chair discussed operational aspects of the NJ LAC. There was a group discussion of the NJ LAC website and what it contains.

Proposed Mission Statement:

The proposed Mission Statement for the LAC was circulated prior to the meeting. All members were in favor of adopting the Mission Statement in its current form, and the Mission Statement was adopted by a unanimous voice vote. A copy of the Mission Statement is attached.

Committee By-Laws:

The Chair led a discussion on whether the LAC should adopt by-laws. The LAC agreed that it should form a sub-committee to explore whether to have by-laws and the Chair asked that members contact him if interested in serving on that subcommittee.

LAC Website:

The Chair led a discussion on whether there should be a section on the EDNY website for the LAC. It was decided by consensus that there should be a link on the EDNY website to information about LAC and that members' names and affiliations should be posted.

Possible Future Subcommittee Projects:

The group discussed the merits of exploring the following projects:

- a. Website Review. CEC noted that the Court welcomed suggestions as to how to improve the Court's website for Chapter 11 practitioners. The LAC generally agreed that it may be useful to have a subcommittee that reviews and advises the Court on the Chapter 11 aspects of the website, and explores ways to provide simple and effective access to information about Chapter 11. The Chair asked that members contact him if they were interested in serving on the website subcommittee.
- b. Claims Agent Protocols. The Vice Chair led a discussion as to whether EDNY should explore the adoption of Claims Agent protocols similar to those in Delaware and SDNY. There was discussion to the effect that EDNY should consider adopting a protocol and a subcommittee can look into what recommendation to make to the EDNY judges. It was then suggested that exploring the adoption of Claims Agent protocols may be undertaken by a broader subcommittee for large Chapter 11 cases. The Chair requested that members contact him if they have an interest in working on Claims Agent protocols.
- c. Pre-Packaged Plans. The Chair led a discussion on the merits of adopting guidelines in EDNY for pre-packaged plans similar to those in SDNY. The group discussed whether this topic should fall under the larger subcommittee for large Chapter 11 cases which may also include claims agent protocols and other issues.
- d. Trends/Innovations: The Chair led a discussion on the LAC exploring trends and innovative topics that are occurring here or in other districts. Some potential topics for exploration identified by the Committee were: pro bono representation; mediation; Chapter 11 lawyer training/education; and controlling costs in Chapter 11 cases. It was suggested that the topic of mediation can be addressed after the City Bar has their plan mediation seminar in June. The Chair suggested that some of these topics can be added to future agendas.

Next Meeting: The proposed next meeting date of June 11, 2014 will be moved to avoid conflict with the Second Circuit Judicial Conference. The Chair will circulate a new date and the location for the next meeting.

Attendees

Thomas R. Slome, Esq.
Lori Lapin Jones, Esq.
Leslie A. Berkoff, Esq.
Patrick Thomas Collins, Esq.
Melanie L. Cyganowski, Esq.
Robin Keller, Esq.
Salvatore LaMonica, Esq.
Norma Ortiz, Esq.
Bonnie Pollack, Esq.
Damian S. Schaible, Esq.
Robert T. Schmidt, Esq.
Bruce L. Weiner, Esq.
Burton Weston, Esq.
William K. Harrington, United States Trustee
Christine Black, Assistant United States Trustee
Alicia Leonhard, Assistant United States Trustee
Enid N. Stuart, Esq.
Bonni Perlin, Esq.
Hon. Carla E. Craig
Hon. Nancy Hershey Lord
Hon. Elizabeth S. Stong
Hon. Alan S. Trust
Robert A. Gavin, Jr., Clerk of Court
Paul Dickson, Chief Deputy Clerk

Eastern District of New York Chapter 11 Lawyers' Advisory Committee Mission Statement

The Chapter 11 Lawyers' Advisory Committee for the United States Bankruptcy Court for the Eastern District of New York is constituted for the purpose of providing a forum for communication and feedback between the Board of Judges and the bar regarding Chapter 11 practice and procedure with the goal of better serving the needs of individuals and business entities seeking reorganization and of other parties in interest in Chapter 11 cases in the District.