

**BY-LAWS FOR THE
EDNY CHAPTER 11 LAWYERS' ADVISORY COMMITTEE**

(Amended January 16, 2019)

**ARTICLE I
GENERAL**

Section 1. The name of this committee is the EDNY Chapter 11 Lawyers' Advisory Committee ("LAC").

Section 2. The purpose and mission of the LAC is to provide a forum for communication and feedback between the EDNY 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.

**ARTICLE II
COMPOSITION**

Section 1. The LAC shall initially consist of fifteen (15) members of the Bar (each a "General Member"). The number of LAC General Members may be increased or decreased by the Chief Judge after consultation with the Chairperson and Vice Chairperson.

Section 2. The Chief Judge shall select the General Members after consultation with the Chairperson and Vice Chairperson.

Section 3. General Members of the LAC shall be expected to attend meetings of the LAC and actively participate in the business of the LAC.

Section 4. The initial term of the General Members shall be three (3) years which may be renewed by the Chief Judge after consultation with the Chairperson and Vice

Chairperson. General Members may also be added and removed at any time in the discretion of the Chief Judge after consultation with the Chairperson and Vice Chairperson.

Section 5. [Intentionally Omitted]

Section 6. A Chairperson and Vice Chairperson shall be appointed by the Chief Judge from among the General Members and they shall serve until their respective successors are appointed.

Section 7. In addition to the General Members, the LAC shall endeavor to include liaison members designated by the EDNY United States Trustee's Office, EDNY Office of the United States Attorney, the NYS Office of the Attorney General, and other governmental offices or agencies as determined by the Chief Judge after consultation with the Chairperson and Vice Chairperson.

Section 8. The LAC shall also include *ex officio* members, including:

- (a) All bankruptcy judges in the EDNY,
- (b) One or more representatives of the EDNY Bankruptcy Court Clerk's Office, and
- (c) Other appropriate persons as determined by the Chief Judge after consultation with the Chairperson and Vice Chairperson.

The General Members, liaison members and *ex officio* members are collectively referred to herein as "Members."

Section 9. Resignation from the LAC will be accepted upon written notice to the Chairperson.

Section 10. [Intentionally Omitted]

ARTICLE III MEETINGS OF MEMBERS

Section 1. Meetings of Members shall be held within the State of New York, as may from time to time be fixed by the LAC.

Section 2. The LAC shall determine the regular meeting schedule with the anticipation that no less than three (3) meetings be held each year. Special meetings may be called as deemed necessary by the Chairperson and/or the Chief Judge.

Section 3. Notice to Members. Notice of the time and place of each regular or special meeting of the LAC shall be given to each Member reasonably in advance of such meeting. The LAC shall endeavor, whenever feasible, to determine at each meeting when and where the next meeting shall be held. If feasible, each notice of a meeting shall be in writing (including by email), and if not feasible, notice may be given orally, by telephone or otherwise. An agenda (“Agenda”) shall whenever possible be prepared by the Chairperson or Vice Chairperson and distributed in advance of each meeting. Members may suggest items to be included in the LAC’s proposed Agenda and should inform the Chairperson of such suggested Agenda items as soon as practicable.

Section 4. A majority of the General Members will represent a quorum at each meeting.

ARTICLE IV DUTIES

Section 1. Chairperson. It shall be the duty of the Chairperson to preside at meetings of the LAC, send out notices of meetings and Agendas, and to perform such other duties as ordinarily pertain to this office.

Section 2. Vice Chairperson. It shall be the duty of the Vice Chairperson to assist the Chairperson in the performance of any of his or her duties, and to perform such other duties as

the Chairperson, the LAC, or the Chief Judge deem necessary. In the event of the absence of the Chairperson, the Vice Chairperson shall conduct meetings. In the event of the unavailability or disability of the Chairperson, the Vice Chairperson shall become the interim Chairperson. It shall be the duty of the Vice Chairperson to record attendance at the meeting and record the minutes of such meeting (the “Minutes”). The Vice Chairperson’s draft of the Minutes of the meeting shall be furnished to the Chief Judge and Chairperson for review. After such review, the minutes shall be circulated to all Members by the Chairperson and shall be considered for adoption by the LAC at the next scheduled meeting. The Minutes shall be limited to a statement of the action taken at a prior meeting and concise statements of the subject matters discussed by the LAC, but without significant details of the discussions, which discussions shall remain confidential and not disclosed except as determined by the Chief Judge and the Chairperson. The Minutes shall list the Members present and the results of any vote(s) of the LAC.

Section 3. Subcommittees. The Chairperson may, in consultation with the Chief Judge and Vice Chairperson, form and appoint Members to, such subcommittees as may from time to time be necessary or appropriate, and appoint one or more chairpersons for such subcommittees. The chairpersons of such subcommittees shall be responsible to see that the subcommittee performs the duties assigned to it.

ARTICLE V METHOD OF VOTING

The LAC shall strive to achieve consensus whenever possible. However, in the event that a vote is necessary at any regular or special meeting, all General Members shall be voting members and shall be entitled to one (1) vote on each issue that requires a vote. A vote shall be transacted by voice vote except where vote by ballot is requested by a majority of those entitled

to vote at any meeting. All voting determinations shall be made by a simple majority. *Ex officio* members and liaison members shall not be entitled to vote.

ARTICLE VI AMENDMENTS

These By-laws may be amended at any regular meeting of the Members, a quorum being present, by a majority of all General Members present, provided that written notice of such proposed amendment shall have been provided to each Member as soon as practicable before the meeting.