

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

Minutes

Meeting Date: January 14, 2015
Location: Garden City Hotel
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 September 9, 2014 meeting were approved.

The next meeting will be on April 22, 2015 at a venue to be determined in Brooklyn.

The Chair noted three possible topics the LAC might want to consider addressing: (a) the submission of lengthy orders for confirmation and financing; (b) coordinating with the SDNY on any necessary amendments to the local rules so they comport with the December 2014 amendments to the Federal Rules of Bankruptcy Procedure; and (c) affirmatively reaching out to practitioners through bar committees to obtain input on EDNY practice.

The Chair solicited topics of discussion for the next LAC meeting. Damian Schaible volunteered to present on the recently published ABI Chapter 11 Reform Commission Report.

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.

Judge Craig informed the LAC that the EDNY Bankruptcy Judges are looking at the local rules to determine what changes may be appropriate in view of the December 2014 amendments to the Federal Rules of Bankruptcy Procedure.

Judge Craig informed the LAC that Shaunna Jones, Esq. resigned from the LAC.

Subcommittee Reports:

Large Chapter 11 Case Subcommittee.

Subcommittee co-chair Leslie Berkoff led a discussion on incorporating into the EDNY practice a first day checklist of topics that parties, including debtors' counsel, should be prepared to discuss at the initial status conference. The subcommittee will continue to work on this project.

Subcommittee co-chair Robin Keller led a discussion on the draft pre-packaged Chapter 11 case guidelines prepared by the subcommittee. The subcommittee expects to circulate an updated

draft with a view towards the LAC determining whether to recommend such guidelines to the Board of Judges.

The Committee discussed the best way to reach out to practitioners to identify issues and concerns in the EDNY in a continuing effort to enhance the practice in the district. Limited responses were received through a solicitation by the New York City Bar's bankruptcy committee. The subcommittee will prepare a proposed email to send around to bar associations to solicit feedback.

Website Subcommittee.

Co-chairs Chris Black and Sal LaMonica reported on the results they received in response to a survey on the EDNY website distributed to EDNY practitioners. Eleven responses were received (including from paraprofessionals) and the overall response was positive. Suggestions and questions raised in the survey responses will be provided to Clerk of Court Robert Gavin. Chief Judge Craig recommended distributing the survey to the managing attorneys' association for additional feedback.

Discussion Topic - Plan Mediation.

Melanie Cyganowski led an active discussion on the use of mediation in bankruptcy cases. Topics addressed included Chapter 11 plan mediation and designating a mediator at the outset of a complex case. Judge Trust suggested discussing mediation (and other aspects of dispute resolution) at one of the Court's brown bag lunch meetings between the bench and bar.

New Business:

Judge Lord suggested Chapter 11 lawyer education as a future discussion topic.

Attendees

Thomas R. Slome, Esq.
Lori Lapin Jones, Esq.
Leslie A. Berkoff, Esq.
Patrick Thomas Collins, Esq.
Melanie Cyganowski, Esq.
Robin Keller, Esq.
Salvatore LaMonica, Esq.
Bonnie Pollack, Esq.
Damian Schaible, Esq.
Christine Black, Esq.
Hon. Carla E. Craig
Hon. Nancy Hershey Lord
Hon. Louis A. Scarcella
Hon. Elizabeth S. Stong
Hon. Alan S. Trust
Robert A. Gavin, Jr., Clerk of Court
Paul Dickson, Chief Deputy Clerk