

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

Minutes

Meeting Date: June 9, 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 off less than a 5% decline from last year. Chapter 7 and 13 filings are also down. There were 5 Subchapter V filings in the district. There are no current plans to reopen the Court; perhaps in September. Trials are proceeding, there are some issues with exhibits where you need two devices or two screens. We should expect a surge in cases for the 4<sup>th</sup> quarter of 2020 as the mortgage foreclosure moratorium ends. The committee engaged in a discussion regarding telephonic Court appearances and telephonic 341 meetings.

Subcommittee Reports:

*Large Chapter 11 Case Subcommittee:*

Nothing new to report. Committee will look into the procedure for *pro hac vice* admissions in the District.

*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:*

The Subcommittee is working on a program to present a mock mediation conducted via Zoom.

*Junior Lawyers Initiative Subcommittee:*

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

Discussion of Potential New Projects/Subcommittees:

Other topics discussed – case management, telephonic appearances versus Zoom type hearings on contested matters. The Committee discussed the developing case law regarding PPP loans and some courts holding that there is prejudice to debtors because of the inability to obtain such loans. The Committee also discussed Subchapter V cases and what may be expected.

Discussion Topic:

Tom Slome and Michael Kwiatkowski, Esq. led a discussion on how *pro hac vice* motions are handled in EDNY and in other districts. At the conclusion of the discussion there was a recommendation that the Large Chapter 11 Case Subcommittee look into the issue.

Old Business:

None.

New Business:

None

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.  
Mickey Hennessey, Esq.  
Holly Holacek, Esq.  
Evan Zucker, Esq.  
Lori Jones, Esq.  
Bonnie Pollack, Esq.  
Andrew Thaler, Esq.  
Anthony Giuliano, Esq.

Fred Stevens, Esq.  
Burton Weston, Esq.  
William Curtin, Esq.  
Paul Dickson  
Robert A. Gavin, Jr.  
Hon. Carla E. Craig  
Hon. Elizabeth Stong  
Hon. Nancy Lord  
Hon. Alan S. Trust  
Hon. Louis Scarcella

Presenting:  
Michael Kwiatkowski Esq.