

Consumer Lawyer's Advisory Committee
Joint Meeting
Minutes

Meeting Date: March 20, 2023, 9:00am-10:30am
Location: Zoom Meeting
Attendees: See below

Statistics for Filings in U.S. Bankruptcy Courts

Chief Judge Alan S. Trust provided court statistics. Highlights include that E.D.N.Y. is the 9th busiest district across the country, 5th in terms of number of chapter 11's filed and number 1 in terms of the number of pro se filers.

Guest Speakers:

1. Lisa Gordon, Esq., Managing Partner at Frenkel, Lambert, Weiss, Weisman & Gordon, LLP. Ms. Gordon discussed the Foreclosure Abuse Prevention Act which took effect in January 2023, particularly how it overturned the case of *Freedom Mortgage v. Engle*, 2021 (NY Slip Op 01090) and the changes to all affected statutes. She also discussed the Court of Appeals case of *Bank of America v. Kessler*, 2023, NY Slip Op 00804 (Feb 14, 2023) and its effect on 90 day notices of default.

2. William K. Harrington, United States Trustee. Mr. Harrington discussed several topics including:

341 Zoom Platform: The pilot program for zoom 341 meetings in district 19 is still progressing. UST's office has worked out most issues including licensing and a uniform platform for the nation and they believe Zoom 341 meetings will be rolled out across the nation starting in the summer.

Monthly operating reports (MOR's). Automated reports were rolled out last year. However, the billing function had not yet been rolled out. Billing function is now operational in CI and will be operational shortly in Brooklyn. This will enable UST's office to account for the collection of quarterly fees. Please make sure you complete these forms correctly and obtain a new fresh bar code, so as to insure accurate billing. Attorneys are encouraged to contact UST's office if they have any questions to prevent billing issues.

Authorized Depositories and 11 U.S.C. §345. In the wake of several failed banks, Mr. Harrington discussed what an authorized depository is and how they are required to pledge collateral to secure deposits. He advised to take caution when considering a waiver of §345, so that Debtor money is not placed at risk.

Decisions of Interest

Bartenwerfer v. Buckley, 598 U.S. ___, 143 S. Ct. 665, 214 L.E.2d 434 (2023). Shari Barak, Esq. presented. Case involves whether debt obtained via fraud is dischargeable if the Debtor was not a participant to the fraud.

In Re: Merlo, 646 B.R. 389 (Bankr. E.D.N.Y. 2022). Karen Sheehan, Esq. presented. Case discussed when In Rem relief from the automatic stay is warranted pursuant to 11 U.S.C. §362(d)(4) and whether the court may retain jurisdiction to hear a motion for In Rem relief if it was pending before dismissal of the case.

Old Business: None

New Business: None

Next Meeting Date: Scheduled TBD

Future Events:

April 3, 2023- 4:00pm-6:30pm.

Roadways to the Bench. U.S. District Court, 224 Cadman Plaza, Brooklyn, NY

April 18, 2023- 6:00pm-8:00pm.

2nd Annual Dorothy Eisenberg Women in the Law. Heritage Club, Bethpage, NY

May 10, 2023- 5:00pm-7:00pm.

Junior Lawyers Workshop, Hybrid Zoom and in person. Brooklyn and CI courthouses.

July 20, 2023- 5:00pm- 7:00pm.

Significant Bankruptcy Decisions with Bill Rochelle. Nassau County Bar Association, Mineola, NY

Attendees:

Alan Nisselson, Esq.

Alex Tsionis, Esq.

Anthony Vassallo, Esq.

Barbara Dunleavy, Esq.

Christine Black, Esq.

David Doyaga, Sr. Esq.

Donna Ciampo, Esq.

Fred Kantrow, Esq.

Hanna Shadood, Esq.

Heath Berger, Esq.

Karen Sheehan, Esq.

Krista Preuss, Esq.

Lisa Milas, Esq.

Lorna Lamotte, Esq.

Mark Cohen, Esq.

Marylou Martin, Esq.

Melanie FitzGerald, Esq.

Nathan Kaufman, Esq.

Nico Pizzo, Esq.

Rachel Blumenfeld, Esq.

Raquel Felix, Esq.
Rich Artura, Esq.
Rick Stern, Esq.
Robert Wolf, Esq.
Scott Schneider, Esq.
Shari Barak, Esq.
Ward Saxton, Esq.

Judiciary and Court Personnel

Hon. Chief Judge Alan S. Trust
Hon. Judge Elizabeth S. Stong
Hon. Judge Jil Mazer-Marino
Hon. Judge Louis A. Scarcella
Hon. Judge Nancy Hershey Lord
Alan Milot
Christine Moffett
Debra Campanile
Elise Kanter, Esq.
Madrie Tagle
Margaret Clark

Guests

William Harrington, Esq., United States Trustee
Lisa Gordon, Esq., Managing Partner at Frenkel, Lambert, Weiss, Weisman & Gordon, LLP.