

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

Minutes

Meeting Date: September 6, 2017  
Location: United States Bankruptcy Court (Brooklyn)  
Attendees: See below

Chair Update and Approval of Minutes:

LAC Chair Thomas Slome (“Chair”) opened the meeting. It was announced that Judge Stong was reappointed for a second fourteen-year term. Judge Stong addressed the Committee and expressed gratitude to the bankruptcy bar for the privilege to serve as Bankruptcy Judge and to work with the bar.

The Chair requested members suggest topics for future presentations and potential topics were discussed.

The minutes of the May 17, 2017 meeting were approved.

Board of Judges Update:

Chief Judge Craig provided information on case filings in the district over the past twelve months as well as the status of filings on a national basis. There was a discussion concerning the diverse venues of recently filed large case.

Local Rules Project:

Judge Scarcella reported on the status of the work of the Local Rules committee. That committee has been working in subcommittees and exchanging comments. Their next committee meeting is September 25, 2017. The committee is also collaborating with the mediation subcommittee of the LAC. Judge Scarcella noted that the proposed new Chapter 13 form plan and the companion local rule must be approved by December 1, 2017. The remainder of the changes to the local rules may be approved in 2018.

Subcommittee Reports:

*Large Chapter 11 Case Subcommittee:*

Sub-committee Co-Chair Fred Stevens addressed the prospect of the LAC recommending the adoption of the Procedural Guidelines for Coordination and Cooperation Between Courts in Cross-Border Insolvency Matters (“Cross Border Guidelines”) to the Board of Judges. Fred provided an overview of the Cross Border Guidelines, provided background of the history of the Cross Border Guidelines, and informed the Committee which districts and which countries have

adopted the Cross Border Guidelines. Fred distributed background materials for the Committee to consider. The subcommittee will be polled as to whether to recommend to the Committee that it propose to the adoption of the guidelines to the Board of Judges.

*Small and Medium Chapter 11 Case Subcommittee:*

Subcommittee Co-Chair Gerry Luckman reported that the subcommittee is ready to publicize and launch the first session of the Chapter 11 Counsel Education Workshop, which will be held in Brooklyn. His subcommittee will coordinate a date with the Clerk of Court. It was determined that Judges will not be involved in conducting or participating in the workshop.

*Mediation Subcommittee:*

Subcommittee Chair Leslie Berkoff reported that the subcommittee met both telephonically and in person. This led to a brown bag lunch to assist the subcommittee in identifying issues and opportunities for education. One project of the subcommittee is to propose a model form of order for mediation referrals in the district. Leslie also informed the Committee that October 18 is Mediation Settlement Day, and there will be several events sponsored by the District Court and other courts. Lastly, Leslie requested that members submit suggestions on the topic of mediation to the subcommittee.

Discussion Topic:

*Jevic: Points of Interest*

Frank Oswald led an informative discussion on the United States Supreme Court's decision in *Jevic* including its holding, its impact, and how parties are addressing it. A very useful memorandum prepared by Frank was circulated.

Next Meeting:

The next meeting of the LAC will be on January 10, 2018, on Long Island.

Attendees

Thomas R. Slome, Esq.  
Lori Lapin Jones, Esq.  
Leslie Berkoff, Esq.  
Christine Black, Esq.  
Marty Bunin, Esq.  
Anthony Giuliano, Esq.  
Mickey Hennessy, Esq.  
Gerald Luckman, Esq.  
Michelle McGreal, Esq.  
Frank Oswald, Esq.  
Bonni Perlin, Esq.

Fred Stevens, Esq.  
Enid N. Stuart, Esq.  
Burton Weston, Esq.  
Hon. Carla E. Craig  
Hon. Elizabeth S. Stong  
Hon. Louis Scarcella (by telephone)  
Hon. Alan S. Trust (by telephone)  
Robert A. Gavin, Jr. Clerk of Court