

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

Minutes

Meeting Date: September 15, 2016

Location: United States Bankruptcy Court, EDNY (Brooklyn)

Attendees: See below

Chair Update and Approval of Minutes:

LAC Chair Thomas Slome ("Chair") opened the meeting. The Chair provided an overview of the LAC's accomplishments since its formation and work in progress on current initiatives. The Chair also encouraged members to volunteer to present or lead a discussion on a topic of interest at a future meeting.

The minutes of the May 4, 2016 meeting were approved.

Board of Judges Update:

Chief Judge Craig provided information on case filings in the district and nationally.

Chief Judge Craig also reviewed certain of the LAC's accomplishments including the work on the prepackaged Chapter 11 plan guidelines and the revised Chapter 11 case management order, both of which were adopted by the Board of Judges.

Chief Judge Craig described certain new procedures that the Court is now using for Chapter 11 business cases that are filed without a lawyer. The Court now issues an order scheduling a hearing to consider whether the case should be dismissed, with the hearing to be held three to four weeks after filing.

Chief Judge Craig also described certain new procedures for when a pro se bankruptcy petition is filed in person by a non-lawyer. The Clerk's Office now requests photo identification from the non-lawyer that presents the petition for filing and the Debtor. Copies of these identifications will be stored electronically. The objective of these new procedures is to curtail unauthorized filings.

Chief Judge Craig reported that the Court is forming a Consumer Lawyers Advisory Committee, which will meet in Brooklyn and Central Islip. Once formed, there may be opportunities for the LAC and this new committee to work on initiatives together.

Chief Judge Craig discussed the prospect of conducting a review of the Court's Local Bankruptcy Rules, to bring them into conformity with the recent changes to the Federal Rules of Civil Procedure and the local rules of the Southern District of New York.

Chief Judge Craig thanked the LAC on behalf of the Board of Judges for its work on the Survey Project and responded to each of the areas identified by the LAC as a result of the Survey Project. Of note is that the Board of Judges is considering the adoption of a "Certificate of No Objection" procedure, under which a Judge, in certain instances, would issue an order in advance of a hearing, or cancel a hearing, where there was no objection to the relief sought. This procedure may be adopted by Administrative Order or incorporated into future changes to the District's Local Rules.

Subcommittee/Project Reports:

Large Chapter 11 Case Subcommittee:

Vice Chair Lori Lapin Jones, and Fred Stevens reported on the status of the subcommittee's preparation of a draft claims agent protocol and claims agent retention papers similar to those used in the Southern District of New York and the District of Delaware. These drafts have been finalized and sent to the United States Trustee for review. The LAC will address any comments from the United States Trustee and then forward the drafts for consideration and approval by the Board of Judges.

Small and Medium Chapter 11 Case Subcommittee:

Gerry Luckman presented an outline prepared by subcommittee members (Gerry Luckman, Bonnie Pollack and Mickee Hennessy) for a Chapter 11 Basics Workshop as part of the subcommittee's initiative on attorney education. Mr. Luckman discussed the possibility of holding a quarterly workshop, alternating between Brooklyn and Central Islip, to be led by LAC members, as well as the prospect of offering one-on-one tutorials to interested lawyers. The recommendation is that there would not be judicial involvement in these workshops, but Judges and the United States Trustee may recommend that lawyers attend a workshop.

The Chair will circulate the outline for comments. When the outline is finalized, the LAC will vote on whether to recommend establishing a Chapter 11 Basics Workshop to the Board of Judges.

Discussion Topics:

The Chair and Judge Trust led a discussion on the use of mediation in EDNY, including the use of sitting or retired Judges as mediators and streamlining the payment of compensation to mediators.

Next Meeting:

The next meeting of the LAC will be on January 18, 2017 on Long Island.

Attendees

Thomas R. Slome, Esq.

Lori Lapin Jones, Esq.

Patrick Collins, Esq.

Anthony Guiliano, Esq.

Gerry Luckman, Esq.

Bonnie Perlin, Esq.

Kenneth Rosen, Esq.

Fred Stevens, Esq.

Enid N. Stuart, Esq.

Burton Weston, Esq.

Hon. Carla E. Craig

Hon. Nancy Hershey Lord

Hon. Alan S. Trust

Robert A. Gavin, Jr., Clerk of Court

Paul Dickson, Chief Deputy Clerk