

Bankruptcy Law Section

Report to the DSBA Executive Committee November 1, 2006

William H. Sudell, Jr. – Section Chair

I. Introduction.

In the second year of the Bankruptcy Law Section's existence, we are attempting to capitalize on the organization created and momentum generated during the Section's first year under the leadership of Dan DeFranceschi (Richards, Layton & Finger). Delaware's four new Bankruptcy Judges were installed more than six months ago, bringing the total to six. The Section is very pleased to count all six judges among our membership. Each of the Judges has volunteered to serve on at least one of the Section's committees (except the Social and Legislation Committees). We believe that the Section's effectiveness will be greatly enhanced by their participation.

II. Section Membership.

There are currently approximately 280 members of the Section. These members include judges, practitioners from a large number of law firms and government employed attorneys. The Section includes among its membership attorneys at all experience levels - - from the most junior to the most senior. We believe that our diverse membership will contribute to the success of the Section, as well as the success of the Delaware bankruptcy practice.

III. Section Organization.

The Bankruptcy Section is organized into ten (10) committees, which allows all of its members to participate in those areas of most interest to them. Officers of the Section for the period through June 30, 2007, who were elected at the Section's annual meeting on April 24, 2006, are as follows:

Chair:	William H. Sudell, Jr. Morris, Nichols, Arsht & Tunnell LLP
Vice Chair (Business Bankruptcy):	Pauline K. Morgan Young, Conaway, Stargatt & Taylor, LLP
Vice Chair (Consumer Bankruptcy):	Erin K. Brignola Cooper, Levenson, April, Niedelman & Wagenheim
Secretary:	Bonnie Glantz Fatell Blank Rome, LLP

The current Committees and the Chairs/Co-Chairs of each Committee are as follows:

<u>Committee</u>	<u>Chair/Co-Chair</u>
Ch. 7/13 Practice	Michael B. Joseph Ferry, Joseph & Pearce, P.A. Jeffrey L. Burtch Cooch and Taylor, P.A.
Ch. 11 Practice	James Patton Young, Conaway, Stargatt & Taylor, LLP Norman Pernick Saul Ewing, LLP
Legislation	Mark D. Collins Richards, Layton & Finger, P.A.
Litigation	Donna L. Culver Morris, Nichols, Arsht & Tunnell LLP
Local Rules	Gregg M. Galardi Skadden, Arps, Slate, Meagher & Flom, LLP
New Lawyers	Michael DeBaecke Blank Rome, LLP
Publications/CLE	Bruce Grohsgal Pachulski, Stang, Ziehl, Young, Jones & Weintraub J. Kate Stickles Saul Ewing, LLP
Social	Mary Caloway Klett, Rooney, Lieber & Schorling David B. Stratton Pepper Hamilton, LLP
Technology	Adam G. Landis Landis, Rath & Cobb LLP Margaret E. Juliano Morris, Nichols, Arsht & Tunnell LLP
U.S. Trustee/Bar Relations	Robert Brady Young, Conaway, Stargatt & Taylor, LLP

The governing body of the Section is the Council, which consists of each officer of the Section, together with each chairperson of each Committee.

The Section has selected Adam G. Landis and Margaret E. Juliano to serve as the Section's technology liaisons to the DSBA.

IV. Activities.

The officers of the Section have met on two occasions to discuss Section matters and activities and frequently communicate between meetings. The Section Council met on July 27, 2006 and will meet again on November 15, 2006.

Much of the work of the Section is conducted at the Committee level. Illustrative, but not all inclusive, of the activities of the Section through the Committees are the following:

Chapter 7/13 Practice Committee:

This Committee, which is a consolidation of what were two committees, organized and conducted a forum for the consumer bankruptcy bench and bar on September 26, 2006. Along with Judges Fitzgerald and Shannon, over 30 people attended including 23 attorneys, US Trustee representatives, and staff from the Clerk's Office. Thanks to the DSBA staff for their assistance with the CLE credit. The Committee intends to conduct more forums throughout the year, with the next one planned for sometime after January 1, 2007. As Judge Fitzgerald is completing the transfer of all of her Chapter 13 cases to Judge Shannon, the Committee is considering some recognition of her service to our District at an appropriate time.

Chapter 11 Committee:

This Committee will continue to examine the chapter 11 practice, and work with the other committees, to enhance the effectiveness and efficiency of this practice.

Legislation Committee:

This Committee actively monitors legislative proposals that affect bankruptcy as well as general debtor and creditor rights laws.

Litigation Committee:

The Litigation Committee met on October 24, 2006. The principal purpose for the meeting was to discuss possible revisions to the local rules impacting litigation in the Bankruptcy Court. The Committee's suggestions have been provided to the Local Rules Committee for consideration during the annual comment period, which ended October 31, 2006. The Committee has also formed a subcommittee of Terry Brown-Edwards and Laurie Polleck to review and report on suggested revisions to chambers' procedures for possible discussion with the Bankruptcy Judges. The next Committee meeting will be held during the latter part of January, 2007.

Local Rules Committee:

The Local Rules Committee has worked and continues to work with the Bankruptcy Court to prepare amendments to the Local Rules for the Bankruptcy Court for the District of Delaware. Annotations to the Local Rules will also be prepared by the Local Rules Committee, which will continue its efforts to analyze various procedures and potential rules for consideration by the Bankruptcy Court as part of future rules amendments.

New Lawyers Committee:

This Committee met on October 11, 2006, to brainstorm and develop means to further the Committee's goals of providing a forum and opportunity for younger lawyers to (i) meet each other and more experienced bankruptcy lawyers and judges outside the more formal case context, and (ii) continue to learn and grow as Delaware bankruptcy lawyers.

Publications/CLE Committee:

(a) Delaware Views from the Bankruptcy Bench and Bar

On June 9, 2006, the Section, together with American Bankruptcy Institute sponsored a continuing legal education program, entitled *Delaware Views from the Bankruptcy Bench and Bar*, at the Hotel DuPont. Panelists included: all of the Bankruptcy Judges in the District, Judge Thomas Ambro of the United States Court of Appeal for the Third Circuit, various nationally recognized bankruptcy attorneys and several Delaware practitioners. The keynote speaker was Senator Joseph R. Biden, Jr. Kelly Beaudin Stapleton, United States Trustee, Region 3, also offered remarks.

Approximately 350 people attended the seminar.

(b) Continuing Legal Education

In 2006–2007, the Committee intends to arrange continuing legal education programs for the four Bench-Bar meetings scheduled for this year, some for CLE credit and some not. These sessions are free to participants. The first, already presented, addressed pension plan claims and issues in bankruptcy cases. The second, scheduled for November 8, 2006, is on electronic discovery. The Committee also is involved with the Third Circuit Judicial Conference in that Conference's participation in program planning and preparation for the annual Eastern District of Pennsylvania Bankruptcy Conference scheduled for February 2007. The Committee has assisted the consumer bankruptcy bar in its Chapter 13 Practice & Procedure in Delaware educational session. The Committee also is considering (i) an annual seminar offering continuing legal education on selected topics, and/or (ii) a Bankruptcy Judges roundtable. The primary decision point will be whether, with the other programs already undertaken, we will have saturated the market too fully for meaningful participation.

The Committee has worked closely with the DSBA in the past, and will continue to do so in the future, with respect to: (i) preparation and circulation of the written materials; (ii) e-mail notices/advertisement of the seminar for members of the Bankruptcy Section and other reorganization and restructuring professionals; (iii) staffing at the seminar to ensure that attorneys register and sign-in/sign-out at the seminar; and (iv) in preparing the application necessary to obtain CLE approval for the various programs.

(c) Publications

In 2006-2007, the Committee intends to further explore the potential of Section sponsored publications, including a newsletter and case law update. In addition, the Committee has requested the Court's assistance in posting opinions on the Court's website in a "searchable" format and intends to have further discussions with the Court in this regard.

Social Committee:

A cocktail party/reception was hosted by the Committee at the American Bankruptcy Institute's Mid-Atlantic Bankruptcy Workshop in Cambridge, Maryland, on August 4, 2006. Additional events are being considered.

Technology Committee:

This Committee is new this year. It is in the process of constructing a webpage for the Bankruptcy Section that can be accessed from the DSBA website. The Committee is also looking into hosting videoconferenced CLE programs.

U.S. Trustee Committee:

This Committee intends to continue efforts to work cooperatively with the U.S. Trustee's Office to develop protocols and procedures on various aspects of the bankruptcy practice. A luncheon meeting of the Committee and the U.S. Trustee for the region that includes Delaware and two of her assistants, was held on September 20, 2006.

V. Annual Meeting and Election of Officers

The Section will hold its annual meeting for the election of officers in April 2007.