

ABI COMMISSION TO STUDY THE REFORM OF CHAPTER 11

Financing Chapter 11 Advisory Committee

June 12, 2013

Meeting (by Telephonic Conference Call)

MINUTES/SUMMARY

The Financing Chapter 11 Advisory Committee (the “Committee”) of the ABI Commission to Study the Reform of Chapter 11 (the “Commission”) held a meeting on Wednesday, June 12, 2013, via teleconference. *The following individuals participated in the meeting:* Marc Abrams; Jo Ann Brighton; Ashley Bruce; Norma Corio; Judge Robert Drain; William Fox; Elliott Ganz; Marshall Huebner; Michelle Harner; Claire Hallowell; Robert Keach; Christopher Mirick; Harold Novikoff; Felton Parrish; Rebecca Roof; Paul Singerman; David Skeel; and Judge Gregg Zive. *Committee members not in attendance:* James Seery; and Harvey Miller.

Ms. Brighton commenced the meeting at approximately 3:00 p.m. prevailing Eastern time. The following matters were discussed during the course of the meeting:

Update on Commission Status. Mr. Keach updated the Committee on the recent activities of the Commission, and provided certain guidance from the Commission regarding issues to consider at the Committee prepares its reports. In particular, the Commission requests that reports explore arguments on both (or multiple) sides of issues, and that dissenting or minority views be explained and developed; if the Committee’s report ends up supporting only one position on a given issue, the Commission would still find a discussion of other positions useful in its work.

Approval of minutes. The minutes from the May 29, 2013, meeting of the Committee were approved.

Adequate Protection Subcommittee. Mr. Fox led a discussion of the draft of the report by the adequate protection subcommittee. The discussion by the Committee included the issue of the role of claims under section 507(b) for a failure of adequate protection; the issue of what value should be adequately protected; and the effect of any changes in the current status on the decision to make loans (either outside of bankruptcy, or in the DIP context). It was agreed that a further discussion of the implications of section 507(b) claims would be held on the Committee’s June 26th call.

Pay-to-Play Subcommittee. Mr. Singerman circulated a revised version of the pay-to-play subcommittee report prior to the Committee call, and invited anyone with comments to send them after the call.

Equities of the Case Subcommittee. Mr. Mirick reported that the equities of the case report was being revised to reflect the comments from the prior Committee meeting, and would be circulated for review and further discussion.

Additional business. Ms. Harner advised the Committee that the Commission has up-coming meetings on June 17th and July 18th, and she is seeking to coordinate reports from the advisory committees that can be reviewed at those meetings. It was generally agreed that the Committee would seek to have some of its current reports ready for review at the July 18th Commission meeting. Ms. Harner also reported on upcoming field hearings in New York and Chicago.

Conclusion. Ms. Brighton concluded the meeting by thanking everyone for their participation in the meeting and dedication to the work of the Committee.

The meeting adjourned at approximately 4:00 p.m. prevailing Eastern time.