ABI Commission to Study the Reform of Chapter 11

Labor & Benefits Advisory Committee

Meeting

March 1, 2013

Telephonic Conference Call

MINUTES/SUMMARY

1. Participants

Mike Bernstein, Joe Bondi, Bill Brandt, Babette Cecotti, Andrew Dawson, Sam Gerdano, Israel Goldowitz, Michelle Harner, David Jury, Tom Kochan, Sharon Levine, Michael Nicholson, David Rogers, Steve Schwartz (Judge Wedoff), David Seligman

1. Witness Testimony:
   1. Discussed list of witnesses for commission testimony at the American College of Bankruptcy meeting on March 14, both from the union and debtor perspectives. Sharon Levine will coordinate list further with Babette Cecotti. Sam Gerdano explained that written testimony can be of any length, and oral testimony is to be for 5 minutes, followed by questions. The testimony is planned to consist of two one-hour panels, and testimony will be live-streamed on the internet.
2. Position Papers:
   1. Sharon Levine stated goal to circulate draft position papers next week, March 4 – 8, to allow for comments. Mike Bernstein added that feedback on the drafts, if applicable, should be made before the meeting to Mike/Sharon so that they could then distribute that to the whole group. Feedback can simply be in bullet-point form, highlighting whether you agree or disagree with the positions. The ultimate goal is that all subcommittee position papers will be circulated, along with feedback, for the in-person meeting in April at the ABI Spring meeting. Bernstein then conducted a review of the list of subtopics allowing people to give a quick status report:
      1. Pensions: individual reports will be done within a week and then will need to be compiled, with competing considerations worked out.
      2. CBA Rejection Damages: internal conflict being worked out now, probably will have something by week of March 11.
      3. WARN Act: completed
      4. 1114 Mechanics: end of next week or the following
      5. 503(c): pieces done, just putting them together; likely end of next week, early the following
      6. Severance: completed
      7. Labor-Bankruptcy Law: one memo circulated on expired CBAs, the other memo still in the works. Will send the expired CBA memo next week or early the following
      8. 1113 Mechanics: this group is meeting this afternoon to discuss further.
3. Conclusion
   1. We will have draft position papers by the end of next week/beginning of following week.
   2. Next call scheduled for Friday, March 15, at 2:30 pm EST.

Respectfully submitted,

Andrew Dawson