**Minutes of the October 12, 2012 Meeting**

**ABI Commission to Study Chapter 11 Reform**

**Advisory Committee on Executory Contracts and Leases**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Participants: Kevin Huennekens, Chair

Lisa Hill Fenning, Reporter

Berry Spears, Reporter

David Epstein

Susan Freeman

David Kuney

Richard Levin, Commission Member

Deborah Williamson, Commission Member

I. Procedural issues and ground rules

A. Minutes

1. Will be made publicly available on website

2. Will be high-level, without attribution of individual views

3. Detailed notes of meetings will be preserved for internal working purposes only

4. Deliberations to be confidential

B. Meetings

1. Will regularly be held telephonically every other Friday to move things forward

2. Special in-person meetings will be held at NCBJ, ABI WLC and other conferences where a critical mass is likely to be able to attend, with telephonic participation by other members

C. Research assistance and recruitment of other specialists and experts

1. Perceived need for ground level researchers and ability to give some recognition -- assumed to be junior level

2. Need to recruit participation by leaders/experts on various topics -- assumed to be relatively senior level

3. Goals include developing broad-based consensus, so broader participation (beyond Commission and Committee boundaries) would be desirable

II. Substantive analysis

A. Members of the Committee are asked to choose topics of particular interest from the working outline

1. One leader per topic; others will join as working group members

2. Each meeting will focus on one topic

3. Responsible parties will organize reference materials and prepare analytical reports to frame issues for discussion

4. Working outline to be updated based upon expressions of interest

5. Discussion of possible additional topics and organization of topics

B. Basis for review and analysis

1. Writing on a clean slate

2. What would be the best way to write a new statute that addresses the functional needs of the system and subject

3. Pros and cons of various alternatives

4. Recommendations for the Commission

III. Next steps

A. All members should respond to short questionnaire asking for identification and priority of issues that should be on the Committee’s agenda

B. Develop timeline for sequence of topical presentations by working subgroups

Meeting schedule: October 24, 2012 at NCBJ

November 30, 2012 at ABI WLC

Minutes prepared by Lisa Fenning