Committee Reports

Bankruptcy Committee

The Bankruptcy Law Committee has continued to work on the numerous issues arising from the financial crisis. A special subcommittee is monitoring proposed changes in law that would allow bankruptcy judges to modify mortgage terms on primary residences. The Committee sponsored a very successful full-day statewide sold-out CLE program this past October entitled "Practical Skills-Basics of Bankruptcy Practice," which was held in New York City, Buffalo, Long Island, Syracuse and Albany. In May of 2009 another statewide half-day CLE program, entitled "Consumers and Small Businesses in Distress: Using the Bankruptcy Code to Help Weather These Troubled Times," was held in New York City, Long Island, Albany, Rochester and Syracuse. The new CLE program will confront the major changes which are being implemented in foreclosure and bankruptcy law now being enacted by the Congress.

—Mark S. Tulis, Chair

Franchise, Distribution and Licensing Committee

The Franchise, Distribution and Licensing Committee held a meeting in January 2009. The topic was franchise legislation. David J. Kaufmann presented to the committee a proposal he had sent to Joseph Punturo, Franchise Section Chief in the Investor Protection Bureau of the New York State Attorney General's Office. The proposal was a detailed description of the ways in which the new Federal Trade Commission's trade regulation rule on franchising requires or suggests changes in the New York Franchise Act (NYFA) and regulations. This amounted to the first step toward a possible comprehensive revision of the NYFA.

The committee also discussed Assembly Bill A03589 (January 27, 2009), introduced by Assemblyman Adam T. Bradley. This bill, which is the same as Assembly Bill A10963, introduced by Assemblyman Bradley in 2008, addresses two specific issues. It would bring the definition of a franchise in line with the definitions in other states, and it would limit the extraterritorial application of the NYFA.

Thomas Pitegoff, the chair of this committee, proposed that the committee endorse A03589. Mr. Kaufmann stated his opinion that the bill would not succeed if it does not have the endorsement of the Attorney General's Office. Although Assemblyman Bradley's staff had consulted with the Attorney General's Office in preparing the bill, the Attorney General's Office had not taken a formal position on the bill. At the suggestion of Craig Tractenberg, the committee decided that the best approach would be to make a formal request in writing to the Attorney General's Office to comment on the bill before the committee takes any action. After the meeting, Mr. Pitegoff sent this request to the Attorney General's Office. As of the time that this committee report was written, the Attorney General's Office had not responded.

The committee welcomes all comments on proposed legislation or any other topic within the scope of the committee's mandate, including suggestions for future presentations and programs. Contact the Committee Chair at pitegoff@pitlaw.com.

—Thomas M. Pitegoff, Chair

NEW YORK STATE BAR ASSOCIATION

Annual Meeting location has been *moved—*

Hilton New York
1335 Avenue of the Americas
New York City

January 25-30, 2010

NYSBA