

## **Best Practices for Chapter 13 Meetings of Creditors Conducted Remotely**

Prior to the remote meeting of creditors:

- Debtors' counsel should make certain that their clients, the debtors, are fully and adequately versed in how to participate in a virtual meeting of creditors on Zoom. This would generally require the debtors' counsel or staff to fully and completely practice setting up the Zoom and operating the same on the device used by the counsel. Failure of a debtor to be able to efficiently operate Zoom will result in a rescheduling of the meeting.
- For debtors that lack the equipment or the skills to operate on the Zoom platform, attorneys are strongly encouraged to have their clients in their offices, using a separate computer system and in a separate room from the attorney. In so doing, assistance can be provided by the attorneys' staff and feedback and distractions can be avoided.
- Re-scheduled meetings of creditors necessitated by deficient use of the virtual platform will be reset to a new time and date at the convenience of the trustee. This may well be held in person.
- The written Questionnaire verifying the standard questions should ideally be prepared and sent to the trustee's office three days prior to the meeting of creditors.
- Debtors' counsel should verify that their clients have reviewed the pre-meeting videos on the trustee's web site and have received – and read – the small red book provided by the

Trustee (“What You Should Know About Your Chapter Thirteen Case”).

- Debtors’ counsel must actually examine the BNC notice and verify that the debtors’ mailing address is fully and completely disclosed, and that the BNC notice accurately reflects the debtors’ social security number. That they have done so will be verified on the record at the Meeting.
- Clients should be reminded that the meeting is part of the official court process, that they will be placed under oath, and that the entire meeting will be recorded.

During the remote meeting of creditors:

- Debtors’ counsel should be logged into the Trustee’s Zoom meeting and should verify that their clients have logged in and are ready to proceed 15 minutes prior to the start time of the meeting.
- Because the meeting is an official court proceeding, debtors should be appropriately dressed and in a place that is quiet and where they will not be disturbed. If there are distractions, the presiding officer has been instructed to reschedule the meeting.
- Debtors should not be working, driving, or taking phone calls during the meeting of creditors. Debtors must devote their full attention to the proceeding.
- The presiding officer will state the case name and number on the record and request the attorney to verify the identity:

- “Counsel, will you verify, as an officer of the Court, that you or a member of your staff has personally reviewed Mr. (and Ms) Debtors’ photo ID and social security card, have reviewed the BNC Notice to determine that it is accurate, and that this is Mr. and Ms. Debtor, your clients?”
- The presiding officer will verify, on the record, that the debtors reviewed the videos on the trustee’s web site [“Introduction to Chapter 13,” “Preparing for your Meeting of Creditors,” and the “Judge’s Discharge Video.”] The presiding officer will verify that the debtors have received and reviewed the trustee’s Red Book (“Introduction to Chapter 13”) and that the petition is accurate.

After the remote meeting of creditors:

- Following the meeting, counsel will receive a copy of the “summary” containing the basic provisions of the proposed plan. Review its accuracy and return a signed copy to the Trustee or notify the Trustee of any errors.
- Upload the signed form verifying each debtor’s identification and social security number.
- If not previously provided, upload a completed questionnaire and video certification for each debtor.
- If the Trustee has not received these documents within 48 hours after the meeting of creditors, the Trustee will object to confirmation of the plan.