

ANTICIPATED QUESTIONS & ISSUES

REGARDING ZOOM 341S

Below are some answers to anticipated questions and concerns as we switch to 341 by Zoom instead of by telephone.

- 1) DO I STILL NEED TO UPLOAD IDs AND SOCIAL SECURITY NUMBER DOCUMENTATION AT LEAST TWO DAYS PRIOR TO THE 341?

Answer: Yes. This is for a couple of reasons.

The first is protection of personally identifiable information. We do not want to have personally identifiable information viewable during the hearing, which is an official proceeding that could be attended by members of the public. The requirement for upload in advance of the first meeting of creditors is intended to comply with Federal Rule of Bankruptcy Procedure 9037, Local Bankruptcy Rule 9037, and U.S. Trustee policy. Please do NOT email these documents to our office; upload them through the secure category for social security documents on the bkdocs.us website, as that is the only secure portal.

The second is a practical reason. From experience with 341 by video link between the Grand Rapids U.S. Trustee's Office, and the Marquette courtroom, prior to March 2020, it is almost impossible to get anything the proper distance from the camera that it is readable. Too close, and the hearing officer sees only a blurry portion of the ID, and too far renders the print too small to be readable.

- 2) WHAT HAPPENS IF THE DEBTOR DOESN'T HAVE INTERNET ACCESS?

Answer: Please do your utmost to facilitate participation by video Zoom, and contact the Chapter 13 Trustee's office immediately if appearance by video Zoom is impossible.

One of the benefits of video Zoom 341 meetings is that we will again be able to see the debtors, and every effort should be made to have debtors participate in the 341 by Zoom with a working camera and sound on. Debtors should either appear from their own internet-enabled devices, or they should come to their attorneys' offices to appear from there, with the preference that debtors and their attorneys will appear from the same location and be visible on the same screen.

If the debtor has absolutely no internet access, and it is impossible for the debtor to come to an office run by the attorney firm to appear, please contact the Chapter 13 Trustee's office at least two days prior to the 341 to seek permission for voice-only participation by the debtor. This will still be through the Zoom app, but with call-in participation. If that happens, we will need to know the phone number from which the debtor will be calling to properly admit the call to the meeting. This should be considered an absolute LAST RESORT, and not a go-to option.

3) WHAT HAPPENS IF MY CLIENT NEEDS A TRANSLATOR OR INTERPRETER?

Please notify the Trustee's office at least two business days in advance of the hearing if you need a non-English language translator or a sign language interpreter.

4) WHAT HAPPENS IF THE CONNECTION IS LOST?

Answer: Please sign back into the meeting the way you did at the start of the meeting. Please caution the debtors not to be alarmed if something happens, and that they should just link back into the meeting via visual Zoom and wait in the waiting area to be readmitted.

If there is an issue in the Trustee's office that resulted in the lost connection, such as a power outage, the hearing officer will try to reach out to you, likely by voice call, to adjourn or otherwise address the problem.

If you, an attorney, are having to call back in via a voice-only call after initially using visual Zoom, please send a short email to the hearing officer with the phone number from which you are calling so that you may be re-admitted to the meeting.

bfoley@chpt13.com

croberts@chpt13.com

ksteinke@chpt13.com

bhadley@chpt13.com

chadley@chpt13.com

There are two ways to remove someone from a meeting: moving them to the waiting room, or using the "Remove" feature on Zoom. The waiting room is akin to a virtual time out; the individual can be readmitted at any time. Removal actually removes the person from the meeting, and that individual is banned from using visual Zoom for the rest of that meeting.

If you are accidentally removed from a meeting, please call in to re-join the meeting. If a debtor is accidentally removed, we will need to have all meeting participants exit the meeting and re-start the meeting so that the debtor may join a new meeting via visual Zoom.

5) WILL HEARINGS BE HELD BY MULTIPLE OFFICERS AT THE SAME TIME, AND WILL THE MEETING ID AND PASSCODE STILL BE THE SAME?

Answer: If we schedule 341s for different jurisdictions at the same time, or we have so many hearings for a single day that we are using more than one hearing officer at the same time, you will still log in to the single Meeting ID and Passcode.

If we do this, you will likely be admitted to one waiting room, and will be directed into a breakout room accordingly. *For this reason, it is very important that your Zoom ID show your name, and other relevant information.*

6) MISC. REMINDERS

a) **ALL 341s are being held in the EASTERN time zone.** It is our understanding that the time zone will no longer appear in the Zoom hearing notices.

b) ALL debtors should have either original signatures or photocopies of their voluntary petition, Declaration Concerning Schedules, Statement of Financial Affairs, and means test for identification purposes during the meetings. If they do not have these the 341s may not be able to continue.

c) Copies of social security verification documents and photo IDs that you upload should be complete, with both the front and the back of the identification scanned. We need to be able to compare the photos on the IDs with the debtors themselves. We need to be able to see the state name across the top, the debtor's full name, the full expiration date, and full address, and these should be visible on the copy of the photo ID that is scanned and uploaded. Similarly, this is the one time that you do NOT black out the social security number or personally identifiable information.

d) ID documents need to be uploaded at least two business days prior to the 341 so that this hearing officer may review the documents in advance to verify that there are no issues, and to streamline the review process during the meeting itself.

- e) While we are always happy to receive documents, the requirement under LBR 1007-2(e) that documents be provided at least 7 days in advance of a 341 is intended to be a deadline rather than an aspiration standard for when documents are provided. Please provide documents in a timely manner.
- f) From time to time, we get otherwise proper photo ID issued from a state other than Michigan. If that is the case, please anticipate providing a current utility bill or other, similar document, to help verify the debtor's residence, and/or provide an updated photo identification showing a residence in Michigan once obtained.
- g) There has been a marked increase in IRS insolvency representatives appearing for 341s. Please do your best to ensure that the debtors are filing all required income tax returns.