

ANTICIPATED QUESTIONS & ISSUES

REGARDING ZOOM 341S

Change is hard for all of us. In this handout, we have tried to anticipate some concerns, both yours and ours.

- 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 flashing up in what could be considered a public forum. This 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 Trustee can see the debtor's nostril or ear, but not the address and other relevant information on the ID. Too far, and it is literally all a blur.

Even if we were in the habit of flagrantly violating the court rules and U.S. Trustee policy (hint: we're not), it just doesn't work.

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

Answer: We're hoping this doesn't happen!

Seriously, though ... it is anticipated that we are now going to be able to see the debtors again, so every effort should be made to have debtors participate in the 341 by Zoom with a working camera and sound on. These folks should either appear from their own internet-enabled devices, or they should come to their attorneys' offices to appear from there.

If the debtor has absolutely no internet access, and it is impossible for the debtor to come to your office, or an office run by your firm, please contact

the Chapter 13 Trustee's office and we will see if we can get U.S. Trustee 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 that will be calling in order to properly admit the call to the meeting. But this should be considered an absolute LAST RESORT, and not a go-to option.

3) 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 things go horribly, horribly wrong on our end, 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 shoot a quick email to the hearing officer with the phone number from which you are calling so that you may be re-admitted to the meeting.

hearingofficer@chpt13.com

or

341@chpt13.com

The City of Kalamazoo, in its infinite state of construction, sometimes hits telecommunications cables when they are tearing up the randomly chosen sidewalk of the day, and we understand that other places may do the same, leaving attorneys no choice but to call back in if the internet goes down at the office.

Plus, there are two ways to take someone unruly (or whose computer is giving us horrendous feedback, etc.) out of 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 kicks the person out of the meeting, and they are banned from using visual Zoom for the rest of that meeting.

All of the hearing officers are going to be new at this, and some of us are not morning people (ok, so it's only one person, but the rest aren't as sharp in the afternoon, so it's a trade-off). Mistakes may happen. 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 shut down and re-start the meeting so that they can join the new meeting via visual Zoom again.

- 4) 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 meetings 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.*

- 5) MISC. REMINDERS

- a) **ALL 341s are being held in the EASTERN time zone.** Please make sure that the debtors know this!!! With the elimination of the telephonic hearing notices, it is unclear if this will show up in the Zoom hearing notices, and it certainly won't be highlighted if it is.
- 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. 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 (who *doesn't* want to see the Mighty Mac?), and the full name, full expiration date, etc., 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 a couple of business days prior to the 341 so that this office can review to make sure that there are no issues, and to ensure that the docs have downloaded to where they can be reviewed by the hearing officer.

- e) The 7 day cut-off for pre-341 documents in LBR 1007-2(e) should be considered a cut-off, not the aspirational standard, for getting documents to us. We would love to see them earlier! I mean, we get it – better late than never if that is when you get documents from the debtors. But on time or early is better than “late” or “never.”
- 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) We have been seeing an increase in IRS insolvency representatives showing up for 341s. Please make sure the debtors are getting those tax returns filed!