

COVID – 19 SECTION 341 ANNOUNCEMENT

Due to the public health crisis related to COVID-19, the United States Trustee for the Western District of Virginia, is implementing the following temporary policies and procedures with respect to ALL Section 341 meetings of creditors in cases assigned to her/him, which policies and procedures will take effect immediately.

Until further notice, all 341 meetings will be conducted remotely by telephonic means.

For debtors with counsel, Debtor's counsel will be provided with the necessary call in information.

For debtors without counsel, the information will be provided directly to you.

Please check information for each 341 meeting because the call-in number and access code may change based on the number of Section 341 meetings being held on a given day and/or based on the trustee conducting the meeting.

Creditors wishing to participate may obtain access to the connection details by contacting the trustee or counsel for the debtor.

Debtors and their counsel as well as any creditors or interested parties wishing to appear at a 341 meeting should not report to the physical location of the originally scheduled 341 meeting but should instead make plans to appear remotely by telephone.

Counsel may request debtors appear at their offices, at their own discretion.

Neither the Trustee nor the Trustee's staff will be present at the originally scheduled locations, nor will telephone access be provided at any physical meeting locations. Instead, a call-in number and access code will be provided to all parties. If counsel is aware of creditors that may wish to attend the meeting, they must notify the creditors and the Trustee to arrange their participation.

Debtor Identification Procedures Through Remote Meetings

Verification of ID / SSN

For cases where the debtor is represented, the attorney should:

(i) Provide copies of documents verifying the ID/SSN by the same means by which the required tax returns and pay advices are provided.

To make the telephonic process as efficient as possible and to enable the Trustee to verify the identity of the debtor(s), a copy of the debtor's driver's license and proof of the social security number **MUST** be sent to the Trustee via email by 12:00 noon two business (2) days prior to the 341 meeting. The email should be directed as follows: (SECURE METHODOLOY USED BY TRUSTEE INSERTED) with the debtor name and case number in the subject line.

Alternatively, counsel may provide the trustee a verification under penalty of perjury that they have determined the identity of the debtor and the debtor's social security number provided to the court and that those are true and accurate.

(ii) If possible, counsel should be in visual contact with the debtor(s) during the meeting, *via* Skype, Facetime, etc.,

(iii) confirm on the record that he or she has reviewed the debtor's valid ID (stating what the ID is, e.g. Valid Virginia Driver's License), the name on the ID matches the name on the petition (if it doesn't, the debtor will need to testify and explain, e.g. married name has changed, etc.), based thereon, the debtor testifying is the person whose name is on the petition as the debtor;

(iv) confirm on the record that they reviewed proof of the debtor's SSN (stating what was used to verify the SSN, e.g. original social security card) and that it matches what was reported to the court in this bankruptcy case.

Counsel will be responsible for working out the logistics.

For cases where a debtor does not have an attorney:

(i) The debtor shall copy, scan, or take a picture of their valid ID and proof of SSN and mail / email / send the docs to me before the 341 meeting.

(ii) During the meeting, the debtor should confirm on the record that they provided the trustee with a copy of their valid ID and proof of their SSN. The trustee will then confirm on the record that he/she has reviewed the Debtor's

ID (stating what the ID is, e.g. Valid Diver's License) and that the ID they sent matches the name on the petition, and that the trustee has verified the debtor's SSN (stating what was used to verify the SSN, e.g. original social security card) and that it matches what was reported on the debtor's statement of SSN.

(iii) Once the debtor's identity / SSN have been verified on the record, identifying and SSN documents will be destroyed so as not to unnecessarily store personally identifiable information, unless there are potential identity issues, e.g. identity theft, false SSN, etc.

Phone Etiquette Guidelines

The following video/phone etiquette guidelines will be required of all parties:

- a. Mute the call/audio while your meeting is not being held.
- b. Limit all background noise while your meeting is being held.
- c. No speaker phone unless two or more persons are appearing on the same line, i.e., debtor and counsel or joint-filing debtors.
- d. Debtors and counsel are to be at a set location, and not in transit, so that full attention can be given to the questions being asked.
- e. Only debtors and their counsel as well as creditors or interested parties will be allowed on the connection, i.e., no "moral support" or supplementary answers to be provided by friends or family.
- f. Any telephonic or video appearances by debtors without their counsel also present on the conference / call at the appointed time will result in a continuance. After two failed attempts, the trustee will ask for a show cause hearing seeking dismissal of the case.
- g. Attorney for the debtor(s) must share their invitation information for participation in the teleconferencing 341 meeting with debtors and any creditors wishing to participate in the meeting.
- h. Please provide the Debtor(s) with the Bankruptcy Information Sheet and make sure they read it before the meeting. You can download it in English and many other languages [here: https://www.justice.gov/ust/bankruptcy-information-sheet-0](https://www.justice.gov/ust/bankruptcy-information-sheet-0)

These **temporary** policies and procedures do not otherwise affect a debtor's requirement to submit and provide all other necessary documents to the Court and to the Trustee. Also, please check back often as these procedures will continue to change due to the dynamics of the circumstances.