

PREPARING FOR AND CONDUCTING THE § 341 MEETING

1. THE FIRST 30 DAYS OF THE CASE

- a. Quiet vs. Active case

2. REQUEST FOR DOCUMENTS

- a. Debtors Duties Under § 521
- b. Standard requests
- c. Website

3. IMPORTANCE OF THE § 341 MEETING

- a. Only interaction debtor may have with an official of the bankruptcy system
- b. Under Oath and recorded
- c. Professional decorum

4. CONDUCTING THE § 341 MEETING

- a. Formally call the case and case number
- b. Standard questions are important
- c. Simple straight forward questions
- d. Treatment of creditors
- e. Remember possible criminal prosecutions and civil cases where the transcript might be important

5. PROPER IDENTIFICATION

- a. Govt. ID with Photo
- b. Original Social Security Card

6. CONTRACT ATTORNEYS

- a. Examine debtor to make sure they consent

7. TELE-INTERPRETER SERVICE

- a. Equipment and hearing impaired

8. TRUSTEE ELECTION

- a. Stop the Meeting.
- b. US Trustee must conduct the election

9. CONTINUANCES

- a. Given sparingly

10. EFFECT OF CONCLUDING A § 341 MEETING

- a. Starts time period for exemption objections & US Trustee to file § 707 mts.
- b. §§ 727 & 523 deadlines are different

11. RULES 1007, 1008, AND 1009

- a. These Rules govern the filing of Schedules and conducting 341 Meetings

12. WAIVER OF DEBTOR'S APPEARANCE AT § 341 MEETING

- a. Usually given as a result of illness
- b. Alternate methods for conducting meeting

13. USE OF A QUESTIONNAIRE

- a. Lawsuits, claims and inheritances

14. THE TRUSTEE'S EYES AND EARS

- a. Keep them open