



Best Practices for Debtors, Debtors' Attorneys, and Other Parties in Interest for Attending Virtual § 341(a) Meetings of Creditors in Chapter 11 Cases in Pilot Jurisdictions

INTRODUCTION

Pursuant to its authority under 11 U.S.C. §§ 341(a) and 343, Federal Rule of Bankruptcy Procedure ("FRBP") 2003, and other authorities, the United States Trustee Program ("USTP") adopts these Best Practices for Debtors, Debtors' Attorneys, and Other Parties in Interest for Attending Virtual § 341(a) Meetings of Creditors in Chapter 11 Cases in Pilot Jurisdictions¹ ("Best Practices"). Not later than July 2026, all notices of § 341(a) meetings of creditors for chapter 11 cases² in Pilot Jurisdictions will provide that they be held by video conference, using the Zoom platform.

The purpose of these Best Practices is to facilitate access to 341 meetings by all parties in interest while promoting efficiency, reducing travel costs and time commitments for participants, and enhancing fact-finding over telephonic meetings. Debtors generally are expected to appear by video at Zoom 341 meetings. In certain instances, including active military duty, serious illness, disability, incarceration, or other unique circumstances, the United States Trustee Representative ("UST Representative") may approve alternative arrangements for the debtor to appear at the 341 meeting in accordance with USTP guidance, such as telephonic appearances or interrogatories in extenuating circumstances. Nothing in these Best Practices should be construed to limit the authority or discretion of the United States Trustee to require the in-person appearance of any debtor at a 341 meeting. These Best Practices are subject to change at the discretion of the USTP.

This document provides information regarding the conduct of virtual 341 meetings:

- ◆ Attending 341 meetings via Zoom
- ◆ Virtual 341 meeting protocols
- ◆ Requirements for verifying debtor identification documents
- ◆ FBI investigation of bankruptcy crimes
- ◆ Additional questions

ATTENDING 341 MEETINGS VIA ZOOM

Examination of Debtors

Except as modified below, the conduct and scope of the debtor's examination at a Zoom 341 meeting is the same as for an in-person 341 meeting in accordance with the *United States Trustee Manual* ("Manual"), including the UST

¹ The Pilot Jurisdictions are comprised of the federal judicial districts in Region 2 (covering New York, Connecticut, and Vermont) and Region 3 (covering Delaware, New Jersey, and Pennsylvania).

² Hereafter, the § 341(a) meeting of creditors is referred to as the "341 meeting" or "341 meetings".



Representative administering the oath and asking all required questions. Preparation by the debtor, or in non-individual cases, the debtor's representative who will be providing testimony, and the debtor's attorney (if the debtor is represented) is important to ensure that 341 meetings are conducted as efficiently as possible.³

Debtor Accessibility Services

Language interpreter services are available for debtors at virtual 341 meetings. If the debtor needs the assistance of a language interpreter for the 341 meeting, the debtor should inform the UST Representative either at the 341 meeting or, preferably, in advance of the 341 meeting. The UST Representative conducting the meeting will contact the language interpreter service, and an interpreter will be provided at no cost to the debtor.

If a debtor has a disability, such as a hearing impairment, the debtor or debtor's attorney should contact the UST Representative in advance of the 341 meeting so he or she is aware that an accommodation may be necessary.⁴ The UST Representative, in consultation with the debtor and debtor's attorney, will determine the accommodation to be made, if any, such as the use of a sign language interpreter, again at no cost to the debtor.

Preparing to Participate in the 341 Meeting Via Zoom

The debtor and other participants will need an electronic device (computer, laptop, tablet, or smartphone) with a microphone, camera, and Internet access to participate in the Zoom 341 meeting.⁵ Instructions on how to connect to a Zoom 341 meeting, including how to download the Zoom application, how to test and connect to a Zoom meeting, and troubleshooting tips, can be found at <https://www.justice.gov/ust/ch11moc>. Online tutorials for how to connect to a Zoom meeting are also available by searching "Joining a Zoom Meeting" in Google or other Internet search engines. If possible, the debtor should test their electronic device, Internet connection, and ability to connect to a Zoom meeting prior to attending the virtual 341 meeting.

Additional Information for Debtors

The debtor should follow specific identification procedures at virtual 341 meetings which include submitting copies of a photo identification and proof of social security number, if one exists, to the UST Representative in advance of the 341 meeting. If the debtor fails to provide these documents in advance, the UST Representative will likely adjourn and continue the 341 meeting. These procedures and requirements are discussed below under the section Requirements for Verifying Debtor Identification Documents. In non-individual cases, the debtor's representative who will be providing testimony is not required to comply with these identification procedures but must identify themselves and state on the record they are authorized to testify on behalf of the debtor.

³ In this document "debtor" should be interpreted to also include the debtor's representative who will be providing testimony on behalf of a non-individual debtor.

⁴ See 28 U.S.C. § 586.

⁵ Debtors and participants who do not have access to the Internet or to a smartphone or laptop with a camera, may call into the 341 meeting by telephone. See subsection Audio-Only Connection to 341 Meeting for further instructions. To ensure proper identification and safeguards are in place for the debtor's testimony, the UST Representative will likely reschedule the 341 meeting if the debtor appears telephonically.



VIRTUAL 341 MEETING PROTOCOLS

The UST Representative will adopt and announce protocols to assist the debtor and other parties in interest in participating in these 341 meetings consistent with these Best Practices.⁶

Joining the Zoom 341 Meeting

To join the 341 meeting by video, the debtor and other participants must go to [Zoom.us/join](https://zoom.us/join) and enter the Meeting ID and Passcode when prompted. The Meeting ID and Passcode are set out in the Notice of Bankruptcy Case (Official Form 309) that is mailed to the debtor and creditors after the filing of the bankruptcy case or Notice of Virtual 341 Meeting as filed by the United States Trustee (where applicable). When prompted to enter a name, the debtor and other participants should enter their first and last name so each participant may be identified properly during the 341 meeting. More detailed instructions for joining a Zoom 341 meeting can be found at <https://www.justice.gov/ust/ch11moc>.

The debtor and other participants should join the 341 meeting 10 minutes before the scheduled start time.

Setting for the Virtual 341 Meeting

All participants, but specifically the debtor who will be providing testimony, should connect to the 341 meeting from a quiet location, free from background noise, distractions, or disruptions, which is appropriate for their participation in a video meeting that is open to the public. Participants should mute their microphones on Zoom and on their devices until they are addressed by the UST Representative. Audio-only participants should avoid speaker phones unless two or more people appear together from the same device.

The debtor and the debtor's attorney (if the debtor is represented) should ensure they can both view the video screen and be viewed by the UST Representative. To replicate an in-person 341 meeting, to provide the proper decorum, and to allow the UST Representative to perceive the interaction between the debtor and their attorney, the debtor and debtor's attorney should situate themselves so they both may be clearly viewed on the video screen.

Calling of the Case

At the outset of the meeting the UST Representative may conduct a "roll call" to confirm the participants (debtors, creditors, attorneys, etc.) who are present. When participants first connect to the Zoom meeting they will be placed in a virtual "waiting room" until the UST Representative admits them to the virtual meeting room. Once all participants are admitted to the virtual meeting room the UST Representative will commence the 341 meeting. When speaking, a participant should unmute his or her microphone on Zoom and their device, speak clearly, and ensure their camera is on and working so the UST Representative can see them.

⁶ While these protocols are generally applicable to any virtual 341 meeting, i.e., where the debtor appears by video conference or by telephone using Zoom, certain of the protocols have specific application to Zoom video meetings.



Conduct During the Virtual 341 Meeting

The 341 meeting is the official forum where the debtor appears to answer under oath questions from the UST Representative, creditors, and other parties in interest regarding their bankruptcy case and estate, as required by the bankruptcy code. The UST Representative will administer the oath, and the 341 meeting is recorded. All participants should present themselves in a professional manner and respect the formality and solemnity of the bankruptcy proceedings in the same manner as if the participants were appearing at an in-person 341 meeting.⁷ Meeting participants should be respectful when asking questions of the debtor.

While the debtor is sworn in and testifying they: (1) should be alone unless appearing from the same location with their attorney, employees of their attorney, or a co-debtor; (2) should have readily available a copy of the filed schedules and statement of financial affairs, and any other documents previously requested by and provided to the UST Representative; (3) should have their original Identification Documents (see the section Requirements for Verifying Debtor Identification Documents); and (4) should not communicate with any person regarding the subject of their testimony, by electronic means or otherwise.⁸

If the debtor and their attorney seek to communicate with each other regarding the subject of the debtor's testimony, they should first openly request a recess by the UST Representative for this purpose. If the UST Representative grants this recess request, the debtor and their attorney may privately confer off the record as instructed by the UST Representative. It is the responsibility of the debtor and their attorney to ensure these private communications are offline, not seen or heard by the UST Representative or by other attending parties, and not part of the audio recording of the 341 meeting, which is available to the public.

If at any time during a 341 meeting, the Internet connection becomes so poor that the UST Representative cannot view the debtor or hear and properly record their testimony, the UST Representative will try to resolve the issue with the assistance of the parties. The meeting will be adjourned and continued if the UST Representative is unable to resolve the issue.

After the UST Representative determines that the business of the 341 meeting has been completed, the UST Representative will formally conclude the meeting, and the participants may leave the meeting by disconnecting from the Zoom platform.

Failure to follow the UST Representative's virtual 341 meeting protocols may result in the UST Representative's adjournment and continuance of the 341 meeting.

Personally Identifiable Information

Participants should avoid disclosing personally identifiable information ("PII") during the 341 meeting. If it becomes necessary to share a document on the video screen during the 341 meeting, they must ensure that the document contains no PII prior to sharing it.

⁷ The 341 meeting is open to the public and any party may join the meeting if they comply with the Best Practices and obey any other requirements of the USTP or the UST Representative.

⁸ As noted previously, if the debtor requires a language interpreter the UST Representative will contact the language interpreter service and connect the interpreter to the virtual 341 meeting.



Official Recording of the 341 Meeting

The UST Representative will make an audio recording of the 341 meeting which will constitute the official recording of the 341 meeting. **All other recordings, including video or audio recordings of the 341 meeting, are prohibited.** No one is permitted to photograph the debtor or any other person attending the virtual 341 meeting.

Zoom Connection Issues

If any party is disconnected before the 341 meeting is concluded, they should reconnect to the Zoom meeting using the same Zoom meeting login information or meeting link to be admitted back into the 341 meeting. If they are unable to reconnect, they should contact the UST Representative after the meeting.

If the debtor fails to attend the virtual 341 meeting for any reason, including the inability to connect to the Zoom meeting, they should contact the UST Representative immediately. Failure by the debtor to attend or fully participate in their virtual 341 meeting will be treated in the same manner as a failure to attend an in-person 341 meeting and may result in dismissal of the debtor's case if further immediate action is not taken by the debtor to appear at their 341 meeting.

Audio-Only Connection to 341 Meeting

The debtor and the debtor's attorney (if the debtor is represented) are expected to appear at the virtual 341 meeting by video. However, the UST Representative may permit a debtor to participate by telephone on a case-by-case basis if the circumstances warrant; for example, the debtor has no technical ability to appear at a Zoom video meeting due to no access to the Internet or to a smartphone or laptop with a camera. In such circumstances, the debtor should reach out to the UST Representative prior to the 341 meeting to explain why they are unable to connect by video and request appearance by audio-only.

If the debtor appears telephonically without prior approval, the UST Representative may reschedule the 341 meeting to ensure proper identification and safeguards are in place for their testimony. This may be called a continued or adjourned meeting. In this circumstance, the UST Representative will specify the manner in which the debtor should attend the continued 341 meeting.

In the event the debtor is experiencing technical difficulties connecting by video the day of the scheduled 341 meeting, the debtor should call into the meeting using the Zoom phone number that is provided in the notice of the 341 meeting to notify the UST Representative. If the debtor's connection issue cannot be resolved, the UST Representative will likely reschedule the 341 meeting.

Non-debtor participants who have no video access or who have trouble connecting by video may join the 341 meeting by audio-only without seeking approval by the UST Representative.

To join the 341 meeting via an audio-only connection, the participant should call the phone number set out in the Notice of Bankruptcy Case (Official Form 309) or the Notice of Virtual 341 Meeting as filed by the United States Trustee (where applicable), enter the Meeting Passcode when prompted, and provide their first and last name to the UST Representative when requested. More detailed instructions for joining a Zoom 341 meeting can be found at <https://www.justice.gov/ust/ch11moc>.



Adjourned or Continued Meetings

The 341 meeting may be adjourned and continued to a future date and time by announcement by the UST Representative at the 341 meeting. In such instances, the UST Representative will announce the new date and time of the continued meeting on the record. Participants will use the same connection information to connect to the adjourned and continued meeting, unless the UST Representative indicates otherwise. In addition, the UST Representative will file a statement with the bankruptcy court specifying the date and time to which the 341 meeting has been adjourned.⁹

REQUIREMENTS FOR VERIFYING DEBTOR IDENTIFICATION DOCUMENTS

Every individual debtor is required to provide proof of their identity at the 341 meeting by providing a photo identification¹⁰ and social security number ("SSN"), if one exists¹¹ (collectively, "ID Documents").¹² To satisfy this requirement at a virtual 341 meeting, each individual debtor should have the ID Documents available when they appear and comply with the following procedure:

- ◆ At least 14 days prior to the 341 meeting, or within the timeframe requested by the UST Representative, the debtor should send clear copies of the ID Documents to the UST Representative in a safe and secure fashion. The UST Representative may provide more information regarding the preferred method of transmission of the copies of these ID Documents. Copies of the ID Documents should not be sent to the UST Representative by unprotected email or messaging.
- ◆ If the debtor is represented, the debtor's attorney should assist the debtor in obtaining and facilitating the debtor's timely submission of the required ID Documents to the UST Representative. The debtor's attorney also is expected to facilitate the participation of their client in the virtual 341 meeting but should not be relied upon to make the debtor's identification on the record for the UST Representative when the debtor appears by video.
- ◆ The UST Representative will communicate with any unrepresented debtor prior to the scheduled 341 meeting and arrange for the debtor to submit copies of the ID Documents to them prior to the 341 meeting. Unrepresented debtors also may contact the UST Representative for assistance in submitting copies of their ID Documents in a safe and secure manner.
- ◆ If the debtor fails to provide copies of the ID Documents to the UST Representative prior to the 341 meeting, the UST Representative will likely adjourn and continue the 341 meeting.

⁹ See FRBP 2003(e).

¹⁰ The debtor may provide copies of photo identification such as driver's license, state identification card, passport, and military identification. A list of acceptable forms of photo identification are specified in the *Manual* and can be found at <https://www.justice.gov/ust/ch11moc>.

¹¹ Valid forms of SSN documentation may include SSN card, Social Security Administration statement, Individual Taxpayer Identification Number ("ITIN") card, W-2, recent payroll advice, or medical insurance card (full SSN should be present on document provided). The form of proof must conform with the requirements set out in the *Manual*. In addition, if the debtor states that they are not eligible to obtain an SSN, the UST Representative must comply with existing requirements in the *Manual* for obtaining documentation sufficient to verify the debtor's identity in that circumstance. Debtors are encouraged to contact the UST Representative assigned to their case if they have any questions or concerns regarding the required documentation.

¹² See 11 U.S.C. § 521(h) and FRBP 4002(b)(1).



- ◆ After receiving copies of the ID Documents, the UST Representative will ensure that the copies are of sufficient clarity to allow the UST Representative to identify the debtor and confirm the SSN, if one exists, at the video 341 meeting. If they are not sufficiently clear, the UST Representative will promptly request new copies, and the debtor should provide them as quickly as possible. After receiving copies of the ID Documents, the UST Representative will protect them in the same manner as any other record that contains PII or sensitive information.
- ◆ At the beginning of the 341 meeting, the UST Representative will ask the debtor to identify themselves, and the UST Representative will ask the debtor to testify that they are the individual whose name and address appears on the voluntary bankruptcy petition as the debtor or responsible party if the debtor is not an individual.¹³ The UST Representative will review the ID Documents and verify the debtor's identity and SSN, if one exists, after obtaining the debtor's testimony.
- ◆ During the 341 meeting, the debtor should not display their ID Documents on the video screen or otherwise disclose the contents of the ID Documents, including any PII or sensitive information, during the virtual 341 meeting.
- ◆ If the UST Representative is unable to verify the debtor's identity or SSN (where one exists for the debtor), the 341 meeting may be continued.

FBI INVESTIGATION OF BANKRUPTCY CRIMES

All participants in the 341 meeting should be aware that federal law provides severe criminal penalties of up to five years imprisonment, a fine of not more than \$250,000, or both, for bankruptcy crimes, which include bribery, concealment of assets, false statements, false claims, filing under a fictitious name, and perjury.¹⁴ If you suspect a bankruptcy crime, please refer the matter to the local United States Trustee office ("UST Office") or the USTP hotline email: USTP.Bankruptcy.Fraud@usdoj.gov.

ADDITIONAL QUESTIONS

These are recommended practices for debtors, debtors' attorneys, and other parties in interest. The USTP is unable to anticipate in advance all matters or issues that may arise regarding the conduct of virtual 341 meetings. If parties have additional questions, they should contact the local UST Office.

¹³ These procedures apply to each debtor, including co-debtors. In addition, if the debtor is a business entity, i.e., corporation or partnership, the UST Representative will ask the responsible party for the debtor to identify themselves and to state on the record they are authorized to testify on behalf of the debtor.

¹⁴ See 18 U.S.C. §§ 152 and 3571.