



U.S. Department of Justice

*Office of the United States Trustee for the
Northern and Eastern Districts of California and Nevada*

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Sent at the request of Tracy Hope Davis, United States Trustee and Assistant United States Trustees Donna Tamanaha, Nicholas Strozza, Gregory Powell and Timothy Laffredi

To the Delegated Panel Trustees for the Office of the United States Trustee for Region 17

You have been delegated the responsibility of conducting the § 341 meetings of creditors in the cases in which you have been appointed. With this, you are required to ask certain questions of each debtor, and ensure that each question and answer is verbal and on the record. 28 U.S.C. § 586, Handbook for Chapter 7 Trustees, Section 3.D.10 on page 3-7, and Supplementary Materials (Required Statements / Questions). You may not rely on a written questionnaire in lieu of the Required Questions because only verbal questions and answers are part of the audio recording. During our offices review of § 341 meetings of creditors, a reoccurring issue is not all Required Questions are being asked of the debtor on the record. You were reminded of this requirement in the past, including during the United States Trustee seminars and notifications from this Office. This is an element of the Trustee Performance Reviews. It is important that all Required Questions are asked on the record otherwise enforcement actions will be necessitated.

You must follow the procedures relating to language interpreters for individuals with limited English proficiency (LEP) set forth in the Handbook for Chapter 7 Trustees, Section 3.D.6 on page 3-6. You were reminded of this requirement in the past, including as part of the Memorandum Re Best Practice for Conducting 341 Meetings as well as during the United States Trustee seminars. In complying with these procedures and requirements, you must not speak a non-English language in lieu of an interpreter, and in every case in which an interpreter has been requested you must utilize the provided language interpreter services.

We also raise the importance of professionalism. Your demeanor toward all parties must at all times be appropriate and professional. 28 C.F.R. § 58.3, 28 U.S.C. § 586, Handbook for Chapter 7 Trustees, Section 3.D.9 on page 3-7. Extraneous and extemporaneous comments may be offensive and prejudicial to the parties in the room, diminish the professional demeanor required of a trustee / fiduciary, and render your meetings less efficient.

Letter from OUST to Trustees re: 341 Meetings

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Finally, please regularly review the Handbook individually and with your staff.

Thank you for your continued service and anticipated cooperation. If you have any questions or concerns, please contact this Office.