

**EASTERN DISTRICT OF VIRGINIA
MEETINGS OF CREDITORS PURSUANT TO 11 U.S.C. §341(a)
DURING THE NATIONAL COVID – 19 EMERGENCY**

These temporary policies and procedures are effective beginning April 13, 2020. Last updated: March 30, 2020.

Due to the public health crisis related to COVID-19, the Acting United States Trustee for Region Four is implementing the following temporary policies and procedures with respect to ALL Section 341 meetings of creditors in the Eastern District of Virginia, which policies and procedures will take effect immediately.

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.

Each trustee will have their own separate telephone conference call-in number.

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

Debtors, their counsel, and 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 should make every effort to meet with their clients via videoconferencing, Skype, Facetime, Zoom, or similar technologies, as they are able.

No trustee will be present at the originally scheduled meeting location, and no telephone access will 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 must be sent to the Trustee via email by 12:00 noon two business (2) days prior to the 341 meeting. **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, 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 identified as the debtor on the petition;

(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.

Debtor's counsel will be responsible for working out the logistics of calling in to the meetings.

For cases where a debtor does not have an attorney or the attorney does not have visual contact with the debtor:

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

(ii) During the meeting, the debtor should confirm on the record that they sent a copy of their valid ID and proof of their SSN. The trustee will then confirm on the record that the trustee reviewed the Debtor's ID (stating what the ID is, e.g. Valid Driver's License) and that the ID they sent matches the name on the petition, and that I have 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 certify the debtor's failure to appear, pursuant to Local Rule 2003-1.
- 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.