

NACBA | NACTT | NABT
Position Statement Regarding Virtual 341a Meetings

The National Association of Consumer Bankruptcy Attorneys (NACBA), the National Association of Chapter Thirteen Trustees (NACTT), and the National Association of Bankruptcy Trustees (NABT) recently formed a liaison committee to work together to address common issues. The first issue concerns the use of virtual 341a meetings, and the consensus view of the three organizations is that a permanent nationwide policy should be adopted by the United States Trustee Program to require the first meeting of creditors be held virtually. If the case trustee believes an in-person meeting is needed in a case, the trustee may adjourn the meeting to an in-person meeting.

Having experienced an extended use of virtual hearings through the pandemic, the members from each organization believe the virtual hearings have been a success. The virtual hearings have presented more benefits than burdens to the practice of bankruptcy and the administration of bankruptcy cases. The following outlines the benefits:

1. Cost effective;
2. Improves access to justice for debtors and creditors who may not have the means to commute to a distant court/meeting room;
3. Better quality of life and efficiency for attorneys and trustees;
4. Reduces the harmful environmental effects caused by commuting;
5. Offers greater safety protections for all parties;
6. Reduces the need for special appearance counsel;

PROPOSED POLICY

The U.S. Trustee Program has adopted a permanent policy requiring the first scheduled 341a meeting of creditors in a case to be conducted by telephone or video. The trustee may require an in-person meeting thereafter, if the need arises, to ensure the completeness of the meeting, the protection of estate property or other appropriate reason. This policy may be revised at the discretion of the Director of the United States Trustee Program.

National Association of Bankruptcy Trustees National Association of Consumer Bankruptcy Attorneys National Association of Chapter 13 Trustees

by: _____ s/
Neville Reid, President

by: _____ s/
Jon C. Colwell, President

By: _____ s/
Linda B. Gore, President