

D. SIMS CRAWFORD
CHAPTER 13 STANDING TRUSTEE

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CHARLES E. KING
ASSISTANT TRUSTEE

MARY FRANCES FALLAW
STAFF ATTORNEY

MEMO

TO: Local Bankruptcy Bar

FROM: D. Sims Crawford
Chapter 13 Standing Trustee

RE: Procedural Change for the Setting of § 341 Meetings of Creditors in Chapter 13 Cases

DATE: April 7, 2011

This Memo applies only to Chapter 13 cases filed in the Southern Division (Birmingham). It does not apply to Chapter 7 cases or any Trustee other than D. Sims Crawford.

Beginning with the § 341 meeting of creditors docket scheduled for April 20, 2011, D. Sims Crawford, Chapter 13 Standing Trustee, will update and implement the following procedure for scheduling and hearing creditor meetings:

1. The initial setting for most § 341 creditor meetings will be scheduled on Wednesday mornings at 9:30 a.m., up to 80 cases per docket. The initial § 341 creditor meeting *may* be scheduled for Wednesday afternoon at 1:30 p.m. if the morning docket exceeds 80 cases.
2. Continued § 341 creditor meetings will be scheduled on Wednesday afternoons at 1:30 p.m.
3. The Trustee will hear cases grouped by Attorney of Record in alphabetical order for the convenience of the local Debtors' Bar. The attorney names for alphabetical sorting will be compiled from the Trustee's distribution database.
4. § 341 creditor meetings will be scheduled at 9:30 a.m. or 1:30 p.m. only. Other time slots will not be scheduled unless future circumstances require it.

5. If a § 341 meeting of creditors is continued based upon procedural grounds, the Trustee expects debtor's counsel to appear for the continued meeting and will inform debtor's counsel if the debtor(s) must also re-appear.

If debtor's counsel files the necessary pleadings and provides the necessary documents in a timely manner to resolve the procedural issues identified by the Trustee, the Trustee may, in his discretion, agree to conclude the § 341 meeting of creditors without requiring the re-appearance of the debtor or debtor's counsel.

To determine if the Trustee's issues have been resolved, debtor's counsel may contact the designated 341 Clerk in the Trustee's office by telephone between 3:00 p.m. and 4:00 p.m. on the Tuesday immediately before the continued meeting of creditors to inquire about the status of the case.

Otherwise, debtor's counsel may review the docket list in the creditor meeting room on Wednesday morning or Wednesday afternoon to determine if all issues have been resolved so that the Trustee can conclude the meeting of creditors and recommend confirmation of the plan without additional appearances by the debtor and the debtor's counsel.

6. To ensure adequate time to prepare for a § 341 meeting of creditors, the Trustee will not review any pleadings filed or documents submitted by the debtor or debtor's counsel after 12:00 p.m. on the Monday immediately preceding the meeting of creditors scheduled to be held on Wednesday.

For this reason, the Trustee requests that all pleadings be filed with the Bankruptcy Clerk and all documents be submitted to the Trustee no later than 12:00 p.m. on the Monday immediately preceding the meeting of creditors.

If pleadings are filed or documents are submitted after the designated time, the Trustee may continue the § 341 meeting again if time allows, or he may object to confirmation and move for dismissal of the case.

If you have any questions about this procedural change, please contact Sims Crawford, Charles King, or Mary Frances Fallaw in the Trustee's office.