

September 1, 2004

Attention: Debtor attorneys who employ “cover attorneys”

Attorneys who “cover” for other attorneys

Re: **Important policy change regarding 341 meetings**

The UST prohibits me from conducting a 341 meeting for a debtor who is represented by counsel without that attorney present.

Attorneys that employ outside counsel to cover 341 meetings or bankruptcy court hearings are required to disclose that fact in their retention agreement with their client.

The model retention agreement provides that after the case is filed, the attorney agrees to:

3. Provide knowledgeable legal representation for the debtor at the meeting of creditors (in time for check-in and the actual examination)...
4. If the attorney will be employing another attorney to attend the 341 meeting or any other court hearing, personally explain to the debtor in advance, the role and identity of the other attorney and provide the other attorney with the file in sufficient time to review it and properly represent the debtor.

Some cover attorneys are always on time, well prepared and do an excellent job of representing the debtors. Unfortunately this is not always the case. Many times the cover attorney arrives late and unprepared; in other cases attorneys agree to cover meetings at the last minute as an accommodation to other attorneys who did not schedule anyone to appear at the 341 meeting.

This does a disservice to the debtors, violates the terms of the model retention agreement and disrupts the flow of the 341 meeting calendar.

Effective October 1, 2004 we will not conduct 341 meetings with cover attorneys unless the attorney presents a copy of the retention agreement showing that the debtor has been advised regarding the role and identity of the cover attorney and the attorney has reviewed the file in advance of the meeting.

Glenn Stearns
Standing Chapter 13 Trustee