

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH

Memorandum

February 11, 2004

To: Bankruptcy Practitioners

From: Glenn Gregorcy, Chief Deputy

In Re: 341 Calendaring Procedures **IMPORTANT******

In the next few weeks, a drastic change will take place in regard to how Chapter 7 341 calendars are handled. First of all, the date and time of the 341 meeting will be available almost immediately upon the entry of the case into CM/ECF. A 341 Notice will be generated after case entry, and when the Judge/Trustee assignment is accomplished.

This will mean that practitioners may have to alter some of their present office procedures to ensure that multiple cases filed at the same time (either over-the-counter or ECF) are properly calendared in front of a trustee, and in a manner that is suitable to the practitioner.

ECF-Filed Cases -

- 1) In order to avoid having 341 meetings scattered throughout a calendar, please wait until your office has filed all your cases you intend to file for the day before you run the process for Judge/Trustee assignment.
- 2) If you choose to run the Judge/Trustee assignment after each case is filed (as opposed to waiting until the end of the day), 341 meetings for your cases may very well not be set together.
- 3) If you wait to assign them all at once, you will certainly increase your chances to have all your cases heard at the same time, by the same trustee. Please be aware that, in some cases, you may receive a different trustee (and thus a different date/time) depending upon what county/division your client(s) is/are from.
- 4) The system is configured to assign all the cases for a specific user to one trustee (other criterion being constant). If a trustee's calendar becomes "full" at the same time an assignment is being

performed, the cases will be automatically assigned to a trustee whose calendar can accommodate the total number of cases you have filed and assigned.

Example: A law firm ECF-files 30 cases a week. Presently, the staff files several each day, taking into account any “emergency” cases, and perhaps taking into account the chapter that is being filed. Under the new plan, your firm may want to consider filing **ALL** Chapter 7 cases for the week during one pre-determined day. This practice would be to ensure that the 341 meetings are “clumped” in front of one trustee on a 341 calendar. It would not be necessary to alter the order of inputting (i.e. completing all “northern” cases at the same time), because the system lumps the cases by user, division, and Trustee (at the time of the assignment).

Over-the-Counter and Mail Filings-

- 1) This change in procedure will be more demanding for several reasons: Please remember that the Judge/Trustee Assignment will “clump” cases based on the court clerk/user who has inputted the case; thus, if someone comes in with 20 cases at the same time, the only way the system will correctly “clump” the cases is if all the cases are inputted by the same clerk (which, in some cases, just cannot occur).
- 2) If you file over-the-counter you will want to make sure that the cases are pre-sorted by division and chapter. This helps ensure that the inputting of Chapter 7's in the same division are completed (as much as possible) by the same clerk.
- 3) Even if more than one clerk inputs your cases, you may still get the cases “clumped” together in front of one trustee, but this depends on whether or not cases are being filed/assigned on ECF, or other cases from other attorneys are also being inputted (simultaneously).

Example: Your firm files 20 cases a week over-the-counter. Presently, you bring the cases to the clerk's office when they are completed, with no particular order in mind (other than, of course, “emergency” cases), during week. With this procedure change, you may want to bring Chapter 7's over pre-sorted by “Northern, Southern, Central, and South Central”. You may also want to consider bringing multiple cases over at a time when it optimizes the possibility of one clerk inputting numerous cases, as opposed to numerous clerks inputting numerous cases. Obviously, if 15 (fifteen) Chapter 7 cases are filed at 3:45 PM, one clerk cannot input all the cases. If the cases are filed at 9:00 AM, there is a stronger possibility that one clerk could input all of the cases over the course of the day, and then assign all the cases to the Judge/Trustee via the system. You also may want to consider mailing your case (pre-sorted), or you may want to consider filing your cases ECF (I could not resist)!

Creditor Mailing Lists - For ECF-filed cases, if the creditors are loaded at the same time the case is

filed, the 341 will be produced immediately, and sent to the BNC for noticing after a finite period of time (exact amount yet to be determined). The period of time between the production of the 341 notice, and the time the notices are queued to the BNC is to ensure the new case has been quality-controlled for errors, and that the case has loaded creditors. This holds true for over-the-counter cases as well, but with one small problem. Matrixes that are submitted with the petition in single-column format may have to be uploaded when the case is first inputted. Because this aspect of the process is so time-consuming (a clerk has to scan the matrix, optically character-read the list, edit the newly-created file, save the file as a .txt file, and then upload the file into the case), cases that are filed with "hard" matrixes may have to be inputted by more than one clerk, thus lessening the chances of those cases' 341 Notices being "clumped" together under one trustee. This may be the opportune time to commence filing matrixes electronically which is not only far less burdensome on the clerk's office, but now important when considering 341 meetings being advantageously grouped by date/time. Please also see Local Rule 1007-1. This can be accomplished by filing the matrix via email, or on diskette. For example, if a firm filed 6 (six) cases at one time, one diskette holding the 6 matrixes could be offered for loading at the time of filing. For those who file "hard" matrixes, please consider the aforementioned alternatives.

Thank you. There will be another notification sent to all practitioners just prior to the procedure change taking place. Please feel free to contact the Clerk's office's training department for any help that is needed.

CC: USTR, panel trustees