
**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH**

IN THE MATTER OF REMOTE PARTICIPATION
IN BANKRUPTCY COURT PROCEEDINGS -
PHASE TWO


General Order No.: 19-001

The Court has been working with the Standing Chapter 13 Trustee and the United States Trustee to increase the availability of remote participation in bankruptcy proceedings. To that end, the parties have developed protocols for the Court's Remote Participation Program (the "Program"), which authorizes the implementation, assessment, and potential expansion of videoconference services for certain proceedings. In furtherance of the Program, the Court hereby ORDERS as follows:


Notwithstanding Local Rule 2003-1(d), which only permits telephonic appearances at § 341 meetings of creditors and only under extenuating circumstances, the Court authorizes implementation of the Program to permit videoconference appearances as set forth in the attached Exhibit A, effective as of September 1, 2019.

Dated this 1st day of August, 2019.

BY THE COURT:



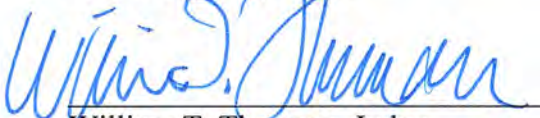
R. Kimball Mosier, Chief Judge



Kevin R. Anderson, Judge



Joel T. Marker, Judge



William T. Thurman, Judge

[END OF ORDER]

REMOTE PARTICIPATION IN SELECTED UTAH § 341 MEETINGS

With the support of the U.S. Bankruptcy Court for the District of Utah (“Court”), the United States Trustee has been working with the Standing Chapter 13 Trustee to increase the availability of remote participation in bankruptcy § 341 Meetings. Accordingly, the Chapter 13 Trustee proposes to encourage videoconference participation in Chapter 13 § 341 Meetings which are scheduled to be conducted in cases filed after the effective date (targeted for September 1, 2019) for filers residing in 18 Utah counties identified below. Individuals who do not elect to participate by videoconference will be required to attend their scheduled § 341 Meeting in person in Salt Lake City. The terms and conditions set forth below will apply in all Chapter 13 cases filed after the effective date in these Utah counties: Beaver, Carbon, Daggett, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Piute, San Juan, Sanpete, Sevier, Uintah, Washington and Wayne (“Selected Counties”).

Notice. In all Selected Counties cases, the Court will add language to the Meeting of Creditors block in Part 7 of Official Form 309I (Notice of Chapter 13 Bankruptcy Case) stating that “parties may contact the Trustee for possible appearance alternatives.” The “location” of the § 341 Meeting will be stated as “Via Videoconference Per Instructions from Trustee” and noting that the Trustee’s physical location will be “405 South Main St. #250, Salt Lake City, UT.” As soon as practicable after the filing or conversion of a Selected County case, the Trustee will send a letter to debtors and debtors’ counsel (if debtor has counsel) in the form attached hereto as Exhibit 1 to notify debtors (i) that they must elect to appear for their § 341 Meeting either via videoconference or in person in Salt Lake City, and (ii) of the videoconference § 341 Meeting requirements. Enclosed with the letter will be a Notice of Election to Appear Via Videoconference or In Person for § 341 Meeting (Notice of Election), attached hereto as Exhibit 2, for debtors to provide information necessary to conduct their videoconference § 341 Meeting. The Notice of Election will also include debtor’s acknowledgement that the videoconference technology has limitations with respect to, among other things, inadvertent disclosure of personally identifiable information. Any debtor who elects **not** to appear for a § 341 Meeting via videoconference must appear in person for the meeting in Salt Lake City and notify the Chapter 13 Trustee of the debtor’s intention to appear in person no later than 10 days before the scheduled § 341 Meeting. The Trustee, in his sole discretion, will approve or disapprove any timely election to appear via videoconference at least 7 days before the scheduled § 341 Meeting using a text entry on the docket to indicate his decision or such other means of notification as is practicable and effective. If the Trustee does not approve debtor’s election to appear via videoconference, debtor and debtor’s counsel, if debtor has counsel, will be required to appear at the Salt Lake City § 341 Meeting room.

Notice of Election. Whether the debtor elects to participate via videoconference or personally appear for the § 341 Meeting in Salt Lake City, the debtor must submit to the Trustee the Notice of Election, signed by debtor and debtor’s counsel (if debtor has counsel), so that it is received by the Trustee at least 10 days before the scheduled § 341 Meeting. Failure to timely submit the completed form to the Trustee will result in rescheduling the § 341 Meeting. If videoconference participation is elected, the Notice of Election must include (i) debtors’ and/or counsels’ Skype ID, (ii) email addresses, (iii) the device to be used for the meeting, (iv) the debtors’ location for the § 341 Meeting, and (v) a Verification of Identification and Social Security Number signed by debtors’ counsel (if debtors have counsel) or a notary that will, along with copies of the documents supporting that Verification, be transmitted to the Trustee by secure means onto the Trustee’s share file system at <http://ch13ut.sharefile.com/r/r113aba12dd349608>. Any other party in interest may appear at the § 341 Meeting by acceptable alternative means upon written request received by the Trustee at least 3 days before the scheduled § 341 Meeting. Not later than 2 business days before the first date set for the § 341 Meeting, debtors must download the documents required by Local Rule 2083-1(e)(2) onto the chapter 13 share file system indicated above.

Meeting. Debtors and/or their counsel are responsible for providing the equipment to establish an approved videoconference connection, in a location free from excessive noise or other disruptions that would impair the conduct of the meeting. The Trustee will initiate the Skype call during the hour designated for the § 341 Meeting. Preferably, debtors and their counsel will be together in the same location, although that is not required. As additional proof of identity, the Trustee may require debtors to display for the camera a photo ID and the documents verifying their Social Security number. The Trustee may also continue the meeting if he determines that videoconference participation is no longer appropriate or possible in a particular case, or if technological difficulties or a disruptive environment prevent the meeting from being meaningfully conducted and recorded. In all other respects, the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Local Rules of Bankruptcy Procedure, and the Handbook for Standing Chapter 13 Trustees will continue to apply to the noticing and conduct of § 341 Meetings.

**NOTICE OF ELECTION TO APPEAR VIA VIDEOCONFERENCE
OR IN PERSON FOR §341 MEETING**

Case No: _____

Debtor(s): _____ (Joint debtors must each complete a separate form)

_____ I elect to appear personally in Salt Lake City (DO NOT complete remainder of form)

_____ I elect videoconference participation .

The undersigned Debtor(s) will appear via videoconference at my/their § 341 Meeting, scheduled for _____, 20___. Debtor(s) and debtor's attorney understand the limitations of videoconference technology and waive any claims or objections which may arise from conducting the § 341 Meeting by videoconference including, but not limited to, the disclosure of personally identifiable information. Debtor(s) and their attorney further understand that it is Debtor(s)' and/or attorney's responsibility to ensure Debtor(s) will have adequate hardware and connectivity and that Debtor(s) will be in a location appropriate to conduct an adequate § 341 Meeting free from excessive noise and disruption. In his discretion, the Trustee may require the § 341 Meeting to be rescheduled if these requirements are not satisfied.

DATED this ___ day of _____, 20__.

Debtor(s)' Signature

Attorney for Debtor(s)' Signature

Debtor(s)' Email Address

Attorney for Debtor(s)' Email Address

Trustee Skype ID: _____

Skype ID To Be Used By Debtor(s): _____

Location of Debtor(s) for §341 Meeting: _____

VERIFICATION OF IDENTIFICATION AND SOCIAL SECURITY NUMBER

I have verified the identity of the Debtor(s) by personally examining Debtor(s)' original photo identification and have attached a copy:

_____ Driver's License	State and D.L.# _____
_____ State Issued ID Card	State and # _____
_____ Passport	Country/#!/Exp. Date _____
_____ Military ID	Branch/ID# _____
_____ Other	Describe/ID# _____

I have verified Debtor(s)' Social Security Number (or Individual Taxpayer Identification Number) by personally examining one of the following and have attached a copy:

_____ Social Security Card	_____ ITIN Card	_____ W-2 & Year
_____ Pay Advice (Month/Year)	_____ Medicare Card	_____ Other (describe)

In accordance with 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

DATED this ___ day of _____, 20__.

Attorney for Debtor(s) or Notary

LON A. JENKINS
STANDING CHAPTER 13 TRUSTEE
DISTRICT OF UTAH

405 South Main Street, Suite 600
Salt Lake City, Utah 84111
Telephone: 801-596-2884

September 1, 2019

Dear Chapter 13 Debtor:

By virtue of the county in which you reside as reported on your Chapter 13 bankruptcy petition, you are encouraged to elect to participate in your § 341 Meeting via videoconference (“Video Participation”). That means that you may elect to participate in your first meeting of creditors – also known as your § 341 Meeting – by using Skype or similar video format approved by the Trustee, thereby eliminating the need for you to personally appear for your first meeting of creditors. If you do not elect Video Participation, you must then personally appear for your § 341 Meeting in Salt Lake City at the location indicated on the Notice of Chapter 13 Bankruptcy Case issued by the Bankruptcy Court. If you have any questions or concerns about appearing via videoconference, please contact your attorney or the Office of the Chapter 13 Trustee shown above.

If you DO NOT elect to appear for your § 341 Meeting by Video Participation, you must indicate your intention on the attached Notice of Election to Appear Via Videoconference or In Person (Notice of Election) and return it to the Trustee shown above **so that it is received by the Trustee no later than 10 days before your scheduled § 341 Meeting**. If your Notice of Election is not received by the Trustee at least 10 days before your scheduled § 341 Meeting, your § 341 Meeting will need to be rescheduled.

If you DO elect to appear for your § 341 Meeting by Video Participation, you must do the following:

1. You and your attorney (if you have one) must fully complete the attached Notice of Election and return it to the Trustee shown above, **so that it is received by the Trustee no later than 10 days before your scheduled first meeting of creditors**. In the case of joint debtors, each debtor must complete the Notice of Election. If your Notice of Election is not **received** by the Trustee at least 10 days before your scheduled § 341 Meeting, it will be untimely and your § 341 Meeting will need to be rescheduled. The Notice of Election should be either uploaded to the Trustee’s secure server shown below or mailed to the Trustee at the above address. In addition, you must attach a copy of the documents stated in the Notice of Election that you or your attorney used to verify your identification and social security number. In addition, not later than 2 business days before your § 341 Meeting, you must download the documents required by Local Rule 2083-1(e)(2) (*i.e.*, pay stubs and bank statements) onto the chapter 13 Trustee’s share file system at <https://ch13ut.sharefile.com/r/r113aba12dd349608>.
2. Even if your Notice of Election is received timely, the Trustee in his sole discretion may deny your election and require your personal appearance at your first meeting of creditors in Salt Lake City. You and your attorney will be notified whether your Video Participation is approved by the Trustee not later than 7 days prior to your scheduled first meeting of creditors.
3. As part your Video Participation, you or your attorney will be responsible for providing adequate hardware and software necessary to establish and maintain an approved connection for the first meeting of creditors. You must also provide any information requested by the Trustee necessary to establish and maintain the connection. The Trustee will initiate the Skype call to you during the hour of your scheduled § 341 Meeting. Also, when your first meeting of creditors is conducted, you must be in a location which is free from excessive noise or disruption which would impede or interrupt your meeting of creditors or would prevent the creation of a record of the meeting. If any of these requirements are not satisfied, the Trustee or his representative may continue the meeting to a mutually convenient time for parties in attendance.

4. You must bring to the first meeting of creditors the documents used to verify your identification and social security number on the Notice of Election. You may be asked to display them for the camera.

Again, please direct any questions or concerns to your attorney or the Office of the Chapter 13 Trustee.

Sincerely,

Office of Standing Chapter 13 Trustee, District of Utah