

King, Richard (USTP)

From: King, Richard (USTP)
Sent: Friday, February 16, 2018 11:47 AM
To: Anne White; David Nickless; 'David Ostrander (David@Ostranderlaw.com)'; 'Gary Weiner (GWeiner@Weinerlegal.com)'; 'Jack Houghton (jhoughtonjr@aol.com)'; Janice Marsh (janicemarsh1@gmail.com); 'John Goldsmith (jgoldsmith@jgoldsmithlaw.com)'; Joseph Baldiga; 'Joseph Collins (jcollins@hendelcollins.com)'; 'Steven Weiss (Sweiss@ssfpc.com)'; dpappalardo@ch13worc.com
Subject: UST meeting with Judges

Dear trustees:

Please be advised that William Harrington, John Fitzgerald and I met with the Judges last week during their monthly meeting to discuss certain administrative and procedural matters impacting the Court and the United States Trustee. During our discussion, two issues arose that we would like to bring to your attention as they require a potential change in conduct on your part. The first issue involves in forma pauperis applications ("IFP Applications") and objections to the same by the trustees. The second issue involves the issuance by the Court of orders to show cause ("OSC"), wherein a direction to appear is made upon the United States Trustee or a trustee.

IFP Applications

First, regarding in forma pauperis requests ("IFP") made by debtors' attorneys, the judges have noted that their allowances of these requests are only conditional in nature. Furthermore, as approval is only conditional, there is no need to object immediately to IFP requests. Rather, the judges prefer that objections be made after the §341 meeting in a case, when there is more information available and a more fulsome record can be made by a trustee as to the basis for the trustee's objection to the IFP Application.

OSC

Second, the Court on occasion will issue an OSC, wherein the United States Trustee or a trustee is directed to appear at a hearing or a request is made for the United States Trustee or the trustee to take a position on an issue of importance to the Court. This often happens in cases when the United States Trustee has not previously been involved in the case and may only be monitoring the matter on a cursory basis. Thus, the United States Trustee does not always timely receive notice of these Orders. Going forward, the Court will now include language in OSCs that provides for Notice to the UST of any hearing and a date to file any responsive pleading. Additionally, these orders will also direct that each of you provide us with a copy of any OSC that includes the United States Trustee to ensure that we receive notice of them. As always, each of you should provide notice to your local AUST of any case wherein you or the United States Trustee is included in an OSC. Thank you in advance for your cooperation in this regard.

Thank you in advance for your cooperation in this regard. If you have any questions or comments, please call me. Thanks again.

Richard King