



U.S. Department of Justice

Office of the United States Trustee
Southern and Western Districts of Texas
Region 7

515 Rusk, Room 3516
Houston, Texas 77002

(713)718-4650
FAX (713)718-4670

MEMORANDUM

January 13, 2020

TO: Chapter 13 Standing Trustees

FROM: Henry G. Hobbs, Jr., Acting United States Trustee, Region 7

Henry Hobbs
Digitally signed by HENRY
HOBBES
Date: 2020.01.13 11:24:27
-06'00'

SUBJECT: Annual Requests for Approval of Substitute Presiding Officers

Standing Trustees are the presiding officer at the meeting of creditors. This Memo outlines procedures for seeking written approval by the U.S. Trustee of Substitute Presiding Officers (SPO) on an annual basis at the beginning of each calendar year. All SPOs must have written approval by the UST to conduct § 341(a) meetings (“341 meeting”) of creditors on your behalf. These procedures are in accordance with the Chapter 13 Handbook page 3-9, Presiding Officer.

The SPO is subject to all of the following conditions:

- Administer random reviews of the performance of the SPOs in conducting section 341 meetings throughout the upcoming fiscal year.
- Ensure that SPOs conduct 341 meetings according to the Chapter 13 Handbook, Section 3B Meeting of Creditors, including asking all of the required questions in the Supplemental Materials.
- Annual training of SPOs should include:
 - Verification of debtor identity and social security number
 - Who must attend the 341 meeting, and handling of debtors unable to appear in person at the 341 meeting
 - Proper operation of recording equipment, administration of the oath and conduct of the meeting
 - Assisting individuals with limited English proficiency to participate in the 341 meeting through the use of the USTP language interpreter services
 - Proper handling of domestic support obligation information
 - Examination of the debtor, including development and use of 341 meeting testimony as discovery for subsequent litigation
 - Diligence in noting any abuse of the bankruptcy system, creditor abuse, fraud of any type, serial filers, unlawful use of PII, identity theft, and non-disclosure of bankruptcy petition preparers.
- Assure an SPO does not have an actual or potential conflict in conducting a section 341 meeting in any specific case.

Annual requests for SPOs should be submitted no later than January 31st. Requests should list the names and occupations of current SPOs, a resume or summary of the experience of any new SPOs as well as the basis for needing an additional SPO. Requests should include a statement that you have conducted random reviews of their performance and they have received training in 341 meeting matters outlined above.

This memo supersedes all previous guidance from the UST on Substitute Presiding Officers (SPOs). Please contact the Standing Trustee Coordinator or me if you have questions about the SPO procedures.

Cc: Henry G. Hobbs, Acting U.S. Trustee, Region 7 and Assistant U.S. Trustee, Austin
Diane G. Livingstone, Assistant U.S. Trustee, Houston
Nancy Ratchford, Assistant U.S. Trustee, San Antonio
Kevin Epstein, Acting Assistant U.S. Trustee, Corpus Christi
Valerie R. Goodwin, Standing Trustee Coordinator, Region 7