

ATTORNEY BEST PRACTICES FOR CHAPTER 13 PRACTITIONERS

ALBERT RUSSO
Standing Chapter 13 Trustee

- Personally meet your client and introduce them to any staff attorney that may assist with their case.
- Execute a formal retainer with your client, specify what is covered under the “flat fee” and what may be billed separately. See also Local Rule D.N.J.LBR 2016-1(j) and Appendix A
- Ask for identification; both photo and social security – you know they will need it at the 341 (a) Meeting.
- Run a credit report to make sure that you have full information on the creditors.
- Run a judgment search to make sure you have full information regarding potential liens.
- Educate your client. Explain what they should expect at various stages of the case.
- Specifically ask about prior cases. Run U.S. PACER Query to confirm the information provided.
- If Debtors owns real estate, make sure you advise your client in writing that the property cannot be sold, refinanced, or mortgage modified, without court approval.
- Include proper notice to the tax authorities on all cases. Make certain that all tax returns have been filed.
- Provide Debtors with a sample of the 341(a) questions asked to ease tension prior to that meeting.
- Advise Debtor of the consequences of not doing certain things. Do not just tell them to pay their mortgage, rather, advise them of what will happen if they fail to pay their mortgage. Suggest that they keep a separate file of all post petition payments to the Trustee and secured creditors.
- Advise Debtors regarding the Certification in Support of Discharge and Completion of Financial Management Course.
- Advise Debtors to make plan payments to the Trustee’s lock box, put case number and name on payments, and all payments must be in the form of certified check or money order.
- Advise Debtors that they should register to access case data via NDC at www.13datacenter.com.
- Advise Debtors to review Trustee’s Report of Receipts and Disbursements
- If the Chapter 13 Plan contains motions, proper service to those affected creditors must be served in accordance with the Rules and a Certification of Service must be filed with the Court.
- Review Claims Register and Trustee Reports and respond to any Objections to Confirmation.
- Advise Debtors to inform Counsel of any inability to make required payments or substantial changes in financial position.