

ATTORNEY BEST PRACTICES FOR CHAPTER 13 PRACTITIONERS

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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” or “hourly fee”, and what may be billed separately. See also Local Rule D.N.J. LBR 2016-5.
- Educate your client. Explain what they should expect at various stages of the case.
- Ask for identification; both photo and social security – you know they will need it at the 341 (a) Meeting of Creditors.
- 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.
- Specifically ask about prior cases. Run U.S. PACER Query to confirm the information provided.
- Obtain from client all documents required by the Trustee prior to the 341(a) Meeting and timely submit same to Trustee’s office.
- Obtain proof of insurance for all vehicles and real estate.
- Provide client with a sample of the 341(a) questions asked to ease tension prior to that meeting.
- Include notice to the tax authorities on all cases. Make certain that all tax returns have been filed.
- 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.
- Advise client regarding the Certification in Support of Discharge and Completion of Financial Management Course.
- Verify clients pay schedule and properly calculate monthly income based upon payment frequency.

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- Advise client of when to commence Trustee payments and the options available to make Trustee payments, including ePay, eWage, money gram.
- Advise client to mail plan payments to the Trustee's lock box, to put case number and name on payments, and that all payments must be in the form of certified check or money order.
- Advise client to review Trustee's Report of Receipts and Disbursements
- Advise client that they should register to access Trustee case data via the National Data Center at: www.ndc.org.
- Inform client of the information available on the Trustee's website: www.russotruster.com
- If client owns real estate, make sure you advise your client in writing that the property cannot be sold, refinanced, or mortgage modified, without court approval.
- Advise client 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 payments to the Trustee as well as post-petition payments to secured creditors.
- Advise client to inform you of any inability to make required payments or substantial changes in financial position.
- Review Court Claims Register and Trustee Reports.
- Respond to any objections to confirmation or objections to a motion.