

## **BANKRUPTCY PARALEGAL: TRUSTEE'S COUNSEL**

Drafted in 2007 by Candy Jones; reviewed by Harrie F. Lewis, Esq., Lindquist & Vennum, PLLP.

**ALL OF THE BELOW DUTIES ARE ASSUMED TO, AND MUST BE, UNDER THE DIRECTION AND SUPERVISION OF A LICENSED ATTORNEY.**

### **A. COMMENCEMENT OF BANKRUPTCY AND APPOINTMENT OF TRUSTEE**

1. Participate in initial meeting with trustee.
2. Discuss with attorney scope of case and potential issues.
3. Check for conflict of interest.
4. Draft application to employ firm, engagement letter, affidavit/disclosure, proposed order, and notice, if required.

### **B. ADMINISTRATION OF CASE**

1. Maintain tickler, master dockets and calendars:
  - a. Section 341 creditors' meeting.
  - b. Rule 202 Notice dates for objections or certificates of contested/non-contested matters for pending applications and motions.
  - c. Deadline to object to debtor's exemptions and statement of intentions.
  - d. Deadline to file adversary proceedings, including avoidance actions.
  - e. Deadline for filing proofs of claim and objections thereto.
  - f. Deadline to object to discharge of debtor.
  - g. Deadlines set in Court orders.
  - h. Deadlines for interim and final fee applications.
2. Maintain master contact matrix with addresses, phone numbers, fax numbers and email addresses for all parties and attorneys of all parties.

3. Maintain master “to do” matrix for all pending matters and indicating responsible attorney/paralegal.
4. Maintain service list matrices including attorneys, creditors and parties in interest.
5. Review file and docket sheet regularly, make recommendations to attorney, and prepare regular status reports to trustee.
6. Transmit to the United States Trustee a copy of all notices, motions, applications, pleadings and orders filed, prepared or served by the attorney for the trustee (unless otherwise notified by the United States Trustee).
7. Investigation regarding all assets of the estate which may be reduced to money for the estate.
8. Investigation of the financial affairs of the debtor including following up on tips about unscheduled assets.
9. Prepare replies to inquiries from creditors and other parties in interest in an expeditious manner.
10. Draft pleadings regarding assumption or rejection of executory contracts and unexpired leases pursuant to Section 365.
11. Ensure that the Debtor performs his intentions as to the retention or surrender of property of the estate that secures consumer debts.
12. If a case becomes an asset case, draft pleadings to set a claims bar date and prepare mailing list for same.
13. Examine proofs of claim and draft an objection to the allowance of any claim that is improper.
14. Review debtor’s petition, creditors’ matrix, schedules of assets and liabilities, statement of financial affairs, and schedules of current income and expenditures which the debtor must file for completeness, accuracy, and for any evidence of substantial abuse that may provide the basis for a motion to dismiss pursuant to § 707.
15. Review debtor’s exemptions and draft objections, if necessary.
16. Draft pleadings for the employment of other professionals including accountants, auctioneers, *etc.*
17. Assist the trustee in the supervision of estate professionals, including auctioneers, liquidators, brokers, collection agents, and property managers, to ensure

prompt and appropriate execution of duties, compliance with required procedures and reasonable and necessary fees and expenses.

18. Train and be proficient in electronic court filing with the United States Bankruptcy Court.

19. Prepare hearing notebooks containing relevant materials including motion/application, notice, order and exhibits.

### **C. ASSETS**

1. Assist trustee in inventorying the debtor's property.

2. Draft pleadings to approve the sale of assets not in the ordinary course of business.

3. Draft pleadings to approve the sale of assets of the estate free and clear of an interest of an entity other than the estate.

4. Draft pleadings for abandonment of any estate property that is burdensome or of inconsequential value to the estate.

5. Draft pleadings to require turnover of debtor's property by the debtor or third parties.

6. Draft pleadings for turnover of non-exempt property.

7. Draft pleadings pursuant the avoidance powers of § 544, et seq., to recover assets.

8. If the property appears to have value for the estate, assist the trustee in securing the property (which may include changing locks at the premise's hiring guards, *etc.*) and determine the extent and value of the property.

9. Draft pleadings to approve and authorize operation of the debtor's business, if necessary.

10. Ensure that the estate's assets are insured against all normal business risks including general liability, property damage, and worker's compensation, as well as all other types of insurance that may be required for a particular operation and make sure all policies are transmitted to the United States Trustee.

11. Draft pleadings abandoning property that is fully secured and of nominal value to the state.

12. If an auction is held to sell assets, coordinate with auctioneer to file with the Clerk of the Bankruptcy Court and transmitted to the United States Trustee, its itemized statement of the property sold, the names of the purchasers, and the price received for each item.

#### **D. ADVERSARY PROCEEDINGS**

1. Draft pleadings and other documents, including, but not limited to, demand letter, complaint, summons, motions, stipulations, discovery pleadings, affidavits, default judgment pleadings; *etc.*
2. Arrange for service of process and filing of return of service.
3. Draft or prepare correspondence with clients, courts, attorneys, *etc.*
4. Maintain tickler system, mater dockets and calendars:
  - a. Deadline for filing answers or responses to Complaint;
  - b. Deadline for filing responses to discovery requests;
  - c. Court ordered deadlines; and
  - d. Deposition schedules.
5. Review Service Members Civil Relief Act prior to preparing judgment pleadings.
6. Assemble witness files.
7. Depositions:
  - a. Assist attorney in determining appropriate depositions;
  - b. Arrange deposition times, locations, reporters, videographers, *etc.*;
  - c. Prepare subpoenas and notices of deposition;
  - d. Review and assemble documents for depositions;
  - e. Attend deposition with attorney and take notes, which can include observation of reactions of deponent and others present;
  - f. Prepare summaries and digests of digests of depositions;
  - g. Follow-up after depositions for additional information; and

h. Load digital transcripts onto server and conduct searches of same as needed.

8. Collect, review, organize and index discovery documents; maintain list of privileged documents.

9. Subjectively code documents into database; supervise objective coding of documents; arrange to have documents imaged for use in database.

10. Attend and/or supervise document productions.

11. Schedule and attend (with attorney) pretrial conferences and settlement conferences.

12. Prepare subpoenas for trial and arrange for service of same.

13. Prepare or arrange for demonstrative exhibits, *i.e.* charts, graphs, diagrams, *etc.*

14. Research regarding potential expert witnesses and deliver to them copies of necessary records, documents, *etc.*

15. Prepare trial notebook and organize trial exhibits.

16. Coordinate scheduling of witnesses for trial testimony.

17. Attend trial with attorney and take notes; assist with coordination of witnesses; and manage exhibits and visual aids.

18. Work with database, imaged documents and transcripts on trial computer during course of trial.

19. Monitor exchange of exhibits at trial.

20. If appeal, prepare timetable for appeal process and set up tickler system.

21. If settled, draft or prepare settlement agreements, releases, motions and stipulations for dismissal.

## **E. COMPENSATION**

1. Prepare applications for compensation and reimbursement of expenses in accordance with the procedural guidelines adopted by the Executive Office for United States Trustees which are available on the Bankruptcy Court web page.

2. Review fee applications of other professionals for reasonableness and completeness. If the fee is questionable, draft pleadings to have the court review the fee for reasonableness.

**F. FINAL REPORT, DISTRIBUTION OF FUNDS, AND CLOSING**

1. Assist the trustee in the general distribution of funds to creditors, payment of professional fees and expenses, including preparation of checks and envelopes.

2. Draft pleadings to object to the discharge of the debtor, if necessary.

3. Assist the trustee in drafting final report and accounting of the estate.

4. Assist the trustee in locating creditors who do not cash their checks within 90 days or whose checks are returned undeliverable.