

Joyce Bradley Babin, Chapter 13 Standing Trustee

Job Description

JOB TITLE: Staff Attorney

Updated: February 2025

Reports To: Trustee
Status: Exempt

JOB SUMMARY: The United States Trustee appoints Chapter 13 Standing Trustees who administer consumer bankruptcy cases under chapter 13 of the United States Bankruptcy Code. Chapter 13 Standing Trustees and their employees are not government employees but work with the United States Trustee to ensure the efficiency and integrity of the bankruptcy system. Standing Trustees evaluate the financial affairs of debtors, make recommendations to the court regarding confirmation of debtors' bankruptcy plans and administer court-approved plans by collecting payments from debtors and disbursing funds to creditors. Joyce Bradley Babin, Chapter 13 Standing Trustee, administers chapter 13 cases filed in the Central, Fayetteville, Fort Smith and Harrison Divisions of the United States Bankruptcy Court, Eastern and Western Divisions of Arkansas.

A Staff Attorney represents the Trustee in bankruptcy matters in bankruptcy courts, appellate courts and other forums; conducts 341(a) meetings; reviews, responds to, and prepares legal documents pertaining to chapter 13 cases; negotiates with counsel for debtors, creditors, and other parties in interest; serves as a resource to the Trustee, Trustee's staff and bankruptcy bar; identifies potential bankruptcy case issues and irregularities; and performs other case administration duties as assigned.

This position is an in-office position.

EDUCATIONAL REQUIREMENTS /

LICENSING: Juris Doctor degree; licensed in good standing with the State of Arkansas and admitted to practice in United States Bankruptcy Courts of Arkansas, United States District Courts of Arkansas and the United States Court of Appeals for the Eighth Circuit; previous practice experience of at least five years in bankruptcy or related areas is beneficial.

**REQUIRED
EXPERIENCE /
SKILLS:**

This position requires a thorough knowledge and understanding of the timeline and procedures of a chapter 13 case and of related federal and local bankruptcy statutes, rules, policies and procedures; knowledge and experience with trust operation case administration; competency in the use of BSS database, Microsoft Word and EXCEL; to speak clearly and persuasively in positive and negative situations, to respond well to questions, to actively participate in meetings and court proceedings and to maintain effective working relationships; the ability to write clearly and informatively and to edit work for spelling and grammar; the ability to read and interpret written information; and the ability to perform accurate mathematical calculations.

TRAVEL

REQUIREMENTS: Overnight travel to assigned divisions for court appearances approximately two times per month and as required by the court and for training and conferences on occasion.

**ESSENTIAL
DUTIES:**

341(a) Meetings

1. Prepare for 341(a) meetings by reviewing petitions, schedules, statements of financial affairs, plans, related documents and tax return information to ensure compliance with the requirements of the Bankruptcy Code.
2. Arrange interpreters as necessary and prepare reports to U.S. Trustee for interpreters' service and *pro se* debtors.
3. Preside over and conduct 341(a) meeting examinations of debtors in chapter 13 cases using appropriate technology.
4. File 341(a) meeting minutes in Court's ECF system.
5. Follow up after 341(a) meetings to review additional documents relating to the 341(a) meeting, including amended schedules and statements, means test, and tax returns.
6. Review case information and debtors' testimony after meetings documenting relevant case data in BSS database; file objections to

confirmation, objections to claims of exemptions, motions to dismiss and other pleadings, as necessary.

7. Scan 341(a) meeting worksheets and related documents into BSS database.

Court Hearings

1. Review court dockets and calendars to determine issues for hearing on divisional days or for special settings.
2. Review case data to prepare for or resolve issues in cases set for hearing before the bankruptcy court,
3. Manage Trustee's motion to dismiss court dockets by reviewing cases set for hearing:
 - Review debtor(s)' case to determine if recent payments are sufficient to justify withdrawal of motion to dismiss;
 - Settle case with a strict compliance order or a continuance;
 - Inform the court of all agreed settlements and continuances by providing docket sheet prior to court hearing.
4. Contact and negotiate with debtor and creditor counsel on behalf of the Trustee to resolve hearing issues and report settlements to the court prior to court date.
5. Actively participate in hearings and trials, as necessary, to protect the interest of the Trustee and trust operation and document results of hearings and trials in BSS database.
6. Draft orders or provide information to the legal assistant, assisting as necessary in preparation of orders from court dockets.

Motions, Responses, Adversary Proceedings and Objections

1. Respond, after review and analysis of case information, to debtor and creditor attorneys' inquiries regarding resolutions to motions, objections and pleadings.
2. Review and timely respond to pleadings filed by debtors, creditors, and other parties in interest.
3. File appropriate pleadings and actions in bankruptcy cases; commence adversary proceedings, as necessary.

4. Settle trustee's motion to dismiss for failure to make payments, file modifications, provide documents or comply with orders.
5. Review, participate in and monitor, as necessary, actions initiated by debtors involving special counsel, including personal injury, products liability, and other actions.

Orders

1. Review and approve, as appropriate, orders received from parties outside of the trust operation requiring Trustees or staff attorney's signature and follow up, if necessary.
2. Review cases for compliance with "strict compliance" orders, document reviews and generate dismissal orders, as appropriate.

Claims Review

1. Review claims, as necessary, to determine reasonableness and appropriateness, the relationship to the plan and proper categorization.
2. Review mortgage claims, including arrearage amounts, plan treatment, notices of final cure payments and responses, as necessary, and draft orders as appropriate.
3. Review security interests for proper perfection and documentation and file appropriate pleadings or adversary proceedings, as necessary.

Attorney Fees

1. Review issues relating to summary fee awards and provide assistance in determining correct fee amounts (e.g., business case v. non-business case; correct category, correct amount).
2. Review "long form" fee applications for reasonableness and appropriateness and file responses or objections, if necessary; submit orders to the court regarding the applications.
3. Review cases with missing or incomplete attorney fee applications and follow-up with debtor attorneys, as appropriate.

Business Cases

1. Identify chapter 13 cases involving debtors engaged in business and review the business operating reports provided by the debtor, prepare reports for the court and/or motions, as appropriate.

Assistance and Leadership

1. Advise the Trustee regarding chapter 13 legal issues and related matters.
2. Research issues and case law, as appropriate.
3. Exercise appropriate discretion and diligence regarding trust operation property and documents.
4. Assist trust operation employees with the interpretation of plans, modifications to plans, etc. and with questions regarding pleadings and other case administration.
5. Respond to correspondence by letter or e-mail and provide information and documentation, upon request, to various parties in interest in chapter 13 cases.
6. Initiate and respond to phone calls, emails and other correspondence regarding cases.
7. Assist staff in review of proceeds received in the office and funds on hand in cases and determine appropriate resolutions of the funds as necessary.
8. Investigate allegations of actions by debtors and creditors and issues regarding cases and recommend appropriate courses of action including referral to the United States Trustee's office for improper conduct.
9. Provide input on the development and implementation of office routines and procedures, e.g., in the setting up of cases, the management of claims, etc.

Continuing Legal Education

1. Participate in continuing legal education and public education programs, as appropriate, and fulfill annual continuing legal education requirements.
2. Review publications (electronic and print) to stay apprised of current issues regarding bankruptcy and related legal areas.

Other Duties

1. Audit secured claims:
 - Audit claim information (i.e., case number, creditor name and address, claim amount, date claim filed, account number, classification, level, etc.) by comparing the filed claim to information entered into BSS software;
 - Review supporting documentation filed with claim;
 - Refer discrepancies to claims processor for correction.
2. Review tax returns submitted annually on cases with plan requirement; follow-up on material increases in income.
3. Identify case or practice issues that may need referral to the United States Trustee for criminal investigation or other follow-up.
4. Process notices of changes to debtor social security numbers; follow-up on missing social security numbers.
5. Perform other duties and assignments as directed by the Trustee to ensure efficient administration of chapter 13 cases.

PHYSICAL

REQUIREMENTS: The essential duties of this position require the ability to sit for extended periods; use a computer keyboard; adjust visual focus between multiple computer screens at a close distance and between computer screens and paper documents; talk and hear during telephone conversations, office conversations, 341(a) meetings, and court; and occasionally lift and / or move light objects (up to 15 pounds) and perform similar actions during the course of a workday.