

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA

NOTICE OF OPEN POSITION FOR A
CHAPTER 7 PANEL TRUSTEE
DURHAM DIVISION

Please take notice that the Office of the Bankruptcy Administrator is seeking applications from persons wishing to be considered for appointment to the panel of trustees who administer cases filed under the Chapter 7 of the Bankruptcy Code. The opening is for the Durham Division of the United States Bankruptcy Court for the Middle District of North Carolina. Chapter 7 trustees receive compensation and reimbursement for expenses pursuant to 11 U.S.C. §§ 326 and 330. The minimum qualifications for appointment as a panel trustee are set below in this announcement. The application form is found at www.ncmba.uscourts.gov/trustee-app.pdf and forms for personal references are also found at www.ncmba.uscourts.gov/trustee-ref-form.pdf

Applicants must submit the application forms personally, and be willing to serve for a minimum one-year period if selected. To be eligible for appointment, an applicant must possess strong administrative, financial and interpersonal skills. Fiduciary and bankruptcy experience is desirable. A successful applicant will be required to undergo a background check and must qualify to be bonded. The appointment will be made consistent with Federal Equal Opportunity Policies. Please forward completed application forms to: William P. Miller, Bankruptcy Administrator, 101 S. Edgeworth St., Greensboro, NC 27401 to be received on or before October 10, 2016.

§ 320.10.15 Chapter 7 Trustee Panel Membership Numbers and Qualifications

- (a) A bankruptcy administrator must establish specific standards for setting the number of chapter 7 trustee panel members and defining the qualifications for trustee panel members. These standards must be consistent with the requirements listed in these Guidelines.
- (b) A bankruptcy administrator should ensure that the trustee panel is large enough to permit each panel member to discharge a trustee's duties without being unduly burdened, and small enough to avoid discouraging trustees by limiting the financial opportunities for each member.
- (c) A bankruptcy administrator must ensure that an individual meets the following qualifications to be eligible for the trustee panel:
 - (1) has integrity and good moral character;
 - (2) is physically and mentally able to perform a trustee's duties satisfactorily;
 - (3) has no demonstrated prejudices against any individual, entity, or group of individuals or entities that would interfere with unbiased performance of a trustee's duties;

(4) receives no financial benefit either directly or indirectly from debt counseling, credit counseling, financial management, debtor education, or prorating, with the following applicable definitions:

(A) "debt counseling" is a business engaged primarily in advising persons how to manage their debt, except as the counseling is provided in the ordinary course of an attorney-client relationship,

(B) "credit counseling," "financial management," and "debtor education" as defined in [11 U.S.C. §§ 111](#) and

(C) "prorating" is a business engaged in receiving money from an individual to make regular distributions to an individual's creditors.

(5) has no relation, by affinity or consanguinity within the degree of first cousin, to a:

(A) bankruptcy administrator for that judicial district;

(B) bankruptcy administrator's employee for that judicial district;

(C) federal judicial officer of that court;

(D) federal court employee of that judicial district; or

(E) chapter 12 trustee, chapter 13 trustee, chapter 7 panel member serving the district, although none of the foregoing should preclude a chapter 7 panel trustee from serving as a chapter 11 or chapter 12 trustee.

(6) is not in business with a chapter 13 trustee, chapter 12 trustee, or chapter 7 panel member serving the district;

(7) is not employed by the federal government or by state or local agencies that appear regularly before the bankruptcy court;

(8) resides or maintains an office in the judicial district or in an adjacent judicial district (for the trustee panel);

(9) has the resources to provide timely and accurate reports required by the court, the bankruptcy administrators, and the AO;

(10) is willing to accept appointments to asset and no asset cases;

(11) has one or more of the following educational, professional, or business qualifications:

(A) is a college graduate from an accredited school with a major in a business-related field of study,

(B) is an attorney in good standing with each bar of which the applicant is a member,

(C) is a certified public accountant, or

(D) has at least three years of relevant fiduciary work experience using skills required of a trustee.

(12) is a "disinterested person," as defined by [11 U.S.C. §§ 101\(14\)](#) and [701](#).

Examples of professional relationships that would often disqualify the applicant are:

(A) an applicant who is on retainer as counsel to a creditor or creditors who appear regularly before the bankruptcy court, or

(B) an applicant who is an executive officer of an organization composed principally of creditors who litigate regularly in bankruptcy court.

(d) Each applicant for the trustee panel must:

(1) complete Form B315 (individual) and submit the original to the bankruptcy administrator for the district in which the applicant wishes to serve; and

(2) provide Form B318 reference to three persons, each of whom will answer inquiries concerning the applicant's qualifications.

Note: Certain individuals are disqualified as references for this purpose: federal judicial officers or employees of any federal court in the circuit in which the applicant wishes to serve; relatives who are related by affinity or consanguinity within the third degree to the applicant; or persons in business with the applicant.

(e) Because B318 reference forms are confidential, an individual providing the reference must submit the form directly to the bankruptcy administrator and may not transmit a copy to the applicant.

(1) The applicant may not request copies of the B318 reference forms.

(2) It is the applicant's responsibility to ensure that all three reference forms are submitted to the bankruptcy administrator within 60 days of the date the applicant applied for a position on the panel.