

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE EASTERN DISTRICT OF TENNESSEE**

IN RE)

AMENDMENTS TO)
LOCAL RULES)

No. 03-02

GENERAL ORDER

After having given appropriate public notice and an opportunity for comment, it is hereby ORDERED pursuant to Rule 9029(a) of the Federal Rules of Bankruptcy Procedure, Rule 83 of the Federal Rules of Civil Procedure, and the authority heretofore granted to the bankruptcy judges of this district by the United States District Court for the Eastern District of Tennessee that Rule 2016-1 of the Local Rules of the United States Bankruptcy Court for the Eastern District of Tennessee (the "Local Rules") is hereby amended to read as set forth on the attachment hereto.

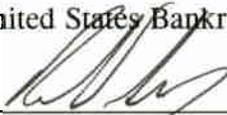
It is further ORDERED that Rule 9010-3 and Local Forms 2016.1 and 2016.2, as attached to this order, are hereby adopted as part of the Local Rules.

It is further ORDERED that Rule 9011-2 of the Local Rules is hereby abrogated.

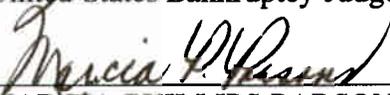
It is further ORDERED that the amendments effected hereby shall become effective December 1, 2003.



JOHN C. COOK
Chief United States Bankruptcy Judge



RICHARD STAIR, JR.
United States Bankruptcy Judge



MARCIA PHILLIPS PARSONS
United States Bankruptcy Judge





R. THOMAS STINNETT
United States Bankruptcy Judge



RALPH H. KELLEY
United States Bankruptcy Judge

**RULE 2016-1. COMPENSATION OF ATTORNEYS FOR DEBTORS IN
CHAPTER 13 CASES PURSUANT TO 11 U.S.C. § 330(a)(4)(B)**

(a) INITIAL FEE.

(1) *Base Fee.* In a chapter 13 case, the attorney for the debtor(s) may, without filing an itemized statement, charge a Base Fee in an amount not to exceed \$1,600, for all services rendered and expenses incurred prior to confirmation of the plan and all routine services and expenses anticipated to be rendered or incurred after confirmation. The amount of the Base Fee shall be stated on a Disclosure of Compensation of Attorney for Debtor(s) form substantially conforming to Local Form 2016.1, which shall be filed in accordance with Fed. R. Bankr. P. 2016(b).

(2) *Proceedings Regarding Base Fee.* Absent an objection on or before the date on which the meeting of creditors concludes, the court will generally approve the Base Fee upon confirmation of the plan without further notice or a hearing, as the procedures prescribed hereby are deemed to satisfy the requirement of notice and an opportunity for a hearing set forth in 11 U.S.C. § 503(b)(2). However, the court *sua sponte* or on a timely objection may require a hearing on any Base Fee.

(3) *Non-Base Fee Requests.* In any case in which the attorney seeks initial compensation in excess of \$1,600, or in any case in which the attorney chooses to seek compensation other than as prescribed in (a)(1) of this rule, the attorney must file a fee application including an itemized statement conforming to Fed. R. Bankr. P. 2016(a). Such an itemized fee application will be set for hearing upon notice as required by Fed. R. Bankr. P. 2002(a)(6). In addition, the attorney must timely file the compensation disclosure statement required by Fed. R. Bankr. P. 2016(b).

(b) SUPPLEMENTAL FEES.

(1) *Amount, Form, and Content of Supplemental Request.* Any attorney who has received a Base Fee pursuant to (a)(1) of this rule, and who seeks additional compensation or reimbursement of expenses for representing the debtor(s) in connection with the case after confirmation of the plan for rendering services or incurring expenses not considered routine, shall file a supplemental request substantially in the form of Local Form 2016.2, including a detailed statement in a form and content that would comply with Fed. R. Bankr. P. 2016(a).

(2) *Proceedings on Supplemental Request: Supplemental Fees of \$500 or Less.* In all cases when the total amount of all supplemental fee requests is \$500 or less, absent an objection within fourteen days after the filing of the supplemental fee request, the court will generally rule on the request without further notice or a hearing, as the procedures prescribed hereby are deemed to satisfy the requirement of notice and an opportunity for a hearing set forth in 11 U.S.C. § 503(b)(2). However,

the court *sua sponte* or on a timely objection may require a hearing on any such request. A proposed order authorizing the compensation in an amount to be fixed by the court must accompany each supplemental fee request.

(3) *Proceedings on Supplemental Request: Supplemental Fees of More Than \$500.* In all cases when the total amount of all supplemental fee requests is more than \$500, the court will normally conduct a hearing on a supplemental fee request, upon notice as required by Fed. R. Bankr. P. 2002(a)(6).

Rule 9010-3. REPRESENTATION AND APPEARANCES

(a) INDIVIDUALS.

(1) An individual may appear in a case under the Bankruptcy Code and act either in his or her own behalf or by an attorney authorized to practice in the court. When an individual has appeared by an attorney, that individual may not thereafter appear or act in his or her own behalf unless an order permitting the withdrawal of the attorney has been entered by the court under E.D. Tenn. LBR 2091-1(a). However, the court in its discretion may hear an individual in open court notwithstanding the fact that the individual is represented by an attorney.

(2) No individual shall delegate the right to represent himself or herself to any other individual other than an attorney.

(b) REPRESENTATION OF BUSINESS ENTITIES. A corporation, partnership, limited liability company, or other artificial legal entity may not appear in cases, contested matters, or adversary proceedings before this court without legal counsel, except that any such entity may, by or through an authorized officer, agent, attorney in fact, or proxy—

- i. prepare, sign, and file a proof of claim or a notice of the transfer of a claim;
- ii. sign and file a reaffirmation agreement;
- iii. prepare, sign, and file a request for notices;
- iv. attend and participate in a meeting of creditors conducted pursuant to 11 U.S.C. § 341(a), including the examination of the debtor within the scope of the examination permitted by Fed. R. Bankr. P. 2004(b);
- v. prepare, sign, and file a professional fee application, and appear in court in support of a professional fee application;
- vi. prepare, sign, and file a ballot for acceptance or rejection of a plan; and
- vii. vote on the election of a trustee.

LOCAL FORM 2016.1

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)

1. Pursuant to 11 U.S.C. § 329(a), Fed. R. Bankr. P. 2016(b), and Local Bankruptcy Rule 2016-1(a)(1), I certify that I am the attorney for the above-named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with this chapter 13 case is as follows:

For legal services and expenses, I have agreed to accept \$ _____

Prior to the filing of this statement I have received \$ _____

Balance Due \$ _____

This fee is a “Base Fee.” That means that I will not charge any additional amount for any services rendered or expenses incurred prior to confirmation of the chapter 13 plan, or for any routine services or expenses that I expect to render or incur after confirmation. The types of post-confirmation services and expenses usually considered “routine,” so that I will not charge extra for them, include the following:

Review of confirmation order and periodic case status reports from trustee	Responding to contacts by debtor(s) regarding changes in financial circumstances, including job changes and unanticipated expenses
Maintaining custody and control of all case files with original documents for such periods prescribed by law or court rule	Other routine communications with the debtor(s), including keeping the debtor(s) informed regarding the status of the case; reminders about meetings and hearings; consultations regarding postpetition credit, defaults on direct payments, insurance coverage or lack thereof, etc.
Service of notices and orders as required by court rule	Obtaining and providing the trustee with copies of documents relating to lien perfection issues, such as recorded deeds of trust, security agreements, and the like
Preparation, filing, and prosecution of objections to claims that one can reasonably anticipate will not be contested, such as objections to untimely filed claims and objections to duplicate claims	Preparation and mailing of letters to creditors regarding lien releases, the turnover of clear title certificates, the cancellation of deeds of trust and judgments, and the like
Consummation of assumptions and rejections of unexpired leases and executory contracts	The preparation and certified mailing of letters to creditors regarding alleged violations of the automatic stay
Defense of motions to transfer venue or to dismiss for improper venue	Any other services and expenses that an attorney would reasonably expect to render or incur in most, if not all, chapter 13 cases
Responding to written or oral contacts from creditors regarding plan terms, valuation of collateral, claim amounts, and the like	

The types of post-confirmation services and expenses usually **not** considered “routine,” so that I **may** charge extra for them and file a supplemental fee request, include the following:

Motion for authority to sell property	Post-discharge injunction actions
Motion to modify plan	Adversary proceedings
Motion to incur debt	Defense of motions to convert case to chapter 7
Defense of motion for relief from automatic stay or codebtor stay	Motions to substitute collateral
Defense of motion to dismiss filed after confirmation of plan	Supplemental fee requests
Stay violation litigation, including amounts paid as fees by the creditor or other party	

2. The source of the compensation paid to me was:

Debtor(s) Other: _____

3. The source of the compensation to be paid to me is:

Debtor(s) Other: _____

4. I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

or

I have agreed to share the above-disclosed compensation with a person or persons who are not members of my law firm. A copy of the agreement and a list of the names of the people sharing in the compensation are attached.

ATTORNEY’S CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in connection with this chapter 13 case. I further certify that the Base Fee set forth above is based on the consideration of the benefit and necessity of my services to the debtor and all other relevant factors, including the time spent or to be spent on such services, the rates charged for such services, the total amount of the secured and unsecured debt, the nature of the case (whether consumer or business), and the complexity of the case. I further certify that I have furnished a copy of this fee disclosure to the debtor(s) and the chapter 13 trustee.

Dated: _____

[attorney’s name, address, telephone number, and bar number]

SUPPLEMENTAL FEE REQUEST

1. Pursuant to 11 U.S.C. § 330, Fed. R. Bankr. P. 2016(a), and Local Bankruptcy Rule 2016-1(b), I hereby request the following supplemental fee for representing the debtor(s) in connection with the case after confirmation of the plan:

Supplemental Compensation \$ _____
 Supplemental Expenses \$ _____
 Total Supplemental Fee \$ _____

The services and expenses for which compensation or reimbursement is sought, which excludes Base Fee services within the meaning of Local Bankruptcy Rule 2016-1(a)(1), are itemized on the attachment to this fee request.

2. The total amount of supplemental fees awarded or sought, including those sought by this request, is \$ _____.

This amount is \$500 or less, so I am asking the court to rule on this request without further notice or a hearing if no objections are timely filed. **The debtor(s), the trustee, and other parties in interest will be deemed to have waived any opposition to this fee request unless a written objection is filed within fourteen days after the filing of this request.** If the court schedules a hearing on this request, there will be a separate notice of the time and place of the hearing.

This amount is more than \$500, so the court will conduct a hearing on this fee request. **The hearing will be conducted at _____ .m. on _____, 20____, in Courtroom _____, _____, Tennessee.**

3. The additional amount sought by this fee request will not diminish the dividend to be paid unsecured creditors under the chapter 13 plan confirmed in this case, and copies of this request are being served on the chapter 13 trustee and the debtor(s).

or

The additional amount sought by this fee request may diminish the dividend to be paid unsecured creditors under the chapter 13 plan confirmed in this case, and copies of this request are being served on the chapter 13 trustee, the debtor(s), and all creditors and other parties in interest.

ATTORNEY'S CERTIFICATION

I certify that I have this day served a copy of this Supplemental Fee Request as indicated in Paragraph 3, above, and that it has been at least 120 days since confirmation of the chapter 13 plan in this case or, if later, since my last supplemental fee request.

Dated: _____

 [attorney's name, address, telephone number, and bar number]