

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION – TOLEDO

In Re:)
)
Toledo Administrative Order - 24-01) Judge Mary Ann Whipple
)
) Judge John P. Gustafson
)

Compensation of Debtor's Attorneys in Chapter 13 Cases
Filed In The Northern District of Ohio, Western Division

1. The debtor's attorney in a Chapter 13 case may accept, in lieu of an itemized application for compensation compliant with the requirements of the Local Rules and Fee Application Guidelines – a presumptively reasonable fee in an amount up to and including \$3,500, provided a Plan is confirmed, and
 - a) debtor and counsel for debtor agree to and execute, prior to the filing of the Chapter 13 case, the Rights and Responsibilities agreement (a copy of which is attached to this Administrative Order); and
 - b) debtor's counsel files a Motion or Application for approval of the fee and uploads a proposed Order allowing such compensation.
2. If the Rights and Responsibilities agreement is not agreed to and executed prior to the filing of the Chapter 13 case, debtor's attorney in a Chapter 13 case may accept a presumptively reasonable fee in an amount up to and including \$2,500, provided
 - a) debtor's counsel files a Motion or Application for approval of the fee and uploads a proposed Order allowing such compensation.
3. Any compensation in excess of the presumptively reasonable fee agreed upon with the debtor(s) must be requested by filing an itemized application for compensation under Federal Rule of Bankruptcy Procedure 2016 and Local Bankruptcy Rule 2016-1 making the Guidelines for Compensation and Expense Reimbursement for Professionals applicable to preparation of fee applications for cases filed in the Northern District of Ohio.
4. Debtor's attorneys are, of course, free to charge less than the maximum presumptively reasonable fees describe herein, and shall not communicate to clients or potential clients that charging \$3,500 or any other amount for a Chapter 13 case, is required by the court.

IT IS SO ORDERED



Mary Ann Whipple
United States Bankruptcy Judge

Date: 4/24/24



John P. Gustafson
United States Bankruptcy Judge

Date: 4/9/24

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO

In Re:) Chapter 13
) Case No.
)
Debtor(s)) Hon. _____
)

**DECLARATION OF RIGHTS AND RESPONSIBILITIES OF
CHAPTER 13 DEBTORS AND THEIR ATTORNEYS**

It is important for debtors who file a bankruptcy case under Chapter 13 to understand their rights and responsibilities. It is also important that the debtors know what their attorney's responsibilities are, and understand the importance of communicating with their attorney to make the case successful. Debtors should also know that they may expect certain services to be performed by their attorney. In order to ensure that debtors and their attorneys understand their rights and responsibilities in the bankruptcy process, the following is hereby agreed to by the debtors and their counsel.

This document is not a fee agreement. Debtors and attorneys are required to execute a written fee agreement. See, 11 U.S.C. §528(a).

A. Before the case is filed:

The **debtor** agrees to:

1. Provide the attorney with accurate, and, to the best of the of debtor's ability, complete financial information. This information includes the name and address of every person or entity they owe money to, and all substantial assets of the debtor, including both pending lawsuits and any rights the debtor may have to sue any person or entity for any reason.
2. Fully disclose all transfers of money or property, as required in the bankruptcy schedules and statement of financial affairs.

3. Discuss with the attorney the debtor's objectives in filing the case.
4. Keep all scheduled meetings and/or appointments, both with the attorney and with other parties to the case.
5. Respond to all attorney requests as soon as possible.
6. Provide the attorney with a working telephone number, or another reliable method for prompt communication.

The **attorney** agrees to:

1. Personally meet with the debtor to review the debtor's assets, liabilities, income, and expenses.
2. Counsel the debtor regarding the advisability of filing either a Chapter 7 or a Chapter 13 case, discuss both options with the debtor, as well as alternatives to filing bankruptcy, and answer the debtor's questions. In connection with this explanation, the attorney must determine whether or not the debtor is eligible for a discharge under both Chapter 7 and Chapter 13.
3. Explain what payments will be made directly by the debtor, and what payments will be made by the Chapter 13 trustee. Payments for mortgages, motor vehicle loans, and lease obligations should be discussed, if applicable.
4. Explain to the debtor how and where to make the required Chapter 13 Plan payments, and inform the debtor that the first Plan payment must be made to the Chapter 13 trustee within 30 days of the filing of the case.
5. Explain to the debtor how the attorney's fees and Chapter 13 trustee's fees are paid, and provide an executed copy of this document to the debtor.
6. Advise the debtor of the requirement to attend the §341 Meeting of Creditors and to bring to the meeting a valid, unexpired, government issued picture identification, and proof of their social security number (preferably their Social Security card).
7. Advise the debtor of the necessity of having their own insurance on any residential real estate they own (not "forced place" insurance) and appropriate insurance on any other real property and any vehicles owned or leased by the debtor.

8. Timely prepare and file the debtor's petition, plan, statements, schedules, and Means Test, as well as any required amendments thereto

B. After the case is filed:

The **debtor** agrees to:

1. Keep the Trustee and the attorney informed as to debtor's current address and telephone number.
2. Timely make all Chapter 13 payments to the Chapter 13 Trustee.
3. Timely make all post-petition payments to any creditors that the debtor has agreed to pay directly, and if appropriate, maintain proper insurance coverage, and fully pay all post-petition tax obligations as they come due.
4. Cooperate with the attorney in preparing all pleadings and attending all hearings as required.
5. Prepare and file all delinquent federal, state, and local tax returns no later than the first date set for the §341 Meeting of Creditors, and thereafter file all required tax returns in a timely manner.
6. Promptly inform the attorney of any wage garnishments or attachments of assets which occur or continue to occur after the filing of the case.
7. Let the attorney know if the debtor is sued at any time during the Chapter 13 case.
8. Contact the attorney regarding any changes in employment, increases or decreases in income, or any other financial problems or changes – particularly any problem that would prevent the debtor from making a full and timely payment to the Chapter 13 trustee.
9. Cooperate with the attorney and the Trustee in timely producing any financial or supporting documents requested by the attorney or the trustee.
10. Contact the attorney to find out what approvals are required before buying, refinancing, or selling real property, or before entering into any loan or lease agreements.
11. Successfully complete the required personal financial management course before the Chapter 13 case is completed, and provide the attorney with the certificate for filing with the court for filing with Official Form 23.

The **attorney** agrees to:

1. Continue to represent the debtor through the conclusion of the case, whether by dismissal or discharge, unless permitted to withdraw from representation by a court order.
2. Instruct the debtor as to the date, time, and location of the §341 Meeting of Creditors, and personally appear with the debtor at the §341 Meeting of Creditors, and advise debtor about documents required for the 341 meeting.
3. Respond to objections to Plan confirmation, and, when necessary, prepare an amended plan.
4. Prepare, file, and serve necessary plan modifications which may include suspending, decreasing, or increasing plan payments.
5. Prepare, file, and serve necessary amended statements and schedules in accordance with information provided by the debtor.
6. Prepare, file, and serve necessary motions to incur debt, or to buy, sell, or refinance real property when appropriate.
7. Object to improper or invalid claims, if necessary, based upon documentation provided by the debtor.
8. Be available to respond to the debtor's questions throughout the life of the plan.
9. Appear and represent the debtor in motions for relief from stay, motions to dismiss or convert, and the confirmation hearing(s) (unless appearance is waived) either in person, or if approved by the court, telephonically.
10. Provide such other legal services as are necessary to the administration of the Chapter 13 case before the Bankruptcy Court, which include, but are not limited to, meeting with the debtor, presenting appropriate legal pleadings and making necessary court appearances.
11. Explain to the debtor the requirements for obtaining a Chapter 13 discharge upon successful completion of the Chapter 13 case, including the certificate from the financial management class(es) and the debtor's certification regarding 11 U.S.C. §1328(a) that must be filed, in all cases, regarding the existence and status of child support obligations.

12. File an executed copy of this document with the Court, and provide executed copies of it to the debtor and the Chapter 13 Trustee.

Dated: _____
_____ Debtor

Dated: _____
_____ Debtor

Dated: _____
_____ Attorney for Debtor(s)