

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN

NOTICE REGARDING ATTORNEY FEES
IN DISMISSED CHAPTER 13 CASES

The Court has concluded that Local Bankruptcy Rule 2016-2 (E.D.M.) applies upon the dismissal of a chapter 13 case. Specifically, if the debtor's attorney seeks approval of fees in these circumstances in the amount of \$1000 or more, the attorney must file a fee application that complies with Local Bankruptcy Rules 2016-2(a) and 9014-1. If the debtor's attorney seeks approval of fees in these circumstances in an amount less than \$1000, the attorney must file a fee application and may comply either with Local Bankruptcy Rules 2016-2(a) and 9014-1, or with Local Bankruptcy Rule 2016-2(c). Further, these rules require the debtor's attorney to submit contemporaneous time records, even if the attorney and the debtor have agreed to a flat fee. In any event, a fee award will not be permitted simply by inclusion in the dismissal order.

The Court solicits members of the bar to volunteer to serve on an ad hoc committee to recommend an amendment to Local Rule 2016-2 to address the issue of awarding fees upon dismissal of chapter 13 cases. Volunteers should send an email to Chief Judge Rhodes at steven_rhodes@mieb.uscourts.gov. The Court will notify those selected to serve on this ad hoc committee.

/S/
Hon. Steven Rhodes
Chief United States Bankruptcy Judge

/S/
Hon. Marci B. McIvor
United States Bankruptcy Judge

/S/
Hon. Phillip J. Shefferly
United States Bankruptcy Judge

/S/
Hon. Walter Shapero
United States Bankruptcy Judge

/S/
Hon. Thomas J. Tucker
United States Bankruptcy Judge

November 18, 2004