

EXHIBIT A TO ADMINISTRATIVE ORDER 04-01

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

In Re:) Chapter 13 Case No.
)
) Bankruptcy Judge
Debtor(s))

**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. It is also important for debtors to know the costs of attorneys' fees through the life of the plan. In order to ensure the debtors and their attorney understand their rights and responsibilities in the bankruptcy process, the following guidelines provided by the Court are hereby agreed to by the debtors and their counsel:

A. Before the case is filed:

The **debtor** agrees to:

1. Provide the attorney with accurate, and, to the best of the debtor's ability, complete financial information.
2. Discuss with the attorney the debtor's objectives in filing the case.
3. Keep all scheduled meetings and/or appointments, both with the attorney and with other parties to the case.
4. Respond to all attorney requests as soon as possible.
5. Provide the attorney with a working telephone number or other form of 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 availability of filing either a Chapter 7 or Chapter 13 case, discuss both procedures with the debtor, and answer the debtor's questions.
3. Explain what payments will be made directly by the debtor, such as mortgages and vehicle lease payments, and what payments will be made through the Chapter 13 plan.
4. Explain to the debtor how, when and where to make the required Chapter 13 plan payments.
5. Explain to the debtor how the attorney's fees and Trustee's fees are paid, and provide an executed copy of this document to the debtor.
6. Explain to the debtor that the first plan payment must be made to the Trustee within 30 days of the date that the plan is filed.
7. Advise the debtor of the requirement to attend the 341 Meeting of the Creditors and bring to the meeting a valid, unexpired picture identification and proof of social security number.
8. Advise the debtor of the necessity of maintaining liability, collision, and comprehensive insurance on vehicles owned or leased by the debtor.
9. Advise the debtor of the necessity of maintaining insurance on any real property that the debtor may own.
10. Timely prepare and file the debtor's petition, plan, statements, and schedules, 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 the 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 the mortgage company and any other creditors that the debtor has agreed to pay directly, and, if appropriate, maintain proper insurance coverage and pay post-petition tax obligations concerning the same in a timely fashion.
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 within 30 days, and thereafter file all 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 case.
8. Contact the attorney regarding any changes in employment, increases or decreases in

income, or any other financial problems or changes.

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 long-term loan or lease agreements.

The attorney agrees to:

1. Continue to represent the debtor through the conclusion of the case, whether by dismissal or discharge.
2. Instruct the debtor as to the date, time and location of the 341 Meeting of Creditors, and appear at the 341 Meeting of Creditors with the debtor.
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 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. Represent the debtor in motions for relief from stay and motions to dismiss or convert.
10. Provide such other legal services as are necessary to the administration of the 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. File an executed copy of this document with the Court, and provide executed copies of it to the debtor and the Chapter 13 Trustee.

C. Attorney fees:

The initial fee charged the debtor, exclusive of court costs, is \$_____, of which \$_____ Was paid before the filing of the Chapter 13, and with the balance of \$_____ being paid by the Chapter 13 Trustee after confirmation of the Chapter 13 Plan. The attorney may not demand or receive any additional fees directly from the debtor, other than the initial retainer, unless the Court orders otherwise.

If the Chapter 13 case is either converted or dismissed before confirmation of a plan, absent contrary Court order, the Chapter 13 Trustee shall pay to the attorney for the debtor, to the extent funds are available, an administrative claim equal to 25% of the unpaid balance of the total fee that the debtor agreed to pay.

If the initial fee charged to the debtor and ordered by the Court is not sufficient to compensate the attorney for legal services rendered in the case, the attorney agrees to apply to the Court for approval of additional fees. The following legal services are not covered by the initial fee charged the debtor, and the attorney may apply to the Court for payment in amount specified:

Additional Fee, If Any,

Debtor Agrees to Pay

**Should Additional Service
Be Performed***

**Description of Additional Legal Service
Not Covered By Initial Fee**

\$ _____ For a post-confirmation plan modification

\$ _____ For a motion for authority to buy, sell, or refinance real property

_____ For a motion to incur debt, such as the purchase or lease of a motor vehicle

*Counsel requesting approval of fees in excess of the amounts stated in paragraph 2 or 5 of Administrative Order 04-XX must file a detailed fee application with the Court.

Additional Fee, If Any,

Debtor Agrees to Pay

**Should Additional Service
Be Performed***

(Continued)

**Description of Additional Legal Service
Not Covered By Initial Fee**

(Continued)

\$ _____ For defense of additional motions to lift stay, beyond one concerning the debtor's residence and one concerning a vehicle, which are included within initial fee, but not including an evidentiary hearing.

\$ _____ Motions for authority to settle insurance claims and/or to use or distribute insurance proceeds

\$ _____ For a motion to reinstate the automatic stay

\$ _____ For a motion seeking suspension of the plan or payment deferral

In addition, the attorney may need to provide legal services to the debtor that are not covered by the initial fee charged. Such services include: handling novel, complex, or non-routine motions, oppositions to motions, or objections to claims; representation in connection with an evidentiary hearing; or representation in adversary proceedings. These types of proceedings may be billed at reasonable hourly rates, and the attorney shall file a fee application in compliance with Bankruptcy Rules 2002 and 2016, setting forth, at a minimum, as to each activity for which a fee is requested, the identity of the person performing such services, the billing rate for such person, the services performed, the dates of the services, and the amount of time expended. The attorney's current hourly rate is \$ _____

All post-filing attorney fees shall be paid through the plan unless otherwise ordered by the Court. If the debtor disputes the legal services provided or the fees charged by the attorney, the debtor may file an objection

to the Court and set the matter for hearing. The attorney may move to withdraw for cause shown, or the debtor may discharge the attorney at any time.

The Court may, *sua sponte*, or upon motion of an interested party, disallow all or part of requested attorney's fees or may order the disgorgement of all or part of already collected fees if the Court find that the attorney failed to provide services in accordance with the guidelines set forth in this document.

Dated: _____

/s/
Debtor

Dated: _____

/s/
Attorney for Debtor(s)