

Rule 2016-1. Compensation for Services Rendered and Reimbursement of Expenses.

(A) General. Requests for compensation for professional services or reimbursement of expenses from the estate are governed by Bankruptcy Rule 2016 and this rule, except that applications for compensation by auctioneers are governed by Local Rule 6005-1. Subject to later review by the court and the U.S. trustee, chapter 7 trustees are authorized to pay, without prior approval of the court, those expenses as provided in and pursuant to the court's "Guidelines for Reimbursement to Chapter 7 Trustees for Costs Without Prior Court Order". Subdivision (B)(2) of this rule applies specifically to attorneys for debtors in chapter 13 cases and, if any provisions conflict, the provisions of that subdivision supercede any other provisions of this rule. Disclosure of compensation by the attorney for debtor shall conform to the Local Form "Disclosure of Compensation of Attorney for Debtor".

(B) Requirements for Compensation.

- (1) Applications for Compensation for Professional Services or Reimbursement of Expenses other than by Attorneys for Chapter 13 Debtors.** Applications for compensation of attorneys (other than by attorneys for chapter 13 debtors), accountants and other professionals submitted pursuant to Bankruptcy Rule 2016 shall conform substantially to the court's "Guidelines for Fee Applications for Professionals in the Southern District of Florida" and the local forms described in the Guidelines; provided, however, that applications for cumulative compensation that do not exceed \$2,500 need not include a breakdown by categories of work performed. Applications for compensation by creditors' attorneys, other than under 11 U.S.C. § 503(b)(2), (3), and (4), are not governed by this subdivision but may be incorporated into the creditor's claim, request for payment of administrative expense, or motion to determine value of secured claim.
- (2) Compensation for Professional Services or Reimbursement of Expenses By Attorney for Chapter 13 Debtor. Sanctions.**
 - (a) General.** Compensation for professional services or reimbursement of expenses by attorneys for chapter 13 debtors shall comply with the court's "Guidelines for Compensation for Professional Services or Reimbursement of Expenses by Attorney for Chapter 13 Debtor" ("Chapter 13 Fee Guidelines") and the local forms described in the "Chapter 13 Fee Guidelines". Chapter 13 debtors and their attorneys must execute the Local Form "Rights and Responsibilities Agreement Between Chapter 13 Debtor(s) and Chapter 13 Debtor(s)' Attorney for Cases Filed in the United States Bankruptcy Court, Southern District of Florida" prior to filing a chapter 13 case in this court. The form shall be retained by the parties and not filed with the court. A copy of the agreement must be made available to the chapter 13 trustee at the meeting of creditors.

☞ 2004 Amendment: Amended to add new provision requiring that chapter 13 debtor and attorney execute new Local Form “Rights and Responsibilities Agreement Between Chapter 13 Debtor(s) and Chapter 13 Debtor(s) Attorney for Cases Filed in the United States Bankruptcy Court, Southern District of Florida” prior to filing a chapter 13 case in this court

- (b) **Sanctions.** The failure of an attorney to timely file the plan or schedules, to attend § 341 meetings of creditors, to promptly and timely file amendments, or to appear at confirmation hearings or at any other scheduled meetings or hearings shall result in the reduction of the attorney’s fee, for each such occurrence, in such amount as the court finds to be appropriate.

(3) Interim Compensation in Chapter 11 Cases.

- (a) **General.** Applications for interim compensation shall comply with the Guidelines for Fee Applications for Professionals in the Southern District of Florida in Bankruptcy Cases for final applications unless otherwise ordered by the court.
- (b) **Motions to Permit Monthly Payment of Interim Fee Applications.** In larger chapter 11 cases, upon motion of a chapter 11 debtor, the court may consider approval of procedures for monthly payment of interim fee applications of chapter 11 professionals. The motion, accompanied by a Local Form “Notice of Hearing” and proposed Local Form “Order Establishing Procedures to Permit Monthly Payment of Interim Fee Applications of Chapter 11 Professionals” shall be served on the U.S. trustee, counsel for each official committee (or if no committee is appointed, the 20 largest unsecured creditors), counsel for all postpetition lenders (or counsel for their agents) and all parties who have filed a notice of appearance.

☞ 2004 Amendment: New rule provides for an approved local form order to be used in larger chapter 11 cases in which the court approves monthly payment of interim fee applications of chapter 11 professionals.

(C) Deadlines for Filing Applications in All Chapter Cases. Unless otherwise ordered by the court, the final application for compensation of any professional must be filed:

- (1) in chapter 11 cases, not later than 20 days prior to the date of the confirmation hearing, though the applicant may supplement the application with additional supporting documentation under the Guidelines at or prior to the confirmation hearing, if the application included an estimate of the additional fees and costs necessary through confirmation.
- (2) in chapter 7 cases converted or reconverted from chapter 11, 12, or 13 cases, for those

services rendered and costs incurred during the superseded case, not later than 90 days after the post-conversion meeting of creditors in accordance with Bankruptcy Rule 3002(c).

- (3) in chapter 12 cases, not later than 2 business days prior to the confirmation hearing.
- (4) in chapter 13 cases where applications are required:
 - (a) prior to confirmation, a local form fee application shall be filed and served on the debtor and the chapter 13 trustee no later than 10 days prior to the confirmation hearing and notice provided to all interested parties that the fee application will be heard at the confirmation hearing.
 - (b) subsequent to confirmation, a local form fee application for fees in conjunction with filing modifications to the plan after confirmation shall be filed and served on the debtor and the chapter 13 trustee no later than 10 days prior to the hearing on the modified plan and notice provided to all interested parties that the fee application will be heard with the motion to modify the confirmed plan. Any additional requests for compensation which exceed the amounts permitted under the “Chapter 13 Fee Guidelines” referenced in subdivision (B)(2)(a) of this rule shall require application and approval in accordance with the “Chapter 13 Fee Guidelines” and shall comply with the notice and hearing requirements of Local Rule 9073-1.
 - (c) upon dismissal or conversion of a case prior to confirmation of a plan, a local form fee application shall be filed and served on the debtor and the chapter 13 trustee by an attorney seeking compensation in excess of the amounts set forth in paragraph (A)(1) of the “Chapter 13 Fee Guidelines”. The application must be filed and served no later than 10 days after entry of the order of dismissal or conversion and the applicant shall comply with the notice and hearing requirements of Local Rule 9073-1.

(D) Bankruptcy Petition Preparers Disclosure of Compensation. Bankruptcy petition preparers must submit fee disclosure information pursuant to 11 U.S.C. § 110(h) in a format conforming to Local Form “Disclosure of Compensation of Bankruptcy Petition Preparer”.

[Comment: See also Bankruptcy Rule 2002(c)(2) (notice of fee applications) and Local Rules 1019-1(F) (deadline for filing postpetition claims), 2002-1(C)(9) (service of fee application), 7054-1(F) (motion for fees and costs in adversary proceeding), 8014-1(F) (motion for fees and costs in appeals), 9013-1(C)(3) (ex parte motions to approve employment) and 9013-1(D)(4)(c)(iii) (hearing required).]