

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
_____ DIVISION

**RIGHTS AND RESPONSIBILITIES AGREEMENT BETWEEN CHAPTER 13 DEBTOR
AND CHAPTER 13 DEBTOR’S ATTORNEY FOR CASES FILED IN THE UNITED
STATES BANKRUPTCY COURT, SOUTHERN DISTRICT OF FLORIDA**

Local Rule 2014-1(b) requires chapter 13 debtors and their attorneys to sign this agreement before a chapter 13 petition can be filed in the United States Bankruptcy Court for the Southern District of Florida. This agreement sets forth the debtor’s rights and responsibilities to the Court, the chapter 13 trustee, and creditors. It also details certain services the attorney is expected to perform for the debtor. If two spouses file a joint case, this agreement must be signed by both debtors, and all references in this agreement to “the debtor” will mean “the debtors.” The debtor and the debtor’s attorney agree as follows:

Before the Case is Filed

The debtor agrees to:

1. Discuss the debtor’s objectives for filing the case with the attorney.
2. Timely provide the attorney with full and accurate financial and other information, including properly documented proof of income and payment advices reflecting payment within 60 calendar days before the date of filing the bankruptcy petition and a copy of the debtor’s federal tax return for the most recent tax year ending immediately before the commencement of the case and for which a federal income tax return was filed.
3. Inform the attorney of any changes in the debtor’s address or telephone number.
4. Obtain consumer credit counseling from an authorized provider before filing the bankruptcy petition.

The attorney agrees to:

1. Personally counsel the debtor regarding the advisability of filing under chapter 7 or chapter 13, as well as non-bankruptcy options, and answer the debtor’s questions.
2. Personally explain to the debtor that the attorney is being retained to represent the debtor on all matters arising in the bankruptcy case and explain how and when the attorney’s fees and the trustee’s fees are determined and paid.
3. Personally review with the debtor – and obtain the debtor’s signatures on – the completed petition, schedules, plan, and statement of financial affairs, whether filed with the petition or later, and all amendments thereto. Although the attorney’s clerical or paralegal staff may assist with the preparation of these documents, the attorney must personally review these documents with the debtor before the debtor signs them.
4. Timely prepare, file, and serve the debtor’s petition, plan, schedules, statement of financial affairs, and all other required filings.
5. Provide the debtor with a copy of the fully executed petition, plan, schedules, statement of financial affairs, and other required filings, after they have been filed.

6. Explain to the debtor how, when, and where to make the plan payments and any direct payments made outside the plan and advise the debtor of the consequences of failing to make these payments.
7. Advise the debtor to maintain appropriate insurance on all assets.
8. Obtain and retain all wet ink signatures as required under Local Rule 5005-2(e).

After the Case is Filed

The debtor agrees to:

1. Timely provide the attorney with all information and documents requested by the trustee, including any tax returns required under the Bankruptcy Code or by court order to be filed with the Court or provided to the trustee or other party in interest.
2. Inform the attorney and the trustee of any changes in the debtor's address or telephone number.
3. Appear punctually at the § 341 meeting of creditors with original proof of identification and proof of social security number. Acceptable forms of proof of identification are state issued driver's license, government-issued identification card, U.S. issued passport, military identification, and resident alien card. Acceptable forms of proof of social security number are a social security card, a medical insurance card, a paystub, a W-2 form, an IRS Form 1099, and a Social Security Administration Report.
4. Make the first required plan payment to the trustee no later than 30 days after the filing of the petition under – or conversion to – chapter 13 and timely make all subsequent payments.
5. Inform the attorney of any garnishments, liens, or levies on assets that occur or continue after the filing of the case.
6. Inform the attorney immediately if the debtor loses employment, is laid off or furloughed from work, or experiences any other significant change in financial situation, including serious illness, personal injury, lottery winnings, inheritance, or any other material increase or decrease in income or assets.
7. Notify the attorney immediately if the debtor is sued or wishes to file a lawsuit, including divorce and matters regarding personal injury or injury to property.
8. Notify the attorney if the debtor seeks to incur additional debt.
9. Advise the attorney before purchasing, selling, or refinancing any real property, or before entering into any loan agreements, to determine required procedures for court approval.
10. Timely complete and sign the local form *Debtor Certificate of Compliance and Request for Confirmation of Chapter 13 Plan*.
11. Timely complete the required instructional course concerning personal financial management described in 11 U.S.C. § 111 and provide the attorney with the certificate of course completion issued by the provider.
12. Timely complete and sign the local form *Debtor's Certificate of Compliance, Motion for Issuance of Discharge, and Notice of Deadline to Object*.

The attorney agrees to:

1. Provide competent legal representation for the debtor at all times.
2. Promptly respond to the debtor's questions during the pendency of the case.
3. Appear timely at all § 341 meetings of creditors and court hearings.
4. Advise the debtor of the requirement to attend the § 341 meeting of creditors, provide the debtor with the instructions (including any remote participation information) for joining the meeting, and assist the debtor with joining the meeting.
5. Advise the debtor of the necessity of being punctual to the § 341 meeting of creditors and, for a joint case, that both spouses must appear together at the same meeting of creditors with the required identification.
6. Review and respond, if necessary, to all motions, applications, objections, correspondence, inquiries and trustee status reports and promptly take the appropriate action.
7. Subject to paragraph 8 below, timely appear at and defend all motions against the debtor until discharge, conversion, or dismissal of the case.
8. Personally explain to the debtor that an attorney who is not a partner, member, or regular associate of the attorney's firm ("appearance counsel") may represent a debtor at a hearing only if: (A) the debtor consents in advance of the hearing; (B) the debtor does not incur an additional expense for use of appearance counsel; (C) appearance counsel complies with all applicable rules regarding disclosure of any fee sharing arrangements; and (D) appearance counsel is familiar with the debtor's case, including the schedules and statement of financial affairs.
9. Advise the debtor of any request for information and documents by the trustee and timely submit to the trustee the information and documents provided by the debtor.
10. Timely prepare, file, and serve all required amendments and modifications to the petition, schedules, statement of financial affairs, plan, and any other related documents.
11. Timely prepare, file, and serve all required motions, including any motion to value collateral; for authority to purchase, sell, or refinance property; to avoid liens; to incur additional debt; and to determine final cure and payment of the mortgage claim.
12. Timely review all filed claims as required by Local Rule 4002-2(a), and timely file a notice of compliance as required by Local Rule 4002-2(b).
13. If appropriate, timely file a proof of claim under Fed. R. Bankr. P. 3004 for a creditor that does not file a proof of claim within the time prescribed by Fed. R. Bankr. P. 3002(c).
14. After being furnished by the debtor, timely file the debtor's completed and signed local form *Debtor Certificate of Compliance and Request for Confirmation of Chapter 13 Plan*, the debtor's certificate of completion of the required instructional course concerning personal financial management described in 11 U.S.C. § 111, and the debtor's completed and signed local form *Debtor's Certificate of Compliance, Motion for Issuance of Discharge, and Notice of Deadline to Object*.

15. Provide any other legal services necessary for the administration of the bankruptcy case that may be required under applicable law, including the Rules Regulating the Florida Bar and the Local Rules of the United States Bankruptcy Court for the Southern District of Florida.
16. Provide a copy of this agreement immediately upon execution to the debtor and to the trustee upon filing of the case.

Agreed to by:

Debtor:

Joint Debtor (if applicable):

[Debtor's name]
[Debtor's address]
[Debtor's city, state and zip code]
[Debtor's telephone number]
[Debtor's email address]

[Debtor's name]
[Debtor's address]
[Debtor's city, state and zip code]
[Debtor's telephone number]
[Debtor's email address]

Dated: _____

Dated: _____

Debtor's Attorney:

[Attorney's name]
[Attorney's address]
[Attorney's city, state and zip code]
[Attorney's telephone number]
[Attorney's email address]

Dated: _____