

APPENDIX D

GUIDELINES FOR COMPENSATION AND EXPENSE REIMBURSEMENTS OF PROFESSIONALS

In order to provide professionals with clear and concise procedures for compensation and reimbursement of expenses, applications for compensation and reimbursement of expenses filed shall conform substantially to the following requirements:

A. Contents of Applications for Compensation and Reimbursement of Expenses.

All applications should include sufficient detail to demonstrate compliance with the standards set forth in 11 U.S.C. § 330. The fee application should also contain sufficient information about the case and the applicant to facilitate a review without searching for relevant information in other documents. The following will facilitate review of the application.

- 1. Information about the Applicant and the Application. The following information should be provided in every fee application:**
 - a. Date the bankruptcy petition was filed, date of the order approving employment, identity of the party represented, date services commenced, and whether the applicant is seeking compensation under a provision of 11 U.S.C. other than § 330.
 - b. Terms and conditions of employment and compensation, source of compensation, existence and terms controlling use of a retainer, and any budgetary or other limitations on fees.
 - c. Names and hourly rates of all applicant's professionals and paraprofessionals who billed time, explanation of any changes in hourly rates from those previously charged, and statement of whether the compensation is based on the customary compensation charged by comparably skilled practitioners in cases other than cases under title 11.
 - d. Whether the application is interim or final, and the dates of previous orders on interim compensation or reimbursement of expenses along with the amounts requested and the amounts allowed or disallowed, amounts of all previous payments, and amount of any allowed fees and expenses remaining unpaid .
 - e. Whether the party on whose behalf the applicant is employed has been given the opportunity to review the application and whether that party has approved the requested amount.

- f. When an application is filed more than once every 120 days after the order for relief or after a prior application to the Court, the date and terms of the order allowing leave to file at shortened intervals.
- g. Time period of the services or expenses covered by the application.

2. Case Status. The following information should be provided to the extent that it is known to or can be reasonably ascertained by the applicant:

- a. In a Chapter 7 case, a summary of the administration of the case including all moneys received and disbursed in the case, when the case is expected to close, and, if applicant is seeking an interim award, whether it is feasible to make an interim distribution to creditors without prejudicing the rights of any creditor holding a claim of equal or higher priority.
- b. In a Chapter 11 case, whether a plan and disclosure statement have been filed and, if not yet filed, when the plan and disclosure statement are expected to be filed; whether all quarterly fees have been paid to the United States Trustee; and whether all monthly operating reports have been filed.
- c. In a Chapter 12 or 13 case, where the Debtor's attorney is the applicant, whether the application complies with § 330(a)(4)(B); whether the application is in accordance with the 2016(b) statement that was filed at the beginning of the case; and whether approval of the application would have an effect on the Debtor's plan.
- d. In every case, the amount of cash on hand or on deposit, the amount and nature of accrued unpaid administrative expenses, and the amount of unencumbered funds in the estate.
- e. In every case, any material changes in the status of the case that occur after the filing of the fee application should be raised, orally or in writing, at the hearing on the application or, if a hearing is not required, prior to the expiration of the time period for objection.

3. Fee Application Cover Sheet. All applications should include a cover sheet ([see Appendix C](#)) or a summary that provides a synopsis of the following information:

- a. Total compensation and expenses requested and any amount(s) previously requested.
- b. Total compensation and expenses previously awarded by the court;

- c. Name and applicable billing rate for each person who billed time during the period , and date of bar admission for each attorney;
- d. Total hours billed and total amount of billing for each person who billed time during billing period; and
- e. Computation of blended hourly rate for persons who billed time during period, excluding paralegal or other paraprofessional time.

4. Reimbursement for Actual, Necessary Expenses. The following factors are relevant to a determination that an expense is proper:

- a. Whether the expense is reasonable and economical.
- b. Whether the requested expenses are customarily charged to non-bankruptcy clients of the applicant.
- c. Whether applicant has provided a detailed itemization of all expenses including the date incurred, description of expense (type of travel, type of fare, rate, destination), method of computation, and, where relevant, name of the person incurring the expense and purpose of the expense. Itemized expenses should be identified by their nature (long distance telephone, copy costs, messengers, computer research, airline travel, etc.) and by the month incurred. Unusual items require more detailed explanations and should be allocated, where practicable, to specific projects.
- d. Whether applicant has prorated expenses where appropriate between the estate and other cases (travel expenses applicable to more than one case) and has adequately explained the basis for any such proration.
- e. Whether expenses incurred by the applicant to third parties are limited to the actual amounts billed to, or paid by, the applicant on behalf of the estate.

B. Confidentiality Requests

If an applicant believes that there is a need to omit any information or description of services as privileged or confidential, the applicant must first get the approval of the court; provided, however, that if such a request is granted, the court may require that any application also contain a set of unredacted time records for *in camera* inspection.

C. Voluntary Reduction of Fees or Disbursements

If an applicant is not requesting all of the fees or disbursements to which it might be entitled based on the applicable hourly rates multiplied by the hours expended or based on the court order authorizing retention, the voluntary reduction must be identified in the application, including the amount of the reduction taken. If the voluntary reduction pertains to services which continue to appear in the detailed description of services rendered or to disbursements that continue to be listed, the entries for which no compensation or reimbursement is sought must be identified.

D. Provisions Regarding Disbursements

1. No Enhanced Charges for Disbursements. Except to the extent that disbursements are prohibited by these Amended Guidelines, the disbursements sought must be billed at rates, and in accordance with, practices customarily employed by the applicant and generally accepted by the applicant's clients.
2. Photocopies. Photocopies shall be reimbursable at the lesser of \$0.20 per page or cost.