

UNITED STATES BANKRUPTCY COURT
District of Connecticut

Gary M. Gfeller
Clerk of Court

Abraham Ribicoff Federal Building and
United States Courthouse
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Hartford, CT 06103-3022
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www.ctb.uscourts.gov

To: Members of the Bar and Public

From: Gary M. Gfeller

Date: May 19, 2014

Re: Proposed Local Bankruptcy Rule 9010-2, Pro Bono Panel, Comment Period *Extended*
to May 30, 2014

**CLERK'S
ANNOUNCEMENT
14-03**

The United States Bankruptcy Court for the District of Connecticut has *extended* the time for the Bar and public to provide comments regarding Proposed Local Bankruptcy Rule 9010-2, Pro Bono Panel (attached) to May 30, 2014. Comments from the Bar can be forwarded "anonymously" or otherwise thru Carl Gulliver, Chair of the Consumer Law and Bankruptcy Section of the Connecticut Bar Association, at cgulliver@coanlewendon.com. Comments for the Bar or public can also be sent directly to the Court at RuleComments@ctb.uscourts.gov or mailed directly to the Court at:

United States Bankruptcy Court
District of Connecticut
Attn: Rule Comments
450 Main Street, 7th Floor
Hartford, CT 06103

Attachment

PRO BONO PANEL**(a) Definition of Pro Bono Panel.**

The Pro Bono Panel (“Panel”) consists of attorneys who have been admitted to practice in the Bankruptcy Court for the District of Connecticut, have a primary office in this district, have a CMECF login ID and password, and have appeared in a case, adversary proceeding or contested matter at least twice in the preceding twelve month period.

(b) List of Attorneys

1. The Clerk shall prepare a list of attorneys for inclusion on the Panel to be grouped according to the division of court in which the attorney primarily practices. An attorney so listed (“Panel Attorney”) shall be eligible for appointment to represent a debtor in chapter 7 and 13 cases and all adversary proceedings and contested matters in such cases (collectively, “Case ”). A new list of Panel Attorneys shall be generated by the Clerk in January of each year.

2. The Clerk shall obtain from each Panel Attorney information to be used in assigning counsel from the Panel. A Confidential Registration Form for that purpose shall be provided to the Panel Attorney by the Clerk, which shall be completed and returned within 30 days.

3. A Panel Attorney may file an application in the appropriate division to have his or her name stricken from the Panel for cause, either temporarily or permanently. If the attorney’s name is stricken for a specified period, the attorney’s name shall be reinstated at the expiration of that period unless otherwise ordered by the Court.

(c) Appointment Procedure

1. The Clerk shall prepare a form of Application for Appointment of a Panel

Attorney (“Application”). The Application shall include a statement that the Court may order the disclosure of information pertinent to the ability of the debtor-applicant (“Client”) to pay attorney’s fees and costs.

2. Upon the filing of a chapter 7 or 13 case and Application, the Judge of the division of the Court where the case is assigned shall determine whether a Panel Attorney is to be appointed. If so, an Order of Appointment shall enter directing the Clerk to select an attorney from the Panel.

3. The Clerk shall send a written copy of the Order of Appointment to the appointed Panel Attorney who shall forthwith enter an appearance in the Case for the Client. The appointed Panel Attorney shall not be required to represent the Client in any non-bankruptcy case related matter. The Clerk also shall send a copy of the Order of Appointment to the Client.

(d) Relief From Order of Appointment

1. An appointed Panel Attorney may be relieved from an Order of Appointment for good cause shown, including: (i) the appearance or appointment of new counsel; (ii) a conflict of interest; (iii) the attorney believes that he or she is not competent to represent the Client in the particular type of Case assigned; (iv) a personal incompatibility or substantial disagreement on litigation strategy exists between the attorney and the Client; (v) the attorney lacks the time necessary to represent the Client due to a temporary burden of other professional commitments; (vi) the Client appears to be proceeding for purposes of harassment, (vii) the Client’s claims or defenses are not warranted under existing law and cannot be supported by good faith argument for extension, modification or reversal of existing law, or (viii) the attorney has determined that the Client failed to disclose relevant financial or other information in the Application, or is not qualified for appointment of a Panel

Attorney.

2. An appointed Panel Attorney seeking relief from the Order of Appointment shall file with the Court an Application for Relief from Order of Appointment (“Relief Application”) stating the basis for the request. A copy of the Relief Application shall be served on the Client with a certification of such service filed with the Court. The Relief Application shall be a privileged Court document maintained under seal and shall not be available in discovery or otherwise used in the Case unless otherwise ordered by the Court.

3. An appointed Panel Attorney may request the Client to execute a limited waiver of the attorney-client privilege, permitting disclosure under seal to the Court of information relevant to the applicability of subparagraph (d)1. The waiver should indicate that the Relief Application will be a privileged court document and may not be used in the litigation. The Client’s failure or refusal to execute a waiver shall not preclude the attorney from filing a Relief Application.

4. If the Relief Application is granted, another Panel Attorney may be ordered to represent the Client.

(e) Discharge of Appointed Panel Attorney

1. A Client may request the discharge of an appointed Panel Attorney and/or appointment of another Panel Attorney by filing a Debtor’s (Client’s) Application for Relief from Order of Appointment (“Client’s Relief Application”) stating the basis for the request. A copy of the Client’s Relief Application shall be served on the appointed Panel Attorney with a certification of such service filed with the Court. The Client’s Relief Application shall be a privileged Court document maintained under seal and shall not be available in discovery or otherwise used in the Case unless otherwise ordered by the Court.

(f) Expenses

The appointed Panel Attorney shall pay any reasonable and necessary expenses (e.g., discovery expenses, subpoena fees, transcript expenses) unless otherwise ordered by the Court.

(g) Compensation for Services

If it is determined at any time during the Case that the Client is able to pay legal fees and/or costs, upon the application of the appointed Panel Attorney, the Judge may (i) approve a fee agreement between the Client and the appointed Panel Attorney, (ii) order fees and/or costs to be paid by the Client on a specified basis, (iii) in a Chapter 13 Case authorize the payment of fees and/or costs from funds held by the Chapter 13 Trustee, or (iv) relieve the appointed Panel Attorney from the Order of Appointment and permit the party to retain another attorney or to proceed *pro se*.

(h) Duration of Representation

1. An appointed Panel Attorney shall represent the Client from the date of the Order of Appointment until he or she has been relieved from the appointment by order of the Court.

2. If the Client desires to take an appeal from a judgment, order, or appealable interlocutory order, or if such judgment or order is appealed by another party, the appointed Panel Attorney is encouraged but not required to represent the Client on the appeal and in any proceeding which may relate to an order of remand.

3. If the appointed Panel Attorney elects not to represent the Client on an appeal or in a proceeding upon remand, the attorney shall advise the Client of the necessity of filing a timely Notice of Appeal, and other required steps to be taken in perfecting the appeal or appearing in the proceeding on remand.