

1 UNITED STATES BANKRUPTCY COURT
2 DISTRICT OF PUERTO RICO
3

4 **In re** : ADMINISTRATIVE ORDER NO.
5 : 01 - 2001 [ESL]
6 **CHAPTER 13 CASES FILED BEFORE THE** : **FILED & ENTERED**
7 **HONORABLE ENRIQUE S. LAMOUTTE** :
8 : APR 25 2001 01-01
9 : *Time*

U.S. BANKRUPTCY COURT
SAN JUAN, PUERTO RICO

10 APPLICABILITY AND PURPOSE

11 1. This order supersedes Administrative Order 97-03 and applies to all Chapter 13 cases filed before the
12 Honorable Enrique S. Lamoutte after **May 1, 2001**. The purpose of the order is to incorporate the provisions of
13 General Order 01-01 and General Order 97-01 [Attachments 1 and 2], and to secure the expedient resolution of
14 Chapter 13 cases. The procedures and requirements in the order are influenced by Ponoroff's bankruptcy values,
15 that is, "fairness, equality, simplicity, uniformity, efficiency, and a commitment to accommodating the differing
16 interests of diverse participants in the [bankruptcy] system." Ponoroff, Lawrence, "*The Dubious Role of*
17 *Precedent in the Quest for First Principles in the Reform of the Bankruptcy Code: Some Lessons From the Civil*
18 *Law and Realist Traditions*," 74 Am. Bankr. L.J. 173,177(2000). Clarity and transparency are aspirational goals,
19 predictability for the practicing bar is a more tangible objective. See Flaxer, Jonathan L., *Getting Paid in Chapter*
20 *7 and 13 Cases*, 52 PLI/NY 301 (1999).

21 FILING AND SERVICE OF PETITIONS, PLANS

22 2. As required by Local Bankruptcy Rule 1002(a)(4), an original and four copies of the petition, plan,
23 schedules and statement of financial affairs shall be filed with the court, along with a master mailing list in the
24 form that the Clerk may prescribe.

25 3. a. If the Chapter 13 schedules, statement and plan are not filed with the petition; and the plan,
26 schedules and statement are not filed within 15 days after the filing of the petition, the case shall be dismissed,
27 unless the court grants a motion to extend time within said 15 days. See L.B.R. 1007.

28 b. A motion for extension of time must be filed within 15 days from the entry of the order for relief
and accompanied by a declaration showing specific cause for an extension of time, the amount of additional time

1 requested, the date the petition was filed, and a proof of service evidencing that the motion and declaration were
2 served on the Chapter 13 trustee. The court may consider the motion without a hearing. If any schedule, the
3 statement or plan is not filed within the initial 15 days or within such additional time as the Court may allow in
4 response to a motion for extension of time, or if a motion for extension of time is not timely filed, the Court shall
5 dismiss the case.

6 4. If the plan is not filed with the petition the debtor or debtor's attorney shall serve a copy of the
7 Chapter 13 plan on all creditors at least 20 days before the date first set for the confirmation hearing. A proof
8 of service shall be filed with the Court and served on the Chapter 13 Trustee at least 15 days prior to the
9 confirmation hearing date.

10 **MEETING OF CREDITORS - § 341 (a)**

11 5. Notice of the § 341(a) meeting of creditors and initial confirmation hearing date shall be served on
12 all creditors at least 20 days before the § 341 (a) meeting of creditors.

13 6. The debtor shall provide evidence of current income (such as pay stubs, tax returns or other equivalent
14 documentation) to the Chapter 13 trustee at or before the § 341 (a) meeting of creditors. Failure to timely provide
15 this evidence may result in dismissal of the case. The Chapter 13 trustee or any party in interest may move the
16 court within ten (10) days after the 341 meeting of creditors if there are grounds for dismissal under this
17 subsection.

18 7. The debtor and debtor's attorney shall attend the § 341 (a) meeting of creditors. If the debtor does
19 not appear, the case may be dismissed without further notice. If the case is a joint case, both debtors shall
20 appear. See L.B.R. 2003.

21 8. a. A debtor who operates a business, or is self-employed, shall submit to the Chapter 13 trustee, at
22 least 5 days prior to the scheduled § 341(a) meeting of creditors, the following documents required to investigate
23 the acts, conduct, assets, liabilities, and financial condition of the debtor, the operation of the debtor's business,
24 and the feasibility of such enterprise:

25 A. Projection of average monthly income and expenses;

26 B. Evidence of appropriate business insurance, licences and applicable government permits.

27 C. Inventory of goods as well as a list of furniture and equipment as of the date of the
28 filing of the petition;

1 D. Operating reports and interim statements;
2 b. Failure to timely submit reports required above may result in dismissal of the case. The Chapter 13
3 trustee or any party in interest may move the court within ten (10) days after the 341 meeting of creditors if there
4 are grounds for dismissal under this subsection.

5 **CONFIRMATION HEARING**

6 9. a. The confirmation hearing will be held no fewer than thirty [30] days and no more than sixty [60]
7 days after the 341 meeting of creditors.

8 b. The debtor's attorney or the debtor, if not represented by an attorney, shall appear at the
9 confirmation hearing unless the matter has been placed on the consent calendar.

10 c. Cases will be placed on the consent calendar if:
11 (1) objections have not been timely filed, or if filed, have been withdrawn;
12 (2) the trustee has favorably recommended confirmation of the plan; and
13 (3) a motion to dismiss is not pending disposition.

14 d. If the Court declines to confirm the plan that has been placed in the consent calendar, or if a party
15 in interest appears at the confirmation hearing and is permitted for cause to lodge an untimely objection, the
16 Court shall reschedule the hearing in open court.

17 e. The Chapter 13 trustee shall submit to the Court a proposed order of confirmation at least 5 days
18 prior to the confirmation hearing for cases favorably recommended.

19 f. The courtroom deputy will first call the cases on the consent calendar and may distribute the
20 confirmation orders.

21 g. It is the responsibility of the debtor to insure that the plan being favorably recommended by the
22 trustee has been timely filed and docketed by the Clerk.

23 **OBJECTIONS TO PLANS**

24 10. a. Objections, if any, to the confirmation of the plan shall be in writing, supported by appropriate
25 declarations or other admissible evidence, filed with the Court and served on debtor's attorney, the debtor and
26 the Chapter 13 trustee not less than fifteen (15) days before the confirmation hearing. See L.B.R. 3015.

27 b. An entity holding a secured claim who after due notice fails to file a timely objection to
28 confirmation of the plan shall be deemed to have accepted the plan for purposes of 11 U.S.C. §1325(a)(5)(A).

1 **FILING OF CLAIMS BY DEBTOR**

2 11. a. The debtor must file a claim for any creditor specifically dealt with in the plan at least 15 days
3 prior to confirmation hearing in the manner and form specified by the Local Bankruptcy Rules.

4 b. Failure to comply may result in the denial of confirmation and/or reduction of attorney's fees.

5 **AMENDMENTS TO PLANS AT THE CONFIRMATION HEARING**

6 12. a. Amendments to a plan that do not adversely affect any creditor may be made at the confirmation
7 hearing if the proponent of the plan establishes that it could not have been timely filed in writing at least 15 days
8 prior to the confirmation hearing. Failure to comply may result in the denial of confirmation and/or reduction of
9 attorney's fees.

10 b. An intended filing related to a matter on for hearing that day shall be filed in open court and not
11 with the Clerk's Office or in the drop box.

12 **TRUSTEE'S FEES**

13 13. The minimum trustee's fees for a Chapter 13 case that is not confirmed is \$100.00.

14 **MODIFICATION OF CONFIRMED PLANS**

15 14. a. A proposed modification of a confirmed plan that does not adversely affect any party in interest
16 may be submitted to the trustee for his approval. If the trustee approves it, the Court may forthwith enter the
17 order confirming the modified plan. A modification of a plan shall be deemed to not adversely affect a party in
18 interest if the only potentially adverse factor is an extension of the length of the plan for a period of not greater
19 than one month, nor an aggregate (when computing all prior modifications) of four months.

20 b. A proposed modified plan that adversely affects any party in interest shall be served by the debtor
21 on all parties in interest. See Rule 3015(g) of the Federal Rules of Bankruptcy Procedure. The time period
22 within which a party in interest shall file an objection shall be forty [40] days. If there are no timely objections
23 and the Chapter 13 trustee favorably recommends the amended plan, the Court may confirm the plan without a
24 hearing.

25 c. Motions to amend a confirmed plan shall be filed separately and will not be joined with a demand in
26 reply or opposition to a motion to lift stay and or a motion to dismiss.

27 d. The motion to amend a confirmed plan shall include a notice to all creditors stating that: "parties in
28 interest are notified that they have forty (40) days to object to the proposed modification of the plan. Absent

1 good cause, untimely objections shall be denied." The certificate of service will indicate the name and address
2 of each party served, including the trustee. This may be accomplished by certifying that the parties served were
3 those mentioned in the attached master address list. The master address list must be attached to the motion. If
4 the master address list is not attached to the motion, the same may be denied for lack of proper service.

5 e. Absent of a timely objection, the proposed post confirmation modified plan becomes the plan under
6 11 U.S.C. § 1329(b)(2) and Fed. R. Bankr. P. 2002(a)(5).

7 f. The Chapter 13 trustee is not required to file favorable recommendations. Unfavorable
8 recommendations will be considered objections to the approval of the post confirmation plan. In this case, an
9 order to show cause may be entered against the debtor(s) or a hearing may be scheduled by the Court.

10 **PLAN PAYMENTS TO CHAPTER 13 TRUSTEE**

11 15. a. In all plans funding shall be by payroll deduction unless otherwise agreed to by the trustee or
12 ordered by the Court.

13 b. Unless and until a payroll deduction order is effective, all plan payments shall be made by the
14 debtor and transmitted to the Chapter 13 trustee. If a payroll deduction order is not issued upon confirmation
15 of a plan, the Chapter 13 trustee is authorized to issue such a request and to serve it upon the debtor's employer,
16 the debtor and debtor's counsel whenever a plan payment is more than 20 days late.

17 **AUTOMOBILES**

18 16. The plan may provide that current automobile payments be made directly to the creditor, provided
19 the claim is fully secured. Arrearage, however, must be paid through the Chapter 13 trustee. If the plan changes
20 the amount of payment or duration due to the fact that any portion of the claim is deemed unsecured, then all
21 payments so provided must be paid through the Chapter 13 trustee. All automobiles must be insured to cover
22 the secured debt until fully paid.

23 **SPOUSAL AND CHILD SUPPORT**

24 17. The plan may provide for current payments of spousal and child support directly to the beneficiary
25 or creditor. Generally, arrearage will be paid through the Chapter 13 trustee, unless specific cause is shown and
26 supported by declaration.

27 **PAYMENTS ON MORTGAGES**

28 18. a. Failure to make timely post-petition mortgage payments will generally result in dismissal of the

1 case. Except as otherwise specifically provided herein, default on a payment coming due on the date the petition
2 is filed is considered a pre-petition default.

3 b. The debtor shall tender evidence of having made all mortgage payments that accrue post-petition
4 to the Chapter 13 trustee not later than 15 days before the hearing on confirmation. However, if the debtor has
5 filed any bankruptcy case(s) that was/were pending within 6 months before the date the pending case was filed
6 and such previous case was dismissed, the post-petition mortgage payments referred to herein shall also include
7 the fewer of: (1) all such payments coming due after the previous case was filed, or (2) all such payments coming
8 due during the six months prior to filing of the pending case. Evidence of these particular mortgage payments
9 must also be received by the Chapter 13 trustee not later than 15 days before the hearing on confirmation unless
10 the court orders otherwise.

11 c. In determining whether a post-petition mortgage payment has come due, the Court does not
12 consider payments as to which a late penalty has not yet accrued or which are due on the date of the confirmation
13 hearing.

14 d. The mortgage holder may accept payments without prejudice to pending foreclosure proceedings.

15 TAX RETURNS

16 20. a. The debtor shall file any due but unfiled tax returns prior to the §341 meeting of creditors, unless
17 the time to do so is extended by the Court. When the tax return is filed, the debtor shall file with the clerk and
18 serve on the Chapter 13 trustee a notice of the filing of the tardy return, which shall disclose the amount of the
19 tax liability or refund. A hearing on the confirmation of a plan will not be adjourned solely for the reason that
20 a tax return has not been timely filed.

21 b. Failure to comply with subsection [a] must be disclosed and the reason[s] for the non compliance
22 explained by motion.

23 MOTIONS FOR DISMISSAL OR CONVERSION

24 21. a. A motion by the debtor to dismiss a Chapter 13 case will be served on all creditors and the
25 Chapter 13 trustee. A motion to dismiss will be accompanied by a declaration that states whether the case has
26 been converted from another chapter of the Bankruptcy Code and will disclose whether or not any motion for
27 relief from, annulment of or conditioning of the automatic stay is pending against the debtor.

28 b. Pursuant to Rule 1017 of the Federal Rules of Bankruptcy Procedure, the conversion of a Chapter

1 13 case to a case under Chapter 7 will be effective upon the filing by the debtor with the Clerk of the Bankruptcy
2 Court of the following: evidence of having paid the conversion fee or a request that the same be paid from the
3 funds on hand held by the Chapter 13 trustee, a notice of conversion pursuant to 11 U.S.C. § 1307 (a), and a
4 proof of service evidencing that the notice of conversion was served upon the Chapter 13 trustee.

5 c. The provisions in this paragraph supplement General Order 97-01 [Attachment 2].

6 **CLAIMS TO BE PAID BY THE TRUSTEE**

7 22. Generally, all claims will be paid by and through the Chapter 13 trustee unless the debtor sets forth
8 in the plan the justification for remitting payment of a claim directly to the creditor. If there is a timely objection
9 to such a plan provision, it will be heard at the confirmation hearing.

10 **MOTION PRACTICE**

11 23. All motions will comply with General Order 94-10 [Attachment 3] which incorporates Rule 311 of
12 the Local Rules of the United States District Court for the District of Puerto Rico. Emphasis is given to the
13 provision that “[m]otions shall be accompanied by a brief which shall contain a concise statement of reasons
14 in support of the motion, and citations of authorities upon which the movant relies.”

15 **BANKRUPTCY ETHICS AND ATTORNEY’S FEES**

16 24. The issue of fees generates inherent tension between the lawyer’s interests and those of the client.
17 Braucher, Jean, “*Counseling Consumer Debtors to Make Their Own Informed Choices – A Question of*
18 *Professional Responsibility*,” 5 Am. Bankr. Inst. L. Rev. 165 (Spring, 1997). Local Rule 211.4(B), as amended
19 in September 1984, of the Local Rules of the United States District Court for the District of Puerto Rico,
20 establishes that the Model Rules of Professional Conduct adopted by the American Bar Association govern the
21 conduct of attorneys appearing before this court. The local rule is an embodiment of the Court’s inherent
22 responsibility to enforce the ethical responsibilities of attorneys appearing before it. Enforcement of the canons
23 of ethics is necessary to preserve the decorum of the Court and the respectability of the legal profession. *Ex parte*
24 *Burr*, 22 U.S. (9Wheat.) 529, 530 (1824).

25
26 **COURT’S EXPECTATIONS**

27 25. For the purposes of this order, the Court reaffirms its holding in *In re Lopez Rodriguez*, 76 B.R. 252
28 (Bankr. D.P.R. 1987), on its basic expectations from attorneys representing debtors in Chapter 13 cases and who

1 request as attorney's fees the maximum fee allowed without filing an application for compensation under the
2 "loadstar" analysis. These are:

3
4 Of particular interest to this Court are the generally accepted factors of quality of representation
5 and results obtained. A Chapter 13 case that reaches the confirmation hearing with all
6 reasonably foreseen problems already solved, or, at least, with the appropriate legal and/or
7 administrative action underway is prima facie evidence that the attorney provided the expected
8 quality of representation and obtained the results relies upon by the debtor when he/she hired
9 the attorney. Those cases that continue to the confirmation hearing with the same problems
10 indicated by the Chapter 13 trustee at the 341 meeting hearing or by an objection to confirmation
11 of the Chapter 13 plan denote a quality of representation that warrants the adjustment "down"
12 of the agreed rate.

13 ATTORNEY'S CONTINUING DUTY OF REPRESENTATION

14 26. An attorney who represents a debtor in the Bankruptcy Court at the time a petition under Chapter
15 13 is filed, or when a case under another chapter of the Bankruptcy Code is converted to Chapter 13, has a
16 continuing duty to represent the debtor in all proceedings in the Bankruptcy Court until the occurrence of the
17 earliest of: (a) dismissal of the case; (b) closing of the case; or (c) the entry of an order showing the attorney to
18 withdraw from further representation of the debtor.

19 ATTORNEY'S FEES

20 27. a. The Court may approve attorney's fees in non business cases at the confirmation hearing without
21 filing a detailed application if the fee, costs and expenses [excluding the filing fee] do not exceed \$1,500.00.
22 Applications in excess of this limit will be under the "loadstar" analysis to determine the reasonableness of the
23 fee. In order that the disclosure of information be adequate and complete, the debtor's attorney will list in the
24 Rule 2016 statement any fee paid in a prior Chapter 13 petition, and whether the plan was confirmed or the cases
25 dismissed.

26 b. When allowing the flat fee, the Court will consider whether counsel for the Chapter 13 debtor has
27 discharged the following responsibilities:

- 28 (1) Meet with the debtor to review the debtor's debts, assets, liabilities, income, and expenses.
- (2) Counsel the debtor regarding the advisability of filing either a Chapter 7 or Chapter 13 case,

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- discuss both procedures with the debtor, and answer the debtor's questions.
- (3) Explain which payments will be made directly by the debtor and which payments will be made through the debtor's Chapter 13 plan, with particular attention to mortgage and vehicle loan payments, as well as any other claims that accrue interest.
 - (4) Explain to the debtor how, when and where to make the 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 the plan is filed.
 - (7) Advise the debtor of the requirement to attend the 341 Meeting of Creditors, and instruct the debtor as to the date, time and place of the meeting.
 - (8) Advise the debtor of the need to file any due tax returns prior to the 341 Meeting of Creditors.
 - (9) Advise the debtor of the necessity of maintaining liability, collision and comprehensive insurance on vehicles securing loans or leases.
 - (10) Timely prepare and file the debtor's petition, plan, statements and schedules.
 - (11) Appear at the 341 Meeting of Creditors with the debtor.
 - (12) Respond to objections to plan confirmation, and where necessary, prepare an amended plan.
 - (13) Prepare, file and serve necessary modifications to the plan which may include suspending, lowering or increasing plan payments.
 - (14) Prepare, file, and serve necessary amended statements and schedules, in accordance with information provided by the debtor.
 - (15) Prepare, file, and serve necessary motions to sell real property when appropriate.
 - (16) Object to improper or invalid claims, if necessary, based upon documentation provided by the debtor.
 - (17) Represent the debtor in motions for relief from stay and motions to dismiss.
 - (18) If appropriate, prepare, file, and serve necessary motions to avoid liens on real or personal property.

1 (19) Provide such other legal services as are necessary for the administration of the present case
2 before the Bankruptcy Court.
3

4 **FORM AND CONTENT OF AN APPLICATION FOR AWARD**
5 **OF ADDITIONAL ATTORNEY'S FEES AND EXPENSES**
6 **IN A CHAPTER 13 PROCEEDING**

7 28. a. Applications in Chapter 13 cases for attorney fees and/or expenses, relating to post confirmation
8 services shall comply with Bankruptcy Rule 2016(a), and in addition shall:

9 (1) State separately the total amount of fees and expenses previously approved and the amount
10 that has been disbursed by the trustee;

11 (2) Identify the time period during which the services for which the award is sought were
12 rendered;

13 (3) Describe the services rendered, and state why the matter could not have been
14 reasonably foreseen at or prior to the confirmation hearing;

15 (4) Identify each specific instance in which an award is sought for the services of more than one
16 attorney and paralegal and the justification for each such specific instance; and

17 (5) Attach an exhibit containing an itemized time record in chronological order of each specific
18 service for which an award of compensation is sought. This exhibit shall:

19 (A) State the date each service was rendered;

20 (B) Identify the attorney(s) and paralegal(s) who performed the service;

21 (C) Describe with particularity the services rendered; and

22 (D) State the time spent performing the service in increments of tenths of an hour.

23 b. An application that seeks allowance of fees and expenses totaling \$500.00 or less may be
24 approved if it has the endorsed approval of the debtor and the Chapter 13 trustee. If the application lacks their
25 approval, it shall be noticed to the debtor and Chapter 13 trustee. If no objections are filed within 20 days from
26 the date of notice, the court may approve the application.

27 c. At the request of any party in interest, or at the court's own initiative, the failure to perform any
28 act required by this order in a timely manner may result in a decrease or disgorgement of the reasonable attorney
fee allowed by the Court for the services of the case attorney, or in an order for payment of fees subject to

1 adequate protection payments.

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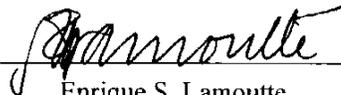
SANCTIONS

29. a. Unless good cause is shown, the failure to have all necessary amendments, appraisals, stipulations, proposed orders, pleadings or other papers timely filed or submitted, or the failure to perform any act required by this order in a timely manner, may result in a decrease or disgorgement of the reasonable attorney fee allowed by the Court for the services of the case attorney, or such other action as is appropriate, including denial of confirmation and dismissal of the case. See L.B.R. 3015.

b. If confirmation is denied and the Court grants time to file an amendment, pleading or other paper to put the plan in a posture for confirmation, the time granted to the debtor by the Court will commence from the date of the oral order issued at the confirmation hearing. If such amendment, pleading or other papers are not timely filed, the case may be dismissed without further notice to the debtor or other parties in interest.

SO ORDERED

Dated at San Juan, Puerto Rico this ^{rh} 24 day of April 2001.


Enrique S. Lamoutte
U.S. Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT
District of Puerto Rico

In the matter of: *
* Miscellaneous Proceeding No.: 01-01
Attorneys' Fees in Chapter 13 *
Consumer Cases * General Order No.: 
*
*

ORDER

Upon the request of several parties to increase the flat fee in Chapter 13 cases from one thousand one-hundred dollars [\$1,100.00] to one thousand five-hundred dollars [\$1,500.00], and pursuant to the order entered on January 12, 2001, the court held an *en banc* hearing on February 1, 2001. After considering the evidence presented and the argument by counsel, the Court hereby enters the following order establishing a cap on the flat fee for all Chapter 13 non business cases filed after February 5, 2001.

ATTORNEY'S FEES

The Court may approve attorney's fees in non business cases at the confirmation hearing without a detailed application if the fee, costs and expenses [excluding the filing fee] do not exceed \$1,500.00. Applications in excess of this limit shall be reviewed under the "loadstar" analysis to determine the reasonableness of the fee. In order that the disclosure of information be adequate and complete the debtor's attorney shall list in the Rule 2016 statement any fee paid in a prior Chapter 13 petition, and whether the plan was confirmed or the case dismissed.

When allowing the flat fee, the Court shall consider whether counsel for the Chapter 13 debtor has discharged the following responsibilities:

- (1) Meet with the debtor to review the debtor's debts, assets, liabilities, income, and expenses.
- (2) Counsel the debtor regarding the advisability of filing either a Chapter 7 or Chapter 13 case, discuss both procedures with the debtor, and answer the debtor's questions.
- (3) Explain which payments will be made directly by the debtor and which payments will be made through the debtor's Chapter 13 plan, with particular attention to mortgage and vehicle loan payments, as well as any other claims that accrue interest.
- (4) Explain to the debtor how, when and where to make the 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 the plan is filed.

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- (7) Advise the debtor of the requirement to attend the 341 Meeting of Creditors, and instruct the debtor as to the date, time and place of the meeting.
- (8) Advise the debtor of the need to file any due tax returns prior to the 341 Meeting of Creditors.
- (9) Advise the debtor of the necessity of maintaining liability, collision and comprehensive insurance on vehicles securing loans or leases.
- (10) Timely prepare and file the debtor's petition, plan, statements and schedules.
- (11) Appear at the 341 Meeting of Creditors with the debtor.
- (12) Respond to objections to plan confirmation, and where necessary, prepare an amended plan.
- (13) Prepare, file and serve necessary modifications to the plan which may include suspending, lowering or increasing plan payments.
- (14) Prepare, file, and serve necessary amended statements and schedules, in accordance with information provided by the debtor.
- (15) Prepare, file, and serve necessary motions to sell real property when appropriate.
- (16) Object to improper or invalid claims, if necessary, based upon documentation provided by the debtor.
- (17) Represent the debtor in motions for relief from stay and motions to dismiss.
- (18) If appropriate, prepare, file, and serve necessary motions to avoid liens on real or personal property.
- (19) Provide such other legal services as are necessary for the administration of the present case before the Bankruptcy Court.

**FORM AND CONTENT OF AN APPLICATION FOR AWARD
OF ADDITIONAL ATTORNEY'S FEES AND EXPENSES
IN A CHAPTER 13 PROCEEDING**

Applications in Chapter 13 cases for attorney fees and/or expenses, relating to post confirmation services shall comply with Bankruptcy Rule 2016(a), and in addition shall:

- (1) State separately the total amount of fees and expenses previously approved and the amount that has been disbursed by the trustee;
- (2) Identify the time period during which the services for which the award is sought were rendered;
- (3) Describe the services rendered, and state why the matter could not have been reasonably foreseen at or prior to the confirmation hearing;
- (4) Identify each specific instance in which an award is sought for the services of more than one attorney and paralegal and the justification for each such specific instance; and,
- (5) Attach an exhibit containing an itemized time record in chronological order of each specific service for which an award of compensation is sought. This exhibit shall:
 - (A) State the date each service was rendered;
 - (B) Identify the attorney(s) and paralegal(s) who performed the service;
 - (C) Describe with particularity the services rendered; and

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(D) State the time spent performing the service in increments of tenths of an hour.

An application that seeks allowance of fees and expenses totaling \$500.00 or less may be approved if it has the endorsed approval of the debtor and the Chapter 13 trustee. If the application lacks their approval, it shall be noticed to the debtor and Chapter 13 trustee. If no objections are filed within 20 days from the date of notice, the court may approve the application.

At the request of any party in interest, or at the court's own initiative, the failure to perform any act required by this order in a timely manner may result in a decrease or disgorgement of the reasonable attorney fee allowed by the Court for the services of the case attorney, or in an order for payment of fees subject to adequate protection payments.

ATTORNEY'S CONTINUING DUTY OF REPRESENTATION

An attorney who represents a debtor in the Bankruptcy Court at the time a petition under Chapter 13 is filed, or when a case under another chapter of the Bankruptcy Code is converted to Chapter 13, has a continuing duty to represent the debtor in all proceedings in the Bankruptcy Court until the occurrence of the earliest of: (a) dismissal of the case; (b) closing of the case; or (c) the entry of an order allowing the attorney to withdraw from further representation of the debtor.

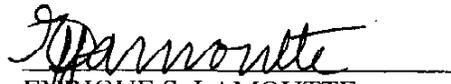
SO ORDERED

Dated at San Juan, Puerto Rico this 5 day of February 2001.



GERARDO A. CARLO
Chief, U.S. Bankruptcy Judge

LIZETTE FELIBERTI
DEPUTY CLERK

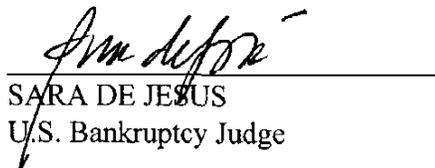


ENRIQUE S. LAMOUTTE
U.S. Bankruptcy Judge

FEB 06 2001

by regular mail to:

- R. López - ch 13 Trustee*
- J. Carrión - ch 13 Trustee*
- V. Thomas Stgo -*
- C. Pérez Pastriana -*
- R. Pérez Abregón - Pres. PR Bankruptcy Bar*
- L. Morales -*
- R. Figueroa -*
- A. Lozada -*
- A. Suárez Cabo -*



SARA DE JESUS
U.S. Bankruptcy Judge

ATCH 2

FILED & ENTERED

UNITED STATES BANKRUPTCY COURT
District of Puerto Rico

SEP 19 1997

CLERK
U.S. BANKRUPTCY COURT
SAN JUAN, PUERTO RICO

In re

Motions for Dismissal or Conversion

GENERAL ORDER NO. 97-01

GENERAL ORDER

All motions praying for dismissal or conversion to chapter 7 filed by a party other than the debtor shall state with particularity the facts and the legal grounds for the request, and shall include the following notice:

NOTICE

Unless a party in interest objects to the [conversion] or [dismissal] of this case within thirty [30] days from the date of this notice, the case may be converted or dismissed without a hearing.

The moving party will give notice of the motion to all parties in interest. Requests for enlargement of time to reply or oppose the motion for dismissal or conversion will not be granted unless good cause is shown. An attorney and/or party filing a frivolous request for extension of time will be subject to sanctions.

Due to the substantial increase in bankruptcy filings, particularly chapter 13 cases, the court has experienced a significant increase in the number of motions to dismiss or convert to chapter 7. In order to expedite the resolution of controversies and to avoid the filing of unnecessary documents the court is enlarging the period set forth in L.B.R. 9013 (a) and placing a strict standard for further enlargements.

SO ORDERED

Dated this 31st day of August, 1997.


ENRIQUE S. LAMOUTTE
Chief, U. S. Bankruptcy Judge


SARA E. DE JESUS
U. S. Bankruptcy Judge


GERARDO A. CARLO
U.S. Bankruptcy Judge

c: Clerk of the court USBC
U. S. Trustee

President PR Bankruptcy Bar
Delegates Board

RULE 311 - MOTIONS

All motions filed before the Court shall be made in compliance with the following:

.1 - Motions Shall be in Writing

All motions, including objections to interrogatories and requests for admissions, unless made during a hearing or trial, shall be in writing.

.2 - Grounds for Motions

All motions shall state with particularity the grounds therefor and shall set forth the relief or order sought.

Motions shall be accompanied by a brief which shall contain a concise statement of reasons in support of the motion, and citations of authorities upon which the movant relies. If the time for filing supporting documents is extended in the manner prescribed by subsection .6 of this rule, the brief of movant need not be filed until the date specified in the extension order or stipulation.

Movant may include in its motion the concise statement of reasons in support of the motion, and citations of authorities upon which the movant relies instead of filing the separate brief required by this subsection.

.3 - Service of Motions and Response

The movant and respondent shall serve copies of their respective papers upon all parties on or before the date that they are filed with the Clerk, and such papers must indicate the date and method of service. The certificate of service shall indicate the date, method of service and the names and addresses of all persons or firms served.

.4 - Documents Supporting Motions

When allegations of facts not appearing on record are relied upon in support of a motion, all affidavits and other pertinent documents then available shall accompany the motion. All such documents not then available may be filed within the time prescribed by subsection .6 of this rule.

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.5 - Response and Brief

If the respondent opposes a motion, it shall file a response within eleven (11) days after service of the motion, including brief and such supporting documents as are then available. Briefs shall contain a concise statement of reasons in opposition to the motion, and a citation of authorities upon which the respondent relies. For good cause appearing therefor, a respondent may be required to file a response and supporting documents, including brief, within such shorter period of time as the Court may specify, or may be given additional time to file a response as provided in subsection .6 of this rule, including documents and brief.

Respondent may include in its opposition the concise statement of reasons in support of the motion, and citation of authorities upon which respondent relies instead of filing the brief required by this subsection.

.6 - Additional Time to File Supporting Documents and Briefs

When it is indicated in the motion or response, or a written request, that the filing of additional affidavits or other documents in support of a motion or opposition thereto is necessary, the Clerk may enter an ex parte order specifying the time within which such additional documents and brief shall be filed, or approve such stipulations in regard thereto as may have been signed by counsel for the parties. A copy of an ex parte order so entered shall immediately be served upon opposing counsel.

.7 - Reply to Opposition

Upon motion filed seven (7) calendar days, after notice of respondent's opposition, the movant may request leave from Court to file a reply thereto. No reply brief shall be filed unless leave is obtained from the court.

.8 - Request for Oral Argument

Oral argument on any motion will be held only if the Court on its own initiative, or upon motion, in its discretion so orders.

1 9 - Hearing on Motion

2 If no response to a motion is filed within eleven (11) days, or within such additional or
3 shorter periods of time as may be fixed by the Court, the motion will be considered and decided
4 without a hearing, unless otherwise ordered by the Court.

5 10 - Notice of Hearing

6 The movant or any other party as ordered by the Court, shall give at least five (5) days
7 notice of the date of the hearing on any motion; provided that the Court may, at its discretion,
8 advance the date of hearing and shorten the notice period herein specified.

9 11 - Conference between Attorneys with Respect to Motions and Objections Relating
10 to Discovery

11 Except as provided in Rule 37(j), FRCP, and prior to filing any motion or objection
12 relating to discovery pursuant to Rules 26 through 37, Federal Rules of Civil Procedure, counsel
13 for each of the parties concerned shall confer in advance of the filing in a good faith effort to
14 eliminate as may of the disputes between the parties as possible, or to eliminate the necessity of
15 filing such motion or objection. It shall be the responsibility of counsel for the movant to arrange
16 for the conference. Unless relieved by agreement or by order of the Court upon good cause
17 shown, counsel for respondent shall confer with counsel for movant within ten (10) days of
18 service of a letter requesting such conference and specifying the terms of the discovery order to
19 be sought. The Court will not entertain any motion relating to discovery unless moving counsel
20 shall first advise the Court, in writing, that counsel for the parties have been unable to resolve
21 their differences or reach an agreement after holding a conference as provided for in this rule,
22 or that counsel for respondent has refused to confer or delayed the conference without good
23 cause. This statement shall recite, in addition, the date, time and place of such conference, if any,
24 and the names of all parties participating therein and the attorneys representing them.

25 12 Motions for Summary Judgment

26 Upon any motion for summary judgment, there shall be served and filed annexed to the
motion a separate, short, and concise statement of the material facts as to which the moving
party contends there is no genuine issue to be tried and the basis of such contention as to each
material fact, properly supported by specific reference to the record.

1 All material facts set forth in the statement required to be served by the moving party will
2 be deemed to be admitted unless controverted by the statement required to be served by the
3 opposing party.

4 The papers opposing a motion for summary judgment shall include a separate, short, and
5 concise statement of the material facts as to which it is contended that there exists a genuine
6 issue to be tried, properly supported by specific reference to the record.

7 The statements referred to above shall be in addition to the material required by
8 subdivisions .4, .5, and .6 of this rule.

9 .13 - Penalty

10 The presentation to the Court of unnecessary motions and of unwarranted oppositions
11 to motions, may subject the party or counsel to imposition of costs and/or attorneys fees.

12 .14 - Extension of Time

13 .14(A) - The Clerk of the Court is authorized to sign and enter orders without
14 further direction by the Court granting a first extension of time not to exceed thirty (30) days.
15 Any extension of time thereafter must be presented to the Court for consideration.

16 .14(B) - All motions for extension of time shall state the expiration date of the
17 period to be sought to be extended and the expiration date of the proposed extension.

18 .15 - Informative Motions

19 Motions entitled "Informative Motion" shall be used only to apprise or inform the Court
20 of a matter which should property be brought to the attention of the Court. Motions which
21 request that the Court grant or deny a form of relief or order shall not be entitled "Informative
22 Motion".
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