

MIDDLE DISTRICT BANKRUPTCY BAR ASSOCIATION

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From: Daniel J. Rheam, President

To: All Members

As my term comes to a close I thought I would report on the major topics of the year to date:

- A) **MEDIATION** – Mediation training is on the way.... Really. We had to cancel our July Certification Class because we fell short on registrations. New dates will be posted on the List Serve. Newer attorneys should note that the former rule that required ten (10) years of Bar Admission to be a mediator has been amended to require only five (5) years of practice. Watch for the announcement.
- B) **PRO-BONO SERVICES**- All attorneys are encouraged to fulfill their ethical duties to the indigent. If you are willing to take a case or two, contact Mollie (m_oleyar@yahoo.com) to place your name on our referral list.
- C) **CHARITABLE GIVING** – Your Association made a contribution to Toys for Tots benefiting children in the Middle District.
- D) **NO LOOK FEES** – I took an informal poll of attorneys, and initiated discussions with Charles J. DeHart, III, Chapter 13 Trustee to review and clarify the issues and policies about No Look Fees, a topic last reviewed in 2005.

After much discussion and consideration I am reporting the present policies regarding No Look Fees in Chapter 13 Cases:

- 1) Debtor's Counsel is free to submit fee applications in any case.
- 2) The Judges of the Middle District Bankruptcy Court will rule on fee applications and objections to fees, but do not take any position and have not made a local rule on No Look Fees.
- 3) The Chapter 13 Trustee will not object to No Look Fees of \$3,500.00 consumer and \$4,500.00 business cases.
- 4) The Trustee will not object to an additional fee of \$500.00 for necessary post confirmation Plan amendments or No Look Fees of \$4,000.00 for Conduit Plans.

This policy allows some flexibility and choices. An attorney who spends much time on difficult cases can always file a fee application. But I like the option of a flat fee because the clients know what they are being charged and it avoids the expense of the client being charged for the Fee Application process.

I appreciate Mr. DeHart listening to the concerns and his prompt and professional response. Also thanks to Bob Caster, C.P.A. who gave me a lesson on inflation, and to my "brain trust" of attorneys who gave their invaluable insight into this issue.

Any Comments? Contact me: dan@rheamlaw.com.

E) **THE CONFERENCE** – Just the best one ever, that's all.

F) **ANNUAL MEETING** – October 15, 2010. Mark your calendars. I am looking for C.L.E. Topics – Tentatively we will be presenting the ***NEW MODEL PLAN***.

I have many more important announcements and profound observations to share.... But you will have to come to the Annual Meeting. Right now I am going to make the most of the rest of the summer.

Best Wishes,

Daniel J. Rheam
President, MDBBA
August 4, 2010