

2014 LOCAL RULE REVISIONS
U.S. Bankruptcy Court, Eastern District of Missouri
(To be effective December 1, 2014)

Below are the Local Rules revisions that will take effect on December 1, 2014.

L.R. 1001(H) is revised to allow the Court to make conforming changes to the Local Rules when the Official Bankruptcy Forms and/or National Director's Forms are revised. LR 1001(H) currently only allows such changes when there are revisions to the Federal Rules of Bankruptcy Procedure.

H. **Conforming Changes.** To the extent that the Federal Rules of Bankruptcy Procedure, the Official Bankruptcy Forms, and /or the national Director's Forms are revised from time to time, the Clerk of Court may revise these Rules to conform to such changes upon order of the Court. The Clerk of Court will issue a public notice to advise of any such revision.

L.R.s 1002(B)(14) and (E)(14); 1019(B); and 5005(D)'s references are revised to reflect the re-numbering of Official Forms 22-A and C. The reference to the Court's CM/ECF "Means Test or Statement of Current Monthly Income" event has been removed as this event may be revised and renamed later in the year. The Court will keep users apprised of any such changes to the event.

1002 B.14. Means Test Form/Statement of Current Monthly Income (Official Form ~~22A~~22A-1, and, if necessary, A-1 Supp and/or A-2) (individuals only) (due within 14 days)

1002 E.14. Statement of Current Monthly Income and Disposable Income Calculation Form (Official Form ~~22C~~22C-1, and, if necessary, C-2) (individual cases only) (due within 14 days)

1019 B. **Deadline to File Means Test/Statement of Current Monthly Income Forms upon Conversion of Case.** When an individual debtor seeks to convert a case filed on or after October 17, 2005 to a case under Chapter 7, 11 or 13, the debtor shall attach the appropriate Official Form ~~22A, B, or C to be used for the Statement of Current Monthly Income referred to in Fed. R. Bankr. P. 1007(b)(4); (5); and (6)~~22A-1 (and, if necessary, A-1 Supp and/or A-2), B, or C-1 (and, if necessary, C-2) to the debtor's motion or notice to convert. If not attached to the motion or notice, the appropriate Form 22 shall be filed simultaneously with the motion or notice to convert using the appropriate "Means Test or Statement of Current Monthly Income" event. Failure to promptly file the Form for the converted case may result in denial of the motion to convert, or dismissal or reconversion of the case. The information provided on the Form 22 filed for the converted case shall reflect average monthly income for the six calendar months prior to the filing of the original bankruptcy petition. The debtor does not need to

complete and file Official Form 22A22A-1, A-1 Supp and/or or A-2 if the debtor has previously completed and filed Official Form 22A22A-1 (and, if necessary, A-1 Supp and/or A-2) prior to conversion from Chapter 7 to another chapter.

- 5005 D. **Documents Declined for Filing.** The Clerk of Court shall decline to accept for filing any pleading, petition, or document tendered without the required fees or signatures. Required signatures include:
1. The signature of an attorney or pro se party on any document and pleading filed with the Court.
 2. The signature of an attorney on any document requiring such signature.
 3. The signature of a petition preparer on any document requiring such signature
 4. The signature of the debtor(s)* on the following documents:
 - Voluntary Petition
 - Corporate or Partnership Declaration regarding Petition
 - Verification of Creditor Matrix
 - Declaration concerning Schedules or any Amendment thereto
 - Statement of Financial Affairs or any Amendment thereto
 - Application to Pay Filing Fee in Installments or Application for Waiver of Filing Fee
 - Chapter 7 Individual Debtor's Statement of Intention
 - Reaffirmation Agreement
 - All plans (Chapter 12, 11, 13) and amendments thereto unless debtor(s)' signature is excused by the Court
 - Involuntary Petition (original signature of Petitioning Creditors)
 - Social Security Number Verification Form (Official Form B21)
 - Means Test, Statement of Current Monthly Income, Disposable Income Calculation Forms, as applicable (Official Forms 22A22A-1, A-2, B, C-1, and C-2)

* In a joint case, the signature of both debtors is required.

The Clerk of Court shall mark the date and time tendered on the original document and shall return the original document to the filer with a written notice of return. The Clerk of Court shall retain a photocopy of the original document bearing the date and time of its tender. In the case of a petition, the Court may promptly dismiss the case if the petition fails to comply with L.R. 1002(A). The party that tenders any petition or other document declined for filing may, upon motion for good cause, request that the Court treat the petition or other document as filed on the date originally tendered to the Court.

L.R.s 1002(B)(17), (C)(18), (D)(14), and (E)(17); 1007-2(C); and 9037(B)(2) and (3) are revised to provide updated references to the schedule I and J forms that were revised in December of 2013.

1002(B)(17), (C)(18), (D)(14), and (E)(17).

Statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of the filing of the petition (Bankruptcy Code § 521(a)) (to be included in Item 173 of Schedule I and Item 1924 of Schedule J) (individuals only) (due within 14 days)

1007-2 C. **Bankruptcy Code § 521(a)(1)(B)(vi).** The requirement of § 521(a)(1)(B)(vi) (a statement disclosing any reasonably anticipated increase in income or expenditures over the next 12-month period following the date of the filing of the petition) is satisfied by including such information in item 173 of Schedule I and item 1924 of Schedule J.

- 9037 B.
2. **Names of minor children.** If a minor child is mentioned in a document, only the child's initials shall appear. On Official Form 6, Schedule IJ, the debtor should only include the child's relationship to the debtor and age;
 3. **Dates of birth.** If an individual's date of birth is included, only the year shall appear. On Official Form 6, Schedule IJ, only the debtor's dependants' ages should appear; and
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L.R.s 1019(A) and (C). Clean and comparison versions of this proposed rule revision are provided for ease of reference. This rule is proposed to be revised mainly to 1) eliminate and replace the requirement of filing all new schedules and statement of financial affairs in every conversion from Chapters 11, 12, and 13; and 2) explicitly set forth the items that must be provided to the case trustee upon conversion to a Chapter 7.

Proposed L.R. 1019(A)(1) sets forth the requirements for the filing of the matrix and the Fed. R. Bankr. P. 2016 attorney compensation disclosure statement upon conversion. Current L.R. 1019 requires the debtor to file a new matrix no later than 7 days after conversion. This new matrix is to include post-petition creditors that will be included in the bankruptcy case. However, the debtor has 14 days to file new schedules including these creditors after conversion. Proposed L.R. 1019(A) changes the 7-day matrix requirement to 14 days to match the time debtors have to file their list of post-petition creditors.

The Court requires all debtors' attorneys to file a Fed. R. Bankr. P. 2016 attorney compensation disclosure statement upon conversion. This requirement is contained in the Court's orders of conversion, but it is not set forth in L.R. 1019. Proposed L.R. 1019(A)(1) includes this requirement.

Current L.R. 1019(A) requires individual debtors to file all new schedules and a new statement of financial affairs upon conversion from a Chapter 11, 12, or 13 case. This is not optimal because these new schedules and the statement of financial affairs are largely duplicative of previously filed schedules, may contain irrelevant post-petition items, and do not separate post-petition items from pre-petition items, thus making it unnecessarily time consuming for the parties (who

must prepare and file all of these documents), and the trustees and Court personnel (who must parse through all of the documents to find the items of information that are relevant to them).

Proposed L.R. 1019(A)(2) sets forth the filing and other document requirements in individual cases that are being converted either to or from Chapter 7, as these represent virtually all of the cases converted in our Court. The requirements for any cases that do not fall under this proposed rule will be set forth in the Court's order of conversion.

Proposed L.R. 1019(A)(2)(a) requires individual debtors to file new schedules I and J accurate as of the date of conversion to give the incoming trustee for the converted case an accurate, ready, and current picture of the debtor's finances.

Proposed L.R. 1019(A)(2)(b) sets forth the requirements for filing lists of post-petition/pre-conversion debts, assets, and/or executory contracts depending on the type of conversion. Serving a notice of amendment to schedule to add creditors and filing a memorandum explaining the changes to the lists are not required, as the Court will send out notice of the converted case to any added creditors along with existing creditors, and the lists will only contain post-petition/pre-conversion information. The term "list" is used since post-petition/pre-conversion debts have the potential for slightly different treatment in the converted case, and the district's Local Rules Advisory Committee and Judges felt that it was more accurate to require a list rather than an amended schedule for these debts and other post-petition items. For these lists, Debtors may still use the Official Forms that are used for schedules, however.

Proposed L.R. 1019(A)(2)(b)(i) requires debtors converting from Chapter 13 to Chapter 7 to file a list of post-petition debts (or a statement that no such debts exists) as these would be included in the bankruptcy pursuant to 11 U.S.C. §348(d). This is the only item required since the Chapter 13 Trustee for our district files a final report and account that contains all other necessary information in every case.

Proposed L.R. 1019(A)(2)(b)(ii) requires debtors converting from Chapters 11 or 12 to Chapter 7 to file lists of 1) post-petition debts; 2) post-petition property; 3) property disposed of post-petition; and 4) post-petition executory contracts (or statements that any or all of these items do not exist). As there is no standing Chapter 11 or Chapter 12 trustee administering the estate in those cases, the Court wants a full listing of post-petition estate activity to fulfill the requirements of Fed.R. Bankr. P. 1019(5) in these cases.

Proposed L.R. 1019(A)(2)(b)(iii) requires debtors converting from Chapter 7 to file a list of property acquired post-petition (or a statement that no such property exists) since this is generally included in the estate in Chapters 11, 12, and 13.

Proposed L.R. 1019(A)(2)(c) requires debtors who have converted their cases from Chapter 13 to 7 in bad faith to file a list of post-petition property acquired (or a statement that no such property exists) as such property is included in the estate pursuant to 11 U.S.C. §348(f)(2).

Proposed L.R. 1019(A)(2)(d) sets forth general provisions governing filing requirements in individuals' converted cases. There is no fee due for filing lists of creditors/debts upon conversion to a Chapter 7 case per the Administrative Office of the United States Courts' Fee Compendium since these are required by the Federal Rules of Bankruptcy Procedure. Lists and statements filed under proposed L.R.s 1019(A)(2)(b) and (c) may be combined in a single document with clearly marked categories. This document may be filed together with amended Schedules I and J. There is no certificate of service requirement for these lists, statements, and amended schedules, as any trustee in the converted case will receive notice through the Court's electronic filing system. Any individual trustee's requirement of receiving paper copies from the debtor is not affected by this certificate of service provision in the rule.

Proposed L.R. 1019(A)(2)(e) sets forth documents that are to be provided to the Chapter 7 trustee prior to the 11 U.S.C. §341 creditors meeting in the converted case. There are currently no requirements for these documents included in the Local Rules. Trustees and practitioners will be given a higher degree of certainty by having the requirements explicitly set forth in the Local Rules.

Proposed L.R. 1019(A)(2)(f) will require, in addition to the requirement in current L.R. 1019 of filing a plan, all debtors' attorneys to file an attorney fee election form (flat fee or fee application options) upon conversion to Chapter 13. This requirement is contained in the Court's orders of conversion, but it is not set forth in current L.R. 1019.

Proposed L.R. 1019(A)(3) will require debtors that are not individuals to include a listing of the property disposed of in their Chapter 11 case with their Fed. R. Bankr. P. 1019(5) final report and account.

Proposed revised L.R. 1019(C) clarifies that reconversion of Chapter 13 cases to Chapter 7 is not the only potential consequence for failing to comply with L.R. 1019, and the Court reserves the right to dismiss the case.

[CLEAN]

A. **General Filing Requirements in a Converted Case.**

1. **Matrix, Verification of Matrix, and Attorney Compensation Disclosure Statement.** No later than 14 days after entry of the order of conversion, the debtor shall file a Fed. R. Bankr. P. 2016(b) attorney compensation disclosure statement for the converted case in accordance with L.R. 2016-1, and, when converting from Chapter 11, 12, or 13, a new matrix that shall include any creditors holding post-petition claims and a new matrix verification.
2. **Individual Debtors.**
 - a. Amended Schedules I and J: No later than 14 days after entry of the order of conversion, an individual Debtor shall file amended schedules I and J accurate as of the date of conversion. If there is no change to the Debtor's

information on schedules I and/or J, the Debtor shall indicate this in the memorandum accompanying the amended schedules.

- b. Lists of Post-Petition, Pre-Conversion Debts, Property, and Executory Contracts: The lists filed pursuant to this subsection shall include the information required by the applicable Official Form schedules. The applicable Official Form may be, but does not have to be, used. No memorandum is required to be filed with these lists, and no notice of amendment to schedules is required for the creditors listed pursuant to this Rule. Requirements for lists of debts, property, and executory contracts in cases not addressed by this subsection will be set forth in the Court's conversion order. No later than 14 days after entry of the order of conversion, the Debtor,
- i. when converting from Chapter 13 to Chapter 7, shall file a list of each debt remaining unpaid that was incurred after the filing of the petition but before the conversion, or shall file a statement that no such debts exist;
 - ii. when converting from Chapter 11 or 12 to Chapter 7, shall file a list of (1) each item of property acquired after the filing of the petition and remaining in the estate at the time of conversion, (2) each item of property disposed of before the conversion along with the manner of disposal, the names of any buyers, and any prices obtained, (3) each debt remaining unpaid that was incurred after the filing of the petition but before the conversion, and (4) all executory contracts into which the debtor has entered after the filing of the petition but before the conversion, or shall file a statement that no such debts, property, or contracts exist.
 - iii. when converting from Chapter 7, shall file a list of each item of property acquired after the filing of the petition but before the conversion, or shall file a statement that no such property exists.
- c. Applicability of 11 U.S.C. §348(f)(2): If the Court enters an order that Bankruptcy Code §348(f)(2) applies to the case, no later than 14 days after entry of the order, the Debtor shall file a list of each item of property acquired after the filing of the petition but before the conversion, or shall file a statement that no such property exists.
- d. General Provisions: When converting to a Chapter 7 case, there is no fee due for timely filing any list or amended schedule under this Rule prior to the expiration of the 14-day deadline. Compliance with this Rule is deemed to meet the requirements of filing the schedules specified in Fed. R. Bankr. P. 1019(5). Service on the Trustee of the amended schedules,

lists, and statements required by this Rule in the converted case shall be through the Court's CM/ECF system, and no certificate of service is necessary. If the Trustee also requires paper copies of the lists, schedules, or statements to be provided prior to the §341 Meeting, the debtor shall provide such paper copies. Lists or statements filed pursuant to this Rule may be combined in one document as long as that document contains clearly marked categories of debts, assets, and/or executory contracts, and as long as this does not cause any statement or list to be untimely filed. The lists or statements may be filed with amended schedules I and J as long as they do not cause amended schedules I and J to be untimely filed. The lists, schedules, and statements shall be filed using the pathway found via the Amended Schedules event in the Court's CM/ECF system. Failure to timely file any documents required by this Rule shall constitute cause to dismiss the case.

e. Additional Documents Provided to Chapter 7 Trustee - Individual Case: In a case converted to Chapter 7, the debtor shall:

- i. bring to the post-conversion §341 Meeting documentation supporting the expenses claimed on the Means Test Official Form;
- ii. provide to the Trustee, no later than 14 days prior to the post-conversion §341 Meeting, the documents required by L.R. 1007-2(A);
- iii. provide to the Trustee, no later than 7 days prior to the post-conversion §341 Meeting, the tax returns required by L.R. 1007-5(A) and for the tax period which includes the petition date; and
- iv. provide to the Trustee, no later than 14 days prior to the post-conversion §341 Meeting, copies of all depository, brokerage, and similar account statements covering the petition date.

These documents shall not be filed with the Court. Failure to timely provide any of these documents in accordance with this Rule shall constitute cause to dismiss the case.

f. Chapter 13 Plan and Attorney Fee Election Form: In a case converted to Chapter 13, the debtor shall file a Chapter 13 plan and an attorney fee election form no later than 14 days after entry of the order of conversion.

3. **Debtors that are not Individuals.** A debtor that is not an individual and that is converting to Chapter 7 is not required to comply with subsection (A)(2), but such debtor (or Trustee, if one has been appointed in a Chapter 11 case) shall file the schedule of unpaid debts and final report and account pursuant to Fed. R. Bankr. P. 1019(5) within the time frames set forth therein. Such schedule and report shall include (1) each item of property acquired after the filing of the petition and remaining in the estate at the time of conversion, (2) each item of property disposed of before the conversion along with the manner of disposal, the names of

any buyers, and any prices obtained, (3) each debt remaining unpaid that was incurred after the filing of the petition but before the conversion, and (4) all executory contracts into which the debtor has entered after the filing of the petition but before the conversion.

- C. **Reconversion of Certain Chapter 13 Cases.** Although the failure to timely take any action required by this Rule constitutes cause for dismissal, the Court ordinarily will reconvert a case converted from Chapter 7 to Chapter 13, rather than dismiss the case if the debtor fails to:
1. file the documents required by this Rule or as required in the order of conversion;
 2. attend the § 341 Meeting;
 3. propose a plan in good faith; or
 4. timely commence plan payments.

[COMPARISON]

A. **General Filing Requirements in a Converted Case.** ~~No later than 7~~

1. **Matrix, Verification of Matrix, and Attorney Compensation Disclosure Statement.** ~~No later than 14~~ days after entry of the order of conversion, ~~if a case is converted~~ the debtor shall file a Fed. R. Bankr. P. 2016(b) attorney compensation disclosure statement for the converted case in accordance with L.R. 2016-1, and, when converting from Chapter 11, 12, or 13, ~~the debtor shall file~~ a new matrix that shall include any creditors holding post-petition claims; and a new matrix verification.

12. **Individual Debtors.**

a. Amended Schedules I and J: No later than 14 days after entry of the order of conversion, an individual Debtor shall file amended schedules I and J accurate as of the date of conversion. If there is no change to the Debtor's information on schedules I and/or J, the Debtor shall indicate this in the memorandum accompanying the amended schedules.

b. Lists of Post-Petition, Pre-Conversion Debts, Property, and Executory Contracts: The lists filed pursuant to this subsection shall include the information required by the applicable Official Form schedules. The applicable Official Form may be, but does not have to be, used. No memorandum is required to be filed with these lists, and no notice of amendment to schedules is required for the creditors listed pursuant to this Rule. Requirements for lists of debts, property, and executory contracts in cases not addressed by this subsection will be set forth in the Court's conversion order. No later than 14 days after entry of the order of conversion ~~of a case,~~ the Debtor,

i. when converting from Chapter 13 to Chapter 7, shall file a

- list of each debt remaining unpaid that was incurred after the filing of the petition but before the conversion, or shall file a statement that no such debts exist;
- ii. when converting from Chapter 11, 12 or 13, an individual debtor shall file new schedules and a statement of financial affairs. The new schedules shall be filed in lieu of filing the schedule of post-petition liabilities specified in Fed. R. Bankr. P. 1019(5), and shall include post-petition liabilities and the date(s) the debts were incurred. In a case converted to Chapter 13, the debtor or 12 to Chapter 7, shall file a list of (1) each item of property acquired after the filing of the petition and remaining in the estate at the time of conversion, (2) each item of property disposed of before the conversion along with the manner of disposal, the names of any buyers, and any prices obtained, (3) each debt remaining unpaid that was incurred after the filing of the petition but before the conversion, and (4) all executory contracts into which the debtor has entered after the filing of the petition but before the conversion, or shall file a Chapter 13 plan statement that no such debts, property, or contracts exist.
- iii. when converting from Chapter 7, shall file a list of each item of property acquired after the filing of the petition but before the conversion, or shall file a statement that no such property exists.
- c. Applicability of 11 U.S.C. §348(f)(2): If the Court enters an order that Bankruptcy Code §348(f)(2) applies to the case, no later than 14 days after entry of the order, the Debtor shall file a list of each item of property acquired after the filing of the petition but before the conversion, or shall file a statement that no such property exists.
- d. General Provisions: When converting to a Chapter 7 case, there is no fee due for timely filing any list or amended schedule under this Rule prior to the expiration of the 14-day deadline. Compliance with this Rule is deemed to meet the requirements of filing the schedules specified in Fed. R. Bankr. P. 1019(5). Service on the Trustee of the amended schedules, lists, and statements required by this Rule in the converted case shall be through the Court's CM/ECF system, and no certificate of service is necessary. If the Trustee also requires paper copies of the lists, schedules, or statements to be provided prior to the §341 Meeting, the debtor shall provide such paper copies. Lists or statements filed pursuant to this Rule may be combined in one document as long as that document contains clearly marked categories of debts, assets, and/or executory contracts, and

as long as this does not cause any statement or list to be untimely filed. The lists or statements may be filed with amended schedules I and J as long as they do not cause amended schedules I and J to be untimely filed. The lists, schedules, and statements shall be filed using the pathway found via the Amended Schedules event in the Court's CM/ECF system. Failure to timely file any documents required by this Rule shall constitute cause to dismiss the case.

e. Additional Documents Provided to Chapter 7 Trustee - Individual Case: In a case converted to Chapter 7, the debtor shall:

- i. bring to the post-conversion §341 Meeting documentation supporting the expenses claimed on the Means Test Official Form;
- ii. provide to the Trustee, no later than 14 days prior to the post-conversion §341 Meeting, the documents required by L.R. 1007-2(A);
- iii. provide to the Trustee, no later than 7 days prior to the post-conversion §341 Meeting, the tax returns required by L.R. 1007-5(A) and for the tax period which includes the petition date; and
- iv. provide to the Trustee, no later than 14 days prior to the post-conversion §341 Meeting, copies of all depository, brokerage, and similar account statements covering the petition date.

These documents shall not be filed with the Court. Failure to timely provide any of these documents in accordance with this Rule shall constitute cause to dismiss the case.

f. Chapter 13 Plan and Attorney Fee Election Form: In a case converted to Chapter 13, the debtor shall file a Chapter 13 plan and an attorney fee election form no later than 14 days after entry of the order of conversion.

23. Debtors that are not Individuals. A debtor that is not an individual and that is converting to Chapter 7 is not required to ~~file new schedules and a statement of financial affairs~~ comply with subsection (A)(2), but such debtor (or Trustee, if one has been appointed in a Chapter 11 case) shall file the schedule of unpaid debts and final report and account pursuant to Fed. R. Bankr. P. 1019(5) within the time frames set forth therein. Such ~~schedule and report~~ shall include (1) each item of property acquired after the filing of the petition and remaining in the estate at the time of conversion, (2) each item of property disposed of before the conversion along with the manner of disposal, the names of any buyers, and any prices obtained, (3) each debt remaining unpaid that was incurred after the filing of the petition but before the conversion, and (34) all executory contracts into which the debtor has entered after the filing of the petition but before the conversion.

- C. **Reconversion of Certain Chapter 13 Cases.** Although the failure to timely take any action required by this Rule constitutes cause for dismissal, the Court ordinarily will reconvert a case converted from Chapter 7 to Chapter 13, rather than dismiss the case if the debtor fails to:
1. file the documents required by ~~L.R. 1019(A)~~this Rule or as required in the order of conversion;
 2. attend the § 341 Meeting;
 3. propose a plan in good faith; or
 4. ~~timely commence plan payments~~
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L.R. 2093(C). Clean and comparison versions of this proposed rule revision are provided for ease of reference. This rule is proposed to be revised to prohibit the “unbundling” of legal services provided to debtors and prescribe the standard of service required in all cases. The rule is revised to simplify things by removing the non-exclusive list of services that must be performed and replacing it with the mandate that debtor’s counsel provide all services necessary in connection with the bankruptcy case for the fee set forth in the attorney fee disclosure statement with the possible exception (left to the discretion of the debtor’s attorney) of representing the debtor in an adversary proceeding and/or an appeal.

[CLEAN]

L.R. 2093 - Professional Conduct and Obligations of Attorneys.

C. **Obligations of Attorneys.**

1. With respect to hearings:
 - a. Attorneys shall comply with L.R. 2093(B).
 - b. Attorneys shall appear at all scheduled hearings, unless:
 - i. counsel advises the Court prior to the hearing that the matter has been resolved;
 - ii. at least one attorney appears and reports the matter has been resolved;
 - iii. the Court has continued the matter; or
 - iv. the Court has otherwise excused attendance.
2. Attorneys for debtors shall file all required documents, including the attorney fee disclosure statement required by L.R. 2016-1(A).
3. Legal Services of Debtor’s Counsel. Regardless of which chapter of the Bankruptcy Code the case is under, Debtor’s counsel shall provide all legal services necessary for representation of the debtor in connection with the bankruptcy case until conclusion of the case, except for, at the discretion of debtor’s counsel, representation of the debtor in an adversary proceeding and/or an appeal, for the fee set forth in the attorney fee disclosure statement filed with the Court pursuant to L.R. 2016-1(A). “Unbundling” of legal services or any similar arrangement is prohibited, and debtor’s counsel shall not include any language in the attorney fee disclosure statement or in a client agreement that contradicts or is inconsistent with this Rule. Debtor’s counsel may, subject to any applicable Bankruptcy Code

sections and rules governing compensation of professionals, be additionally compensated for representation of the debtor in an adversary proceeding and/or an appeal. This is regardless of the fee option selected in a Chapter 13 case.

[COMPARISON]

L.R. 2093 - Professional Conduct and Obligations of Attorneys. –

C. Obligations of Attorneys.

1. With respect to hearings:
 - a. Attorneys shall comply with L.R. 2093(B).
 - b. Attorneys shall appear at all scheduled hearings, unless:
 - i. counsel advises the Court prior to the hearing that the matter has been resolved;
 - ii. at least one attorney appears and reports the matter has been resolved;
 - iii. the Court has continued the matter; or
 - iv. the Court has otherwise excused attendance.

~~2. Attorneys for debtors shall provide appropriate representation for the debtor at the § 341 Meeting. Failure of counsel to provide appropriate representation at any hearing or the § 341 Meeting is cause for the Court to reduce attorneys' fees or issue other sanctions.~~

~~3. 2. Attorneys for debtors shall file all required documents, including the attorney fee disclosure statement required by L.R. 2016-1(A).~~

~~43. Legal Services of ~~Chapter 13~~ Debtor's Counsel. Regardless of which chapter of the fee option selected Bankruptcy Code the case is under, ~~d~~ Debtor's counsel shall provide all legal services necessary for representation of the debtor in connection with the bankruptcy case until conclusion of the case. ~~Such services shall include but are not limited to:~~~~

~~a. Analyzing the debtor's financial situation and advising whether to file a petition in bankruptcy;~~

~~b. Preparing and filing petitions, schedules, statements of affairs, and plans, or amendments thereto;~~

~~c. Providing appropriate, except for, at the discretion of debtor's counsel, representation for the debtor at the § 341 Meeting and appearing and representing the debtor at the confirmation hearing and any continuances thereof, including responding to objections to confirmation;~~

~~d. Representing the debtor in contested bankruptcy matters, including motions for relief from the automatic stay, to avoid liens, incur debt, buy, sell or refinance;~~

~~e. Reviewing and objecting to proofs of claims and filing of claims where appropriate; and~~

~~f. Debtor audits.~~

~~When counsel elects the Flat Fee Option, the foregoing services shall be performed for the flat fee unless otherwise ordered by the Court. Chapter 13 debtor's of the~~

debtor in an adversary proceeding and/or an appeal, for the fee set forth in the attorney fee disclosure statement filed with the Court pursuant to L.R. 2016-1(A). “Unbundling” of legal services or any similar arrangement is prohibited, and debtor’s counsel shall not include any language in the attorney fee disclosure statement or in a client agreement that contradicts or is inconsistent with this Rule. Debtor’s counsel may, subject to any applicable Bankruptcy Code sections and rules governing compensation of professionals, be additionally compensated on an hourly basis upon application as required herein for representation of the debtor in an adversary proceeding and/or an appeal no matter which. This is regardless of the fee option is selected in a Chapter 13 case.

L.R. 3002.1(B) is revised to clarify that a motion for determination of final cure and payment will not be granted by default.

- B. **Motion for Determination of Final Cure and Payment.** The movant shall set any such motion for hearing. The Court will not grant any such motion by default without a hearing being held. If the holder of a claim subject to Fed. R. Bankr. P. 3002.1 does not file the statement required by Fed. R. Bankr. P. 3002.1(g) within the time set forth therein, either the debtor or the Trustee may file a motion for determination of final cure and payment under Fed. R. Bankr. P. 3002.1(h) within 21 days of the expiration of the deadline for filing the Fed. R. Bankr. P. 3002.1(g) statement. ~~The movant shall set any such motion for hearing.~~
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L.R. 7004(B) is revised to reflect the change in the deadline to serve a summons under Fed. R. Bankr. P. 7004(e) (effective December 1, 2014) from 14 to 7 days.

- B. **Service of Summons.** The plaintiff shall serve the summons as required by Fed. R. Bankr. P. 7004(a)-7004(h). The plaintiff shall file a certificate of service of the summons at least 14 days before the hearing date on the summons. The reverse side of the summons contains the certificate of service. A summons is only valid for ~~14~~7 days following its issuance (Fed. R. Bank. P. 7004(e)). If the ~~14-day~~7-day period has passed without the summons being served, the plaintiff shall file a motion requesting that the summons be reissued.
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L.R. 8001 is revised so that the cross-references match the revised Federal Rules of Bankruptcy Procedure (effective December 1, 2014) governing appeals, to ensure that the local rule does not conflict with the revised federal rules, and to provide consistency in language between subsections. Official Form 17, which, if finally approved, will be divided into three forms effective December 1, 2014 - 17A, which is the appellant’s combined notice of appeal and optional election to have the appeal heard by the District Court; 17B, which is the appellee’s optional election to have the appeal heard by the District Court (not implicated in the Bankruptcy Court Local Rules); and 17C, which is a statement of compliance with rules regarding type and length of appellate briefs (also not implicated in the Bankruptcy Court Local Rules). The revisions related to the change to Official Form 17 will only go into effect if the revisions to Official Form 17 are finally approved

this year.

L.R. 8001 - Notice of Appeal and Election to Have Appeal Heard by District Court.

A. **General Requirements.** A notice of appeal shall conform substantially to Bankruptcy Official Form 17A and contain the title and date of the order appealed, the names, addresses, and phone numbers of all parties (and their attorneys, if any) to the judgment, order, or decree appealed. If the party is not represented by an attorney and is not able to file electronically, the notice of appeal shall be accompanied by a copy of the order being appealed and the filing fee (payable to the U.S. Bankruptcy Court). A separate notice of appeal and filing fee is required for each order being appealed. The filing fee and docketing fee can be found on the Court's web site. An appeal of an order denying reconsideration or similar relief may be included in the notice of appeal of the underlying judgment or order. ~~If a party is not represented by an attorney and is not able to file electronically, the election to have the appeal heard by the District Court shall be accompanied by a copy of the notice of the appeal.~~

B. **Appeals to the Bankruptcy Appellate Panel.** In an appeal to the Bankruptcy Appellate Panel, the appellant shall file with the Bankruptcy Court:

1. A notice of appeal (which requires a certificate of service); and
2. The filing fee.

All documents filed after the notice of appeal shall be filed with the Bankruptcy Appellate Panel. ~~The Bankruptcy Court will assemble the preliminary record on appeal and transmit it to the Bankruptcy Appellate Panel~~ unless the Federal Rules of Bankruptcy Procedure direct otherwise.

C. **Appeals to the District Court.** To appeal to the District Court, the appellant shall file with the Bankruptcy Court:

1. The notice of appeal ~~(which requires a certificate of service);~~
- ~~2. The filing fee;~~
- ~~3. The appellant's separate and any election to have the appeal heard by the District Court (available in the appendix to the Bankruptcy Appellate Panel's Local Rules);~~
- ~~4. in substantial conformity to Bankruptcy Official Form 17A (along with a certificate of service);~~

2. The filing fee;

3. The U.S. District Court cover sheet (available on the Bankruptcy Court's web site or the District Court's web site); and

5. The party's designation of record and issues on appeal.

~~In an appeal to the District Court, unless otherwise designated, all pleadings and documents referenced in Fed. R. Bankr. P. 8006 and 8007 shall be filed with the Bankruptcy Court.~~

~~The~~

~~Clerk of Court shall transmit the record to the District Court. After transmission of the record to the District Court, all pleadings in the~~ All documents filed after the notice of appeal shall be filed with the District Court unless the Federal Rules of Bankruptcy

Procedure direct otherwise.

D. Direct Appeal to the Circuit Court

To appeal directly to the Circuit Court of Appeals from the Bankruptcy Court, the appellant must file with the Bankruptcy Court:

1. The notice of appeal (which requires a certificate of service);
2. A Notice of Certification of Direct Appeal using Bankruptcy Official Form 24; and
3. The filing fee.

If the direct appeal is authorized by the Circuit Court of Appeals, all documents filed after such authorization shall be filed with the Circuit Court of Appeals unless the Federal Rules of Bankruptcy Procedure direct otherwise.

L.R. 9011(A) is revised to add post-petition financial management certificates to the documents for which the CM/ECF user name and login do constitute a signature on the document. The rule is also revised to reflect the requirement that an electronically filed proof of claim (other than a claim filed through the Court's electronic proof of claim system) or a certificate of completing a post-petition financial management must contain a typed 'signature' in the document's signature block.

- A. **General.** All documents filed by a party that is not represented by an attorney and is not able to file electronically shall contain the original signature of the party where appropriate. Every pleading or document, except for Official Forms or accompanying Directors Forms, that are filed shall include the following information, as relevant, for the party filing the document: the law firm name, attorney's or debtor's name, address, telephone number, fax number, e-mail address, and registration number for the United States District Court for the Eastern District of Missouri. Except for electronically filed proofs of claim and post-petition financial management course completion certificates, the user login and password required to file documents via the Court's CM/ECF system shall serve as the filing user's signature on all electronic documents filed with the Court for the purposes of this Rule and Fed. R. Bankr. P. 9011. Electronically filed proofs of claim, other than proofs of claim filed pursuant to L.R. 9011(D), and post-petition financial management course completion certificates must contain the signer's typed 'signature' on the signature line unless the document has been scanned and contains an image of the signer's handwritten signature. A party appearing pro se (without an attorney) may not sign a document on behalf of another party except as set forth in L.R. 9011(B). The filing or submission by an attorney of a document required to be signed by another person is the filer's representation that the party whose signature is required has, in fact, signed the document. Nothing in this rule shall be construed as excusing any party from providing any of the information or signatures required by the Official Forms or accompanying Director's Forms.
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L.R. 9050 is revised to reflect the Court's prohibition on filing proposed orders unless otherwise directed by the Court.

- A. **Time for Submission.** Except for proposed orders from the Trustee and orders on Negative Notice, a proposed order shall be submitted at the time of filing any motion,

application, pleading, or other request for relief. Orders on matters that may be heard on Negative Notice shall be submitted to the Court after expiration of the last date for response or after hearing, if any. The Certification of No Response shall be part of the proposed order. Except in a Chapter 13 case (unless otherwise ordered by the Court), any order submitted to the Court after hearing is an affirmative representation to the Court by the party tendering the order that the order has been circulated to all counsel who appeared at the hearing and that there are no objections to the content of the order. If agreement cannot be reached regarding a proposed order, the party tendering the order shall send a letter to the Court with a copy either faxed or e-mailed to any opposing counsel advising the Court that agreement has not been reached and providing opposing counsel 72 hours from the time the letter is faxed or e-mailed to submit a competing order. Unless otherwise directed by the Court or its staff, proposed orders shall not be filed on the docket either on their own or as attachments to other documents.