

## BANKRUPTCY FLAT FEE PROGRAM ATTORNEY APPLICATION

**INSTRUCTIONS:** Please review the program guidelines for the SDCBA’s Bankruptcy Flat Fee program, fill out this form completely, and return the completed form with a copy of the cover page of your professional liability insurance policy, letters of recommendation, LRIS checklist and LRIS application to the San Diego County Bar Association Lawyer Referral and Information Services (“LRIS”) at 401 West A, Suite 1100, San Diego, California 92101.

Name: \_\_\_\_\_  
(Last) (First) (Middle)

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Office Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip code: \_\_\_\_\_

### BANKRUPTCY FLAT FEE PROGRAM GUIDELINES

<b>Bankruptcy Chapter 7</b>	<b>Fee: \$1,000 single- \$1,200 joint</b> <b>Does not include attorney costs (filing fees)</b>
<b>Client Requirements:</b>	<b>Client Checklist:</b>
<b>Legal work performed:</b>	<b>Attorney Checklist: Please initial</b>
<ul style="list-style-type: none"><li>• Meeting with debtor to review debtor’s assets, liabilities, income and expenses.</li></ul>	
<ul style="list-style-type: none"><li>• Analyze the debtor’s financial situation and render advice to the debtor in determine whether to file a petition in bankruptcy.</li></ul>	
<ul style="list-style-type: none"><li>• Describe the purpose, benefits, and costs of the Chapters the debtor may file, counsel the debtor regarding the advisability of filing either a Chapter 7, 11 or 13 case, and answer the debtor’s questions.</li></ul>	
<ul style="list-style-type: none"><li>• Advise the debtor of the requirement to attend the Section 341(a) Meeting of</li></ul>	

Creditors, and instruct the debtor as to the date, time and place of the meeting	
<ul style="list-style-type: none"> <li>Advise the debtor of the necessity of maintaining liability, collision and comprehensive insurance on vehicles securing loans or leases.</li> </ul>	
<ul style="list-style-type: none"> <li>Timely prepare, file and serve, as required, the debtor's petition, schedules, Statement of Financial Affairs, and any necessary amendments to Schedule C</li> </ul>	
<ul style="list-style-type: none"> <li>Provide documents pursuant to the Trustee Guidelines and any other information requested by the Chapter 7 Trustee or the Office of the United States Trustee.</li> </ul>	
<ul style="list-style-type: none"> <li>Provide an executed copy of the Rights and Responsibilities of Chapter 7 Debtors and their Attorneys to the debtor.</li> </ul>	
<ul style="list-style-type: none"> <li>Appear and represent the debtor at the Section 341(a) Meeting of Creditors, and any continued meeting, except as further set out in Section II.</li> </ul>	
<ul style="list-style-type: none"> <li>File the Certificate of Debtor Education if completed by the debtor and provided to the attorney before the case is closed.</li> </ul>	
<ul style="list-style-type: none"> <li>Attorney shall have a continuing obligation to assist the debtor by returning telephone calls, answering questions and reviewing and sending correspondence.</li> </ul>	
<ul style="list-style-type: none"> <li>Respond to and defend objections to claim(s) of exemption arising from attorney error(s) in Schedule C.</li> </ul>	
<b>Does not include: (subject to an additional fee by the attorney)</b>	<b>Additional fees</b>
<ul style="list-style-type: none"> <li>Filing Fees</li> </ul>	
<ul style="list-style-type: none"> <li>Does not address any objections to bankruptcy discharge</li> </ul>	
<ul style="list-style-type: none"> <li>Representation at any continued meeting of creditors due to client's failure to appear or failure to provide required documents or acceptable identification;</li> </ul>	
<ul style="list-style-type: none"> <li>Amendments, except that no fee shall be charged for any amendment to Schedule</li> </ul>	

C that may be required as a result of attorney error;	
<ul style="list-style-type: none"> <li>• Opposing Motions for Relief from Stay;</li> </ul>	
<ul style="list-style-type: none"> <li>• Reaffirmation Agreements and hearings on Reaffirmation Agreements;</li> </ul>	
<ul style="list-style-type: none"> <li>• Redemption Motions and hearings on Redemption Motions;</li> </ul>	
<ul style="list-style-type: none"> <li>• Preparing, filing, or objecting to Proof of Claims, when appropriate, and if applicable;</li> </ul>	
<ul style="list-style-type: none"> <li>• Representation in a Motion to Dismiss or Convert debtor’s case;</li> </ul>	
<ul style="list-style-type: none"> <li>• Motions to Reinstate or Extend the Automatic Stay;</li> </ul>	
<ul style="list-style-type: none"> <li>• Negotiations with Chapter 7 Trustee in aid of resolving nonexempt asset, turnover or asset administration issues.</li> </ul>	
<b>Additional Service not included in the Initial Fee which will require a Separate Fee Agreement:</b>	<b>New Fee Agreement and costs:</b>
The following services are not included as part of the representation in a Chapter 7 case, unless the attorney and debtor negotiate representation in these post-filing matters at mutually agreed upon terms in advance of any obligation of the attorney to render services. Unless a new fee agreement is negotiated between debtor and attorney, attorney will not be required to represent the debtor in these matters:	
<ul style="list-style-type: none"> <li>• Defense of Complaint to Determine Non-Dischargeability of a Debt or filing Complaint to Determine Dischargeability of Debt;</li> </ul>	
<ul style="list-style-type: none"> <li>• Defense of a Complaint objecting to discharge;</li> </ul>	
<ul style="list-style-type: none"> <li>• Objections to Claim of Exemption, except where an objection arises due to an error on Schedule C;</li> </ul>	
<ul style="list-style-type: none"> <li>• Sheriff levy releases;</li> </ul>	
<ul style="list-style-type: none"> <li>• Section 522(f) Lien Avoidance Motions;</li> </ul>	
<ul style="list-style-type: none"> <li>• Opposing a request for, or appearing at a 2004 examination;</li> </ul>	
<ul style="list-style-type: none"> <li>• All other Motions or Applications in the case, including to Buy, Sell, or Refinance Real or other Property;</li> </ul>	

<ul style="list-style-type: none"> <li>• Motions or other proceedings to enforce the automatic stay or discharge injunction;</li> </ul>	
<ul style="list-style-type: none"> <li>• Filing or responding to an appeal;</li> </ul>	
<ul style="list-style-type: none"> <li>• An audit of the debtor’s case conducted by a contract auditor pursuant to 28 U.S.C. Section 586(f).</li> </ul>	

<b>Client Requirements:</b>	<b>Client Checklist:</b>
<ul style="list-style-type: none"> <li>• Single or Joint</li> </ul>	
<ul style="list-style-type: none"> <li>• NO real estate</li> </ul>	
<ul style="list-style-type: none"> <li>• Not self employed</li> </ul>	
<ul style="list-style-type: none"> <li>• Income under US Trustee Compliance Guidelines with Rights and Responsibilities of Ch. 7 Debtor and Attorneys</li> </ul>	
<ul style="list-style-type: none"> <li>• Fully disclose everything you own, lease, or otherwise believe you have a right or interest in prior to filing the case;</li> </ul>	
<ul style="list-style-type: none"> <li>• List everyone to whom you owe money, including your friends, relatives or someone you want to repay after the bankruptcy is filed;</li> </ul>	
<ul style="list-style-type: none"> <li>• Provide accurate and complete financial information;</li> </ul>	
<ul style="list-style-type: none"> <li>• Provide all requested information and documentation in a timely manner, in accordance with the Chapter 7 Trustee Guidelines;</li> </ul>	
<ul style="list-style-type: none"> <li>• Cooperate and communicate with your attorney;</li> </ul>	
<ul style="list-style-type: none"> <li>• Discuss the objectives of the case with your attorney before you file;</li> </ul>	
<ul style="list-style-type: none"> <li>• Keep the attorney updated with any changes in contact information, including email address;</li> </ul>	
<ul style="list-style-type: none"> <li>• Keep the attorney updated on all collection activities by any creditor, including lawsuits, judgments, garnishments, levies and executions on debtor’s property;</li> </ul>	
<ul style="list-style-type: none"> <li>• Keep the attorney updated on any changes in the household income and expenses;</li> </ul>	

<ul style="list-style-type: none"> <li>• Timely file all statutorily required tax returns;</li> </ul>	
<ul style="list-style-type: none"> <li>• Inform the attorney if there are any pending lawsuits or rights to pursue any lawsuits;</li> </ul>	
<ul style="list-style-type: none"> <li>• Appear at the Section 341(a) Meeting of Creditors, and any continued Meeting of Creditors;</li> </ul>	
<ul style="list-style-type: none"> <li>• Bring proof of social security number and government issued photo identification to the Section 341(a) Meeting of Creditors;</li> </ul>	
<ul style="list-style-type: none"> <li>• Provide date-of-filing bank statements to the attorney no later than 7 days after filing of your case;</li> </ul>	
<ul style="list-style-type: none"> <li>• Pay all required fees prior to the filing of the case;</li> </ul>	
<ul style="list-style-type: none"> <li>• Promptly pay all required fees in the event post filing fees are incurred;</li> </ul>	
<ul style="list-style-type: none"> <li>• Debtor must not direct, compel or demand their attorney to take a legal position or oppose a motion in violation of any Ethical Rule, any Rule of Professional Conduct, or Federal Rule that is not well grounded in fact or law.</li> </ul>	

I have read the program guidelines and agree to abide by them.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_