

EXHIBIT A TO SECOND AMENDED ADMINISTRATIVE ORDER NO. 14-02

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:

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Case Number

Chapter 13

Debtor(s). * Judge Tiiara N.A. Patton

**RIGHTS AND RESPONSIBILITIES OF
CHAPTER 13 DEBTORS AND THEIR ATTORNEYS**

It is important for debtors who file a bankruptcy case under chapter 13 to understand their rights and responsibilities. Debtors have the right to expect certain services to be performed by their attorney. Debtors also have an obligation to fulfill certain duties, as set forth below.

In order to ensure that the undersigned debtor and attorney understand their respective rights and responsibilities in the bankruptcy process, the debtor and attorney hereby agree to the following:

A. Before the case is filed:

The **debtor** agrees to:

1. Provide the attorney with accurate and, to the best of the debtor's ability, complete financial information, including the debtor's federal income tax return for the most recent tax year ending immediately before the commencement of the case.
2. Discuss with the attorney the debtor's objectives in filing the case.
3. Keep all scheduled meetings and/or appointments with the attorney.
4. Respond to all requests from the attorney as soon as possible.

5. Provide the attorney with a working telephone number or other means of communication.
6. Obtain credit counseling from an approved nonprofit budget credit counseling agency during the 180-day period preceding the petition date or provide the attorney with accurate information to prepare a certificate of exigent circumstances, as required by 11 U.S.C. § 109(h).
7. Inform the attorney about any pending lawsuits (including divorce or any other proceeding in domestic relations court) brought by or against the debtor and any claims the debtor may have against third parties.

The **attorney** agrees to:

1. Personally meet with the debtor to review the debtor's assets, liabilities, income and expenses.
2. Counsel the debtor regarding the advisability of filing either a chapter 7 or a chapter 13 case, discuss both kinds of cases with the debtor and answer the debtor's questions.
3. Review the debtor's eligibility for a bankruptcy discharge and advise the debtor with respect thereto.
4. Explain what payments may be made directly by the debtor to a creditor, such as mortgage and vehicle lease payments, and what payments will be made through the chapter 13 plan.
5. Explain to the debtor how, when and where to make the required chapter 13 plan payments.
6. Explain to the debtor how the attorney fees and the Chapter 13 Trustee fees are paid.
7. Advise the debtor of the requirement to attend the first meeting of creditors held pursuant to 11 U.S.C. § 341 and bring to the meeting (i) valid, unexpired, government-issued picture identification; (ii) proof of social security number; and (iii) proof of vehicle insurance.

8. Advise the debtor of the necessity of maintaining (i) liability, collision and comprehensive insurance on all vehicles owned or leased by the debtor; and (ii) insurance on any real property owned by the debtor.
9. Prepare, file and counsel the debtor regarding the petition, schedules, statement of financial affairs, chapter 13 plan, Official Form 22C and all other documents required to be filed under 11 U.S.C. § 521.
10. Explain to the debtor what an adversary proceeding is, advise the debtor whether and on what basis the attorney will represent the debtor in any adversary proceeding and inform the debtor of the attorney fees associated with representing the debtor if an adversary proceeding needs to be pursued or defended.
11. Explain to the debtor what an evidentiary hearing is and inform the debtor of the attorney fees associated with representing the debtor at an evidentiary hearing.
12. Advise the debtor in writing if the attorney does not maintain professional liability (malpractice) insurance of at least one hundred thousand dollars (\$100,000.00) per occurrence and three hundred thousand dollars (\$300,000.00) in the aggregate, pursuant to Ohio Rule of Professional Conduct 1.4 and Local Civil Rule 83.7.

B. During the case:

The **debtor** agrees to:

1. Advise the Chapter 13 Trustee and the attorney if the debtor has a change of address or a change in telephone number.
2. Keep all scheduled meetings and/or appointments with the attorney and/or with other parties to the case.
3. Respond to all requests from the attorney as soon as possible.
4. Timely make all chapter 13 plan payments to the Chapter 13 Trustee.

5. Timely make all post-petition payments to any creditor that the debtor has agreed to pay directly and, if appropriate, maintain proper insurance coverage and pay post-petition tax obligations concerning the same in a timely fashion.
6. Cooperate with the attorney in preparing all pleadings and attending all hearings as required.
7. Prepare, file and provide to the attorney all delinquent federal, state and local tax returns.
8. Prepare, file and provide to the attorney all required tax returns in a timely manner. Promptly inform the attorney when the debtor receives or is entitled to receive a federal or state income tax refund and the amount thereof.
9. Promptly inform the attorney of any wage garnishments or attachments of assets that occur or continue to occur after the petition date.
10. Promptly inform the attorney if the debtor is sued at any time during the case or threatened with legal action.
11. Promptly inform the attorney if a creditor attempts to collect on a debt.
12. Promptly inform the attorney regarding any changes in employment, increases or decreases in income or any other financial problems or changes.
13. Cooperate with the Chapter 13 Trustee and the attorney in producing any financial or supporting documents in a timely manner.
14. Contact the attorney to find out what approvals are required before buying, refinancing or selling real property or before entering any long-term loan or lease agreements.
15. Complete an instructional course concerning personal financial management, as set forth in 11 U.S.C. § 1328(g), prior to the final plan payment deadline.

The **attorney** agrees to:

1. Prepare, file and represent the debtor regarding all pleadings and matters set forth in Amended Administrative Order No. 14-02 (as may be amended hereafter) ("Amended Administrative Order No. 14-02").
2. Continue to represent the debtor until the case is closed or withdrawal is approved by the Court.
3. Inform the debtor regarding the date, time and location of the meeting of creditors held pursuant to 11 U.S.C. § 341.
4. Be available to respond to the debtor's questions throughout the bankruptcy case.
5. File an executed copy of this document with the Court and provide an executed copy of it to the debtor.
6. Provide such other legal services as are necessary to the administration of the case before the Bankruptcy Court, which include, but are not limited to, meeting with the debtor, preparing appropriate legal pleadings and making necessary court appearances.

C. Attorney Fees

This document is not a fee agreement. The debtor and the attorney must execute a written fee agreement and should review Amended Administrative Order No. 14-02 for services that must be provided within certain fixed fees.

Fees shall be paid to the attorney in accordance with Amended Administrative Order No. 14-02. The attorney may not demand or receive any additional fees directly from the debtor, other than the initial retainer, unless the Court orders otherwise.

The Court may, *sua sponte*, or upon motion of an interested party, disallow all or part of requested attorney fees or may order the disgorgement of all or part of the collected fees if the Court finds that the attorney failed to provide the services set forth in Amended Administrative Order No. 14-02 and this document. If the debtor disputes the legal services provided or the fees charged by the attorney, the debtor may file an objection with the Court.

In addition to the above, the attorney may need to provide legal services to the debtor that are not covered by the initial fees charged or the Compensation set forth in Amended Administrative Order No. 14-02. Such services may include: filing or opposing novel, complex or non-routine motions, representation in evidentiary hearings and representation in adversary proceedings. The attorney may request additional fees for such services by filing a formal fee application, pursuant to Amended Administrative Order No. 14-02, and as may be amended thereafter. The attorney's current hourly rate is \$_____.

Dated: _____

Debtor

Dated: _____

Debtor

Dated: _____

Attorney for Debtor(s)