



Conforming Procedures Manual Changes
L.R. 2003, L.R. 2016-1, and L.R. 3002.1
Effective December 1, 2023

L.R. 2003 - § 341 Meetings

Attorney Admission and Compensation

Admission to Practice

All duly licensed attorneys who are admitted to practice before the U.S. District Court for the Eastern District of Missouri and that are not under disbarment or suspension from any court shall be allowed to practice law before the Bankruptcy Court pursuant to L.R. 2090. Admission to the United States District Court for the Eastern District of Missouri is governed by E.D.Mo.L.R. 12.01.

All partnerships, corporations and other business entities (other than an individual conducting business as a sole proprietorship) must be represented by an attorney admitted to practice before this Court except such entities may appear and act on their own behalf for the purpose of attending the meeting of creditors, filing a request for notice and service of documents, and filing a proof of claim as permitted under L.R. 9010.

An attorney who is not admitted to practice before this Court may be permitted to appear pro hac vice, but only on motion using Local Form 7 in accordance with L.R. 2090 and with payment of required fees. Such fees are payable to the Clerk, U.S. District Court, but are to be submitted with the pro hac vice application to the Bankruptcy Court.

Guidelines for Attorney Compensation

The Appendix to this Manual contains the Court's Guidelines for Professional Compensation. L.R. 2016-1 through 2016-4 govern the procedures for applications for professional compensation.

Meetings of Creditors & Trustee Information

Required Documentation

In Chapter 7 cases, debtors must provide the following documentation to the trustee at least 14 days prior to the initial § 341 meeting of creditors:

1. For pro se debtors, the Statement Upon Penalty of Perjury for Debtors Without an Attorney;
2. Valid government issued photo identification and proof of social security number;
3. Most recently filed federal and state tax returns. In cases that are converted from Chapter 13, the return should be the most recent filed return prior to the original date of case filing;
4. Pay advices for the 60 days prior to filing or if no pay advices are available, then a signed affidavit from the debtor explaining why they are not available;
5. Savings, checking, pre-paid debit cards, online accounts (including PayPal, Green Dot, Cash App, Venmo, Zelle, etc.) and investment account statements covering the date of

filing. In cases that are converted from Chapter 13, the statements shall cover the date of conversion; and

6. Divorce decree or separation agreement that were entered within one year of the petition date.

In Chapter 13 cases, debtors must provide the following documentation to the trustee at least 14 days prior to the initial § 341 meeting of creditors:

1. For pro se debtors, the Statement Upon Penalty of Perjury For Debtors Without An Attorney;
2. Valid government issued photo identification and proof of social security number;
3. Most recently filed federal and state tax returns;
4. Pay advices for the 60 days prior to filing or if no pay advices are available, then a signed affidavit from the debtor explaining why they are not available; and
5. The Chapter 13 trustee's question sheet. Copies may be obtained from the Chapter 13 Trustee's Office at: <https://www.ch13stl.com/>. Debtors engaged in business may be subject to additional requirements by the trustee.

The lists of documents for Chapter 7 and Chapter 13 cases detailed above are not intended to be exhaustive. Nothing precludes the trustee in a Chapter 7 or Chapter 13 case from requesting the production of additional documents.

In Chapter 9 or Chapter 11 cases, debtors should contact the United States Trustee's Office for a list of the documents that must be provided prior to the initial § 341 meeting of creditors. In Chapter 12 cases, debtors should contact the trustee appointed to the case for a list of the documents that must be provided prior to the initial § 341 meeting of creditors.

All individual debtors must bring photo identification and proof of social security number. The following are acceptable forms of photo identification:

1. driver's license; 2. federal or state government ID; 3. student ID;	4. U.S. passport; 5. military ID; or 6. resident alien card.
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Acceptable forms of proof of social security number include an original:

1. social security card; 2. medical insurance card; 3. pay stub;	4. W-2 form; 5. Internal Revenue Service Form 1099; or 6. Social Security Administration SSA report.
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L.R. 2016-1 – Compensation of Professionals

APPENDIX

Guidelines for Compensation of Professionals and Reimbursement of Expenses

Consistent with Fed. R. Bankr. P. 2016 and Local Rule 2016-1(C), the following Guidelines for Compensation of Professionals and Reimbursement of Expenses apply in all bankruptcy cases in the Eastern District of Missouri.

A. Time Records in Support of Fee Applications.

Time records for which compensation is sought should be kept contemporaneously with the services provided and must identify the professional performing the task, the professional's hourly rate, and the length of time of the task expressed in tenths (1/10ths) of an hour. Services may not be "lumped" together unless distinct tasks performed in a project do not exceed .5 hours on a daily basis. All time entries must include a detailed description of the services performed organized in chronological order. All applications must contain activity descriptions with sufficient detail to allow the Court to determine if the requested time and service is actual, reasonable and necessary.

B. Content of Application.

All applications for compensation must:

1. Contain information about the applicant, including:
 - a. the date the bankruptcy petition was filed,
 - b. date the order of employment was approved,
 - c. identification of party represented,
 - d. terms and conditions of employment and compensation, including sources and amount of any retainer, and
 - e. the time period covered by the application.
2. Indicate:
 - a. whether the application is interim or final;
 - b. the dates of previous orders on interim applications,
 - c. the amounts requested and allowed,
 - d. the amounts paid and any amounts remaining unpaid.
3. Provide information on the status of the case including, in Chapter 11 cases:
 - a. whether all quarterly fees have been paid,
 - b. whether all monthly operating reports have been filed, and
 - c. the amount of cash on hand or deposit.

Items 1-3 may be provided in summary format using Local Forms 4 or 5, as applicable.

4. Address the twelve factors from Johnson v. Georgia Highway Express, Inc., 488 F2d 718 (5th Cir. 1974) with a brief narrative of significant events in case during the period covered by the application and a summary of major activity under each project category.

5. Include time records as an exhibit.

C. Time Limitations and Descriptions.

Time entries should follow the following format:

1. conferences and telephone calls should identify the participants and primary subject of the communication;
2. drafting or reviewing documents should identify the document involved by title or subject matter;
3. research should describe the research performed and its purpose;
4. court hearings should describe the purpose of the hearing and if more than one professional attends a hearing or conference, the application must explain the need for multiple attendees; and
5. travel shall be limited to 50% of the professional's hourly rate; actual work performed during travel is excluded from this limitation.

D. Reimbursement of Expenses.

Reimbursement for expenses is confined to the actual and reasonable expenses necessary to fulfill the employment. Applications for reimbursement must be supported by the appropriate documentation for all expenses in excess of \$25.00 and are subject to review under 11 U.S.C. § 330(a). Copies of supporting documentation should not be filed or served with the application except, when requested, copies should be served on the Office of the United States Trustee.

1. Reimbursement of actual out-of-pocket charges for the following types of expenses ordinarily will be allowed, subject to review under § 330(a):
 - a. Copying and duplication costs
 - b. Deposition and transcript fees
 - c. Expenses of members of official committees incurred in connection with attending committee meetings
 - d. Filing fees
 - e. First-class postage
 - f. Sales taxes imposed on professional services and ordinarily charged to clients
 - g. Service-of-process fees
 - h. Travel and transportation expenses, excluding commuting and other local expenses:
 - i. Coach airfare
 - ii. Lodging
 - iii. Meals
 - iv. Mileage at the IRS rate
 - v. Parking
 - vi. Public transportation
 - vii. Rental cars
 - viii. Ridesharing services
 - ix. Taxis

- x. Tolls
 - i. Witness fees
 - j. Working meals (i.e., meals served during client meeting or meals served during negotiations with opposing counsel)
- 2. The following types of expenses will not be allowed in routine circumstances but may be allowed if a professional demonstrates that the expense is necessary under § 330(a)(1)(B) and otherwise appropriate to charge to the bankruptcy estate in the circumstances of a particular case:
 - a. Charges for overnight or expedited delivery, or local messenger or courier service, where necessary to give appropriate notice
 - b. E-discovery vendor charges
 - c. Facsimile charges
 - d. Meals for employees working after normal business hours
 - e. Rental or other charges for a “war room” or other facilities during trial
 - f. Transportation home for personnel working after normal business hours have concluded.
- 3. The following types of expenses ordinarily will not be allowed:
 - a. Administrative and operating expenses of operating a professional’s office, business, or home office:
 - i. Computerized research
 - ii. Equipment
 - iii. Furnishings
 - iv. Insurance
 - v. Internet service
 - vi. Library expenses
 - vii. Office supplies
 - viii. PACER charges
 - ix. Paralegal overtime
 - x. Rent
 - xi. Repairs and maintenance work for personal vehicles
 - xii. Secretarial time and overtime
 - xiii. Taxes, other than sales taxes
 - xiv. Telephone charges (including mobile and long-distance charges)
 - xv. Utilities
 - xvi. Videoconferencing services
 - xvii. Word processing
 - b. Charges of other professionals:
 - i. Expert witnesses
 - ii. Local counsel
 - iii. Outsourcing and staffing services
 - iv. Referral fees
 - c. Luxury travel expenses
 - i. Alcohol and entertainment expenses
 - ii. Limousine and private car services

- iii. Personal hotel expenses, such as movie rentals or gym fees
- d. Expenses exceeding the actual amount charged to the applicant.

L.R. 3002.1 – Notice Relating to Claims Secured by Security Interest in the Debtor’s Principal Residence

Waiver of Attendance

A request by a debtor to be excused from attendance at the meeting of creditors must be made in writing to the Office of the United States Trustee and copied to the case trustee. The U.S. Trustee's acceptable grounds for waiver include: medical condition, imprisonment and military assignment which prevent attendance. Any application for waiver of attendance must include supporting documentation, e.g., doctor's letter, court order, or military order. Waiver of personal appearance and permission to attend a § 341 meeting by telephone must also be approved by the U.S. Trustee's Office. To appear by telephone, the debtor must be sworn in and identified by a notary, court reporter, or other person permitted by law to administer an oath.

Office of the United States Trustee**Assistant U.S. Trustee:**

Paul Randolph
111 South 10th Street, Suite 6353
St. Louis, MO 63102

Attorneys for U.S. Trustee:

Carole Ryczek (314) 539-2976
Sirena Wilson (314) 539-2976
Joe Schlotzhauer (314) 539-2976

The list of panel trustees and their contact information can be accessed at:

<https://www.moeb.uscourts.gov/us-trustee-trustee-information>

Chapter 12 and 13 Procedures**Chapter 13 Attorney Fee Guidelines**

The Court's flat fee and fee application options are governed by L.R. 2016-3(A). All applications must be served as specified in L.R. 2016-1(B)(2). Payment of Chapter 13 attorneys fees through the plan is governed by L.R. 3015-2(G). A Chapter 13 debtor's attorney may be compensated on an hourly basis for representation of the debtor in an appeal or an adversary proceeding.

Chapter 12 and 13 Plan and Confirmation of Plan

1. **Interest on Secured Claims in Chapters 12 and 13.** The applicable interest rate for secured claims in Chapter 13 cases is published on the Court's web site. The Chapter 12 interest rate for secured claims is the same as the Chapter 13 interest rate.
2. **Chapter 13 Confirmation of Plans.** Confirmation of a plan or amended plan may take place prior to the confirmation hearing if no timely objection is filed. The trustee shall provide a proposed order confirming the plan or the pre- or post-confirmation amended plan.

Chapter 13 Requirements Regarding Motor Vehicles

For insurance requirements, please see L.R. 2015-2(C). L.R. 3015-2(H) governs vehicle valuation.

Creditor's Attorney Fees in Chapter 13 Cases

For notices of fees, expenses and charges filed by creditors or by creditors' attorneys in Chapter 13 cases, the following limits on fees pertaining to legal services for a bankruptcy case are in effect:

1. Review Plan/File Proof of Claim: \$400
2. Motion for Relief From Stay: \$900
3. Notice (post-petition fees/payment change): \$150 for Notice of Post-Petition Fees not more often than once every 180 days; \$150 for Notice of Payment Change not more often than once every 365 days
4. Notice of Default: \$100 for filing a Notice of Default; \$200 for each appearance at a hearing on a Notice of Default
5. Charges for Objections to Confirmation are determined on a case-by-case basis.

\$300 per hour is the maximum hourly rate that ordinarily will be allowed to Creditors' attorneys who choose to bill hourly. In all events, hourly rates remain subject to specific objection by any party.

Debtor's Attorney Fees in Chapter 13 Cases

\$300 per hour is the maximum hourly rate that ordinarily will be allowed to Debtor's attorneys who choose to bill hourly. In all events, hourly rates remain subject to specific objection by any party.

Chapter 11 Procedures

Coordination with Court

If you believe coordination with the Court is necessary or helpful before filing any substantial Chapter 11 case, please contact only the Clerk of Court at (314) 244-4601.

United States Trustee's Role

The United States Trustee's role includes reviewing first day motions, professional employment issues, committee formation and other topics germane to the commencement of the case. The U.S. Trustee will also assign an analyst and attorney to each case and will mail notice to each of the 20 largest unsecured creditors concerning formation of an unsecured creditors' committee. At the initial debtor interview, if not addressed in advance, the U.S. Trustee will review:

1. the debtor's obligation to file monthly operating reports;
2. the debtor's insurance needs;
3. the U.S. Trustee's banking guidelines;
4. the U.S. Trustee's Fee Guidelines; and
5. the debtor's obligation to pay quarterly fees under 28 U.S.C. § 1930(a)(6).

First Day Matters

Typical first day matters include:

1. Motions for joint administration;
2. Applications for employment of professionals, including attorneys, accountants, financial