



U.S. Bankruptcy Court, District of Minnesota

Rule 2016-1. Compensation of Professional Persons

- (a) CHAPTER 7 CASES. A professional person seeking compensation in a chapter 7 case shall file an application complying with paragraph (c) of this rule and serve copies on the trustee and the United States Trustee. The application shall be reviewed as part of the trustee's interim or final report and account.
- (b) CHAPTER 11, 12 AND 13 CASES. Except as provided in paragraph (d) of this rule, a request for an order allowing or authorizing payment of compensation of a professional person in a chapter 11, 12 or 13 case shall be made by motion, but no memorandum of facts and law is required. The application shall comply with paragraph (c) of this rule. The applicant shall give at least 21 days notice of the hearing on the application to the parties required by Federal Rule of Bankruptcy Procedure 2002(a)(6) and Local Rule 9013-3.
- (c) CONTENTS OF APPLICATIONS. Except as provided in paragraph (d) of this rule, an application for compensation of a professional person shall
- (1) Include a copy of the order, if any, approving the applicant's employment or, if the applicant is a trustee or an examiner in a chapter 11 case, a copy of the applicant's appointment by the United States Trustee;
 - (2) State the date and amount of any retainer paid to the applicant and its source;
 - (3) State the dates and amounts of all previous applications and their dispositions, including amounts allowed and paid;
 - (4) State the date that a plan, if any, was confirmed;
 - (5) Itemize all unpaid administrative expenses known to the applicant or the applicant's client;
 - (6) State in narrative form the services performed, the amount of time involved, the results achieved and the amount requested for fees and reimbursement of expenses;
 - (7) Include an itemization of time separated by task or proceeding stating for each task or proceeding:
 - (i) A description of the task or proceeding;
 - (ii) A detailed list and description of each increment of time expended on the task or proceeding; and



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- (iii) The name and capacity of the person who expended the time;
 - (8) State the hourly rate being charged for each person whose time is included in the application; and
 - (9) Provide a detailed itemization of all expenses, including unit costs where applicable.
- (d) DEBTORS' ATTORNEYS IN CHAPTER 13 CASES.
- (1) Preconfirmation Services.
 - (i) A debtor's attorney in a chapter 13 case may request an order allowing or authorizing payment of compensation by simplified application, and the court may issue the requested order without a hearing, provided that the amount of compensation does not exceed \$3,000¹ for cases below the applicable median family income and \$3,500² for cases at or above the applicable median family income, as determined on Official Form 122C-1. The simplified application need not comply with Federal Rule of Bankruptcy Procedure 2016 or paragraph (c) of this rule and shall conform substantially to Local Form 2016-1.
 - (ii) A debtor's attorney in a chapter 13 case who represents the debtor in a motion to value claim brought pursuant to Local Rule 3012-1 may request an order allowing or authorizing payment of compensation by simplified application, and the court may issue the requested order without a hearing, provided that the amount of compensation does not exceed \$4,000 for that motion. The simplified application need not comply with F.R.Bankr. P. 2016 or paragraph (c) of this rule and shall conform substantially to Local Form 2016-1.
 - (2) Postconfirmation Services. In a chapter 13 case, an attorney who represents a debtor after confirmation of a plan in resolving motions for relief from stay and motions for dismissal, filing motions for sale of real estate and motions objecting to claims, preparing, assisting the debtor in preparing and submitting required disclosures under 11 U.S.C. § 521(f)(4), or assisting the debtor in responding to requests for information made in connection with an audit conducted pursuant to 28 U.S.C. § 586(f) may request an order awarding compensation and/or reimbursement of expenses by simplified application, and the court may issue the requested order without a hearing, if the amount of the requested compensation does not exceed \$500.³ per application. An attorney who represents a debtor after confirmation of a plan in serving and filing a modified plan may likewise request an order awarding compensation and/or reimbursement of expenses by simplified application if the amount of the requested compensation does not exceed \$750.⁴ per application. The simplified application need not comply with F.R.Bankr.P.



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2016 or paragraph (c) of this rule and shall conform substantially to Local Form 2016-1. No more than five applications may be filed under this subdivision in a case, except that applications for services rendered pursuant to 11 U.S.C. § 521(f) will not be counted toward this limit. Any order made under this rule is subject to review at any time.

- (3) Notwithstanding F.R.Bankr. P. 2002(a)(6), notice of applications filed in compliance with this subdivision (d) need not be given.

(e) COMPENSATION OF BANKRUPTCY PETITION PREPARERS.

- (1) A bankruptcy petition preparer must complete, sign and cause to be filed with the petition the bankruptcy petition preparer's notice, declaration, and signature (Official Form 119) and disclosure of compensation of bankruptcy petition preparer (Director's Form 2800).
- (2) A bankruptcy petition preparer's compensation in a Chapter 7 or Chapter 13 case is limited to \$90.00, unless additional compensation is authorized under paragraph (3) of this rule.
- (3) Any bankruptcy petition preparer paid more than \$90.00 in any individual case must file a motion for an order authorizing such fee. No memorandum of facts and law is required. The motion must comply with paragraph (c) of this rule and shall be filed not later than 21 days before the hearing date.
- (4) Any bankruptcy petition preparer paid more than \$90 without court approval, or who fails to comply with any requirements of the Bankruptcy Code or national or local rules, including but not limited to 11 U.S.C. § 110 and paragraph (c) of this rule, is subject to sanctions, including disgorgement of compensation, under 11 U.S.C. §110.
- (5) The Clerk must provide a copy of this paragraph (e) to each pro se debtor within ten days after the filing of such debtor's petition.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; April 3, 2007; February 22, 2008; December 1, 2009; May 1, 2015; December 1, 2015; June 1, 2016; March 1, 2017; October 1, 2019.]

¹ This amount applies only to cases filed on and after May 1, 2015. For cases filed before May 1, 2015, this amount is \$2,500.

² This amount applies only to cases filed on and after May 1, 2015. For cases filed before May 1, 2015, this amount is \$3,000.



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³ This amount applies only to cases filed on and after May 1, 2015. For cases filed before May 1, 2015, this amount is \$300.

⁴ This amount applies only to cases filed on and after May 1, 2015. For cases filed before May 1, 2015, this amount is \$500.