

NEBRASKA RULES OF BANKRUPTCY PROCEDURE

Adopted by the United States District Court
for the District of Nebraska
April 15, 1997

Effective Date April 15, 1997

RULE 2016-1. COMPENSATION OF PROFESSIONALS

A. Fee Applications.

1. Mandatory Application. Applications for allowance of compensation for services and reimbursement of expenses shall be filed when Court approval of compensation is required under 11 U.S.C. § 330. Except in Chapter 7 cases, a fee application must also be filed if debtor's attorney received a prepetition bankruptcy retainer or payment from property of the debtor, or from property of a person or entity other than the debtor. In the case of a prepetition retainer or payment, and except in Chapter 7 cases, the fee application shall be filed even if no further compensation is sought in connection with the bankruptcy case.

2. Time to file. Professionals seeking compensation and reimbursement of expenses from property of the estate shall file an application for allowance of fees and expenses. All applications by professionals for compensation and reimbursement of expenses from property of the estate shall be filed before the case is closed with the Clerk of the Bankruptcy Court as promptly as reasonably possible after completion of the services. If a trustee has been appointed in the case, the trustee shall give all professionals retained by debtor with Court approval ten (10) days notice of the trustee's intention to file the final report and account so as to provide such professional with an opportunity to file an application before the mailing of notice of hearing on the trustee's final report and account. In any case in which interim compensation has been approved, the professional for whom interim compensation was approved must file a final fee application.

3. Contents. Unless otherwise ordered, a time summary exhibit, constructed from contemporaneously kept time records, shall be attached to all fee applications. The exhibit shall state the dates, the number of hours spent and estimated to be spent in the future to tenths of an hour on particular tasks, a concise statement of the task, the identity of the

individual performing the work, the relationship of the service to the estate, and the value thereof. If the application seeks compensation for future services, the exhibit shall also state an estimate of the number of hours to be expended in future services. All fee applications shall disclose all fees paid to the applicant, including prepetition payments for services rendered or to be rendered in connection with the case. The description of legal services and expenses shall also include services and expenses to be compensated from prepetition retainer, if any. Moreover, each fee application shall disclose all prior interim fee awards.

4. Chapter 13 Fee Applications. A fee application of debtor's counsel seeking less than an amount established from time to time, by General Order of the Nebraska Bankruptcy Judges, is not required to set forth all of the information listed in subsection 3 above, and shall be sufficient if the application states the total number of hours expended on services, with a general description of the services rendered. A fee application in the form set forth in Appendix "F" shall be sufficient. The current General Order establishing the maximum dollar amount of such fee applications is set forth in Appendix "G".

5. Notice. All applications for compensation shall be served on the Office of the United States Trustee, the standing trustee or panel trustee, and all interested parties.

B. Disclosure of Compensation. Every professional, whether or not the professional applies for compensation, shall file with the Court within 15 days after employment, a Statement of Compensation paid or agreed to be paid, if such payment or agreement was made after one year before the date of the filing of the petition. The Statement of Compensation shall disclose the source of such compensation paid or agreed to be paid. A supplemental Statement shall be filed within 15 days after receipt of any payment not previously disclosed.

C. Compliance with Neb. R. Bankr. P. 9013-1. Applications by professionals for compensation and reimbursement of expenses shall be filed and served pursuant to the provisions of Neb. R. Bankr. P. 9013-1.

D. Order. If no resistance is filed to applications for compensation and reimbursement of expenses, movant shall submit a proposed order in conformance with Neb. R. Bankr. P. 9072-1.