



U.S. Department of Justice

United States Trustee Program

**Instructions for Completing the Chapter 11 Fee Appendix
B Guideline Forms, Exhibits A through E, Portable
Document Format (PDF) Fillable Forms**

Version 1.0

August 30, 2013

1 Introduction

The Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses Filed under 11 U.S.C. § 330 by Attorneys in Larger Chapter 11 Cases

The United States Trustee Program (“USTP”) has issued new guidelines for attorney compensation in larger chapter 11 cases. These new Guidelines – formally titled “Appendix B– Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses Filed Under 11 U.S.C. § 330 for Attorneys in Larger Chapter 11 Cases” – are effective for cases filed on or after November 1, 2013.

For purposes of these Guidelines, a larger chapter 11 case is defined as a chapter 11 case with \$50 million or more in assets and \$50 million or more in liabilities, aggregated for jointly administered cases and excluding single asset real estate cases as defined in 11 U.S.C. § 101(51B).

These new Guidelines are a statement of the USTP’s policy governing its review of attorney fee applications in larger chapter 11 cases. They communicate to professionals and the general public the criteria used by United States Trustees in the review of fee applications, the USTP’s expectations of professionals, and possible bases for USTP objections to the payment of fees and reimbursement of expenses. These Guidelines do not supersede local rules, court orders, or other controlling authority.

The USTP will encourage bankruptcy courts to incorporate the Appendix B Guidelines in their local rules of bankruptcy procedure, as many courts have done with the guidelines that were issued in 1996. USTP attorneys in districts throughout the country will enforce the Guidelines and defend them in bankruptcy courts and through appeals as appropriate.

Privacy Act Statement. 28 U.S.C. § 586(a)(3)(A) authorizes the collection of this information. The United States Trustee will use this information to evaluate whether compensation and reimbursement of expenses filed by attorneys in larger chapter 11 cases – those cases with \$50 million or more in assets and \$50 million or more in liabilities – are appropriate and reasonable pursuant to 11 U.S.C. § 330. Disclosure of this information may be to a bankruptcy trustee or examiner when the information is needed to perform the trustee’s or examiner’s duties, or to the appropriate federal, state, local, regulatory, tribal, or foreign law enforcement agency when the information indicates a violation or potential violation of law. Other disclosures may be made for routine purposes. For a discussion of the types of routine disclosures that may be made, you may consult the Executive Office for United States Trustee’s systems of records notice, UST-001, “Bankruptcy Case Files and Associated Records.” See 71 Fed. Reg. 59,818 et seq. (Oct. 11, 2006). A copy of the notice may be obtained at the following link: <https://www.gpo.gov/fdsys/pkg/FR-2006-10-11/pdf/E6-16814.pdf>.

Failure to provide this information could result in an objection to your fee application, or other action by the United States Trustee. 11 U.S.C. § 330.

2 Technical Requirements

2.1 Background

To assist in implementation of the Chapter 11 Fee Appendix B Guidelines, the USTP has developed Portable Document Format (PDF) fillable forms for Exhibits A through E. These forms may be downloaded, completed, and submitted with the attorney’s “Application for Compensation and Reimbursement of Expenses.” These forms are available through the U.S. Trustee Program Web site.

2.2 Technical Requirements

The following are the system requirements for completing the Chapter 11 Fee Guidelines Fillable Forms:

Internet Explorer Version 8.0 or higher

Adobe Reader Version 9.0 or higher

Adobe Acrobat X Pro or higher

2.3 Field Types in Chapter 11 Fee Guidelines Fillable Forms

Each of the Chapter 11 forms contains fillable fields. Depending on your Adobe settings, these fields may appear highlighted. Below are the different types of fields:

Field Type	Formatting Standard
Text	Free text; up to available limit of field. Certain fields will allow multiple lines of text.
Pick List	Contains several options within a drop-down list.
Numeric	Non-negative whole numbers up to available limit of field
Numeric (currency)	Some dollar amounts allow more than 10 digits, plus two decimal places.
Date	Dates formatted as MM/DD/YYYY. Date fields also have an associated Calendar tool, accessible by clicking the downward arrow that appears in the active field.

2.4 Navigation within Chapter 11 Fee Guidelines Fillable Forms and the Validation of Date Fields

- Users may click directly in a field to begin entering data; or, users may press <TAB> on their keyboards to move forward through the fields or <SHIFT> + <TAB> to move backwards. The tab order is set as top-down, then, left-right on the page. **Date Fields:**

Some fields are validated for format, such as date fields that require the MM/DD/YYYY format. Adobe will warn you if you do not enter the data correctly in these fields. However, you will be able to continue to the next field, and to save the files with these warnings.

3 Completing the Chapter 11 Fee Guidelines Fillable Forms

3.1 Retrieving the Chapter 11 Fee Guidelines Fillable Forms from the U.S. Trustee Program Web site

Location of Forms:

1. From the Rules, Guidelines, and Federal Register Notices page of the U.S. Trustee Program Web site at: http://www.justice.gov/ust/ea/rules_regulations/guidelines/index.htm, select the Exhibit you wish to access.
2. Click on the link under the “Format” heading to access the PDF/F file that you wish to download. The file will open in another Internet browser window.

Appendix B Guidelines Fillable Forms:		
To assist in implementation of the Appendix B Guidelines, the USTP has developed Portable Document Format (PDF) fillable forms for Exhibits A through E. These forms may be downloaded, completed, and submitted with the attorney’s “Application for Compensation and Reimbursement of Expenses.”		
Effective Date	Subject	Format
	Instructions for Appendix B Guidelines Forms	[PDF - 92 KB]
November 1, 2013	Exhibit A - Customary and Comparable Compensation Disclosures With Fee Applications	[PDF/F - 1.68 MB]
November 1, 2013	Exhibit B – Summary of Timekeepers Included in this Fee Application	[PDF/F - 1.27 MB]
November 1, 2013	Exhibit C – Budget and Staffing Plan	[PDF/F - 2.64 MB]
November 1, 2013	Exhibit D – Summary of Compensation Requested by Project Category	[PDF/F - 2.65 MB]
November 1, 2013	Exhibit E – Summary Cover Sheet of Fee Application	[PDF/F - 978 KB]

Figure 1. List of Appendix B Fillable Forms on USTP Web site.

3. Once the file is open, select **File > Save As**. Name the file and save it to a location on your PC where you will be able to easily locate the file.

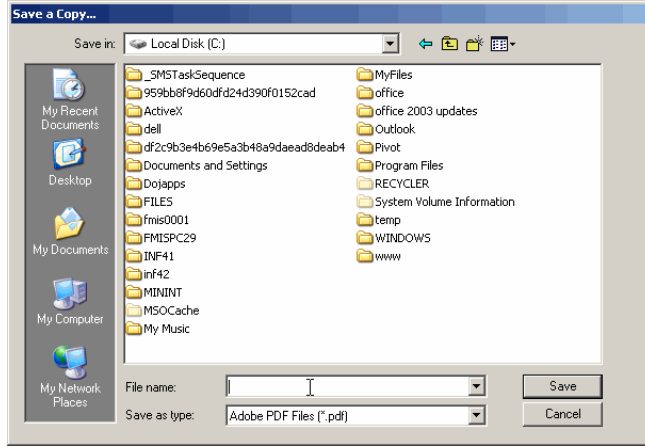


Figure 2. Save a Copy Window

4. Locate and Click on the file to Open it. Adobe will launch.

3.2 Entering Data Into the Chapter 11 Fee Guidelines Fillable Forms Fields Types

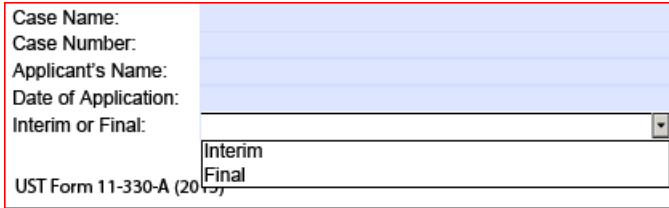
1. Begin entering data into the fields.

Some sections of the fillable form allow for multiple entries (e.g., multiple Timekeepers). The time keeper categories may be modified to match the categories used within your organization. These sections have an **Add** button beneath the row and a **Delete** button to the left of each row. Click **Add** to insert another row just below the previous row; click **Delete** to remove the row to the right of the **Delete** button (one row will always remain). Save the file at regular intervals to ensure that you do not lose your work.

CATEGORY OF TIMEKEEPER (using categories already maintained by the firm)		BLENDED HOURLY RATE	
		BILLED OR COLLECTED Firm or offices for preceding year, excluding bankruptcy	BILLED In this fee application
Delete	Sr./Equity Partner/Shareholder		
Delete	Jr./Equity Partner/Shareholder		
Delete	Counsel		
Delete	Sr. Associate (7 or more years since first admission)		
Delete	Associate (4-6 years since first admission)		
Delete	Jr. Associate (1-3 years since first admission)		
Delete	Staff Attorney		
Delete	Contract Attorney		
Delete	Paralegal		
Delete	Other (please define)		
Add	Click Add button to add additional timekeeper category		
	All timekeepers aggregated		

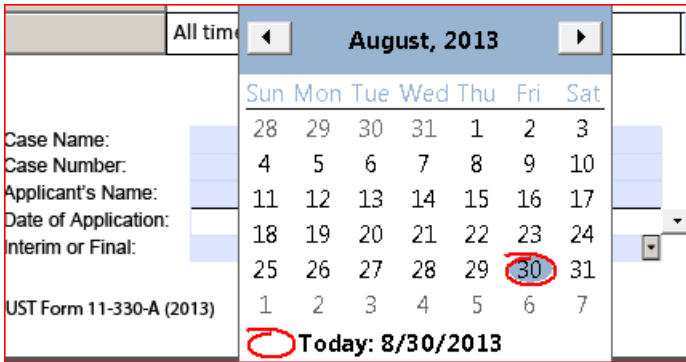
Figure 3. Add and Delete Buttons for Sections that Allow Multiple Rows

2. Other field types within the fillable form include the Pick List, pictured in Figure 5, and the Date Tool, pictured in Figure 6. You can simply select from the options displayed.



A screenshot of a form with several text input fields: Case Name, Case Number, Applicant's Name, and Date of Application. Below these is a pick list for 'Interim or Final' with two options: 'Interim' and 'Final'. The text 'UST Form 11-330-A (2013)' is visible at the bottom left of the form area.

Figure 5. Pick List showing options for Interim or Final



A screenshot of a form with a date tool. The date tool shows a calendar for August 2013. The date '30' is circled in red. Below the calendar, the text 'Today: 8/30/2013' is displayed, with '30' also circled in red. The form fields on the left are the same as in Figure 5.

Figure 6. Date Tool showing calendar

3. Once you have entered all the data in the form, save the file again to a location on your PC where you will be able to easily locate the file.

3.3 Filing the Chapter 11 Fee Guidelines Fillable Forms with the Courts

Consult your local court for policies and requirements when filing the completed Chapter 11 Fee Guidelines Forms.

■ End