

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO

In Re:) Chapter 13
)
) Case No.
)
Debtor(s)) Judge Russ Kendig
)

**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. It is also important that the debtors know what their attorney's responsibilities are, and understand the importance of communicating with their attorney to make the case successful. Debtors should also know that they may expect certain services to be performed by their attorney. In order to ensure that debtors and their attorneys understand their rights and responsibilities in the bankruptcy process, the following guidelines provided by the Court are hereby agreed to by the debtors and their counsel.

This document is not a fee agreement. Debtors and attorneys are encouraged to execute fee agreements and should review Administrative Order No. 19-06 as to services that must be provided within certain fixed fees.

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.
2. Discuss with the attorney the debtor's objectives in filing the case.
3. Keep all scheduled meetings and/or appointments, both with the attorney and with other parties to the case.
4. Respond to all attorney requests as soon as possible.
5. Provide the attorney with a working telephone number or other form of communication.
6. Obtain credit counseling from an approved agency.

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 procedures with the debtor, and answer the debtor's questions.
3. Explain what payments will be made directly by the debtor, such as mortgages and vehicle lease payments, and what payments will be made through the Chapter 13 plan.
4. Explain to the debtor how, when, and where to make the required Chapter 13 plan payments.
5. Explain to the debtor how the attorney's fees and Trustee's fees are paid, and provide an executed copy of this document to the debtor.
6. Explain to the debtor that the first plan payment must be made to the Trustee within 10 days of the date that the plan is filed.
7. Advise the debtor of the requirement to attend the §341 Meeting of Creditors and bring to the meeting a valid, unexpired, government issued picture identification, proof of social security number, most recent tax return, two (2) current concurrent pay stubs for each debtor, and proof of car insurance.
8. Advise the debtor of the necessity of maintaining liability, collision, and comprehensive insurance on vehicles owned or leased by the debtor.
9. Advise the debtor of the necessity of maintaining insurance on any real property that the debtor may own.
10. Timely prepare and file the debtor's petition, plan, statements, and schedules, as well as any required amendments thereto, as well as necessary services to enable determination of the right to discharge and to ensure full benefit of the discharge.

B. After the case is filed:

The **debtor** agrees to:

1. Keep the Trustee and the attorney informed as to debtor's current address and telephone number.
2. Timely make all Chapter 13 payments to the Chapter 13 Trustee.
3. Timely make all post-petition payments to any creditors 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.
4. Cooperate with the attorney in preparing all pleadings and attending all hearings as required.
5. Prepare and file all delinquent federal, state, and local tax returns within 30 days, and thereafter file all required tax returns in a timely manner.
6. Promptly inform the attorney of any wage garnishments or attachments of assets which occur or continue to occur after the filing of the case.
7. Promptly inform the attorney of any claim or right to sue acquired against third parties.
8. Let the attorney know if the debtor is sued at any time during the case.
9. Contact the attorney regarding any changes in employment, increases or decreases in income, or any other financial problems or changes.
10. Cooperate with the attorney and the Trustee in timely producing any financial or supporting documents requested by the attorney or the Trustee.
11. 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.
12. Complete an approved course in personal financial management.

The **attorney** agrees to:

1. Continue to represent the debtor through the conclusion of the case, whether by dismissal or discharge.
2. File the debtor's statement of compliance with the credit counseling requirement with the petition or within fourteen (14) days after.
3. Instruct the debtor as to the date, time, and location of the §341 Meeting of Creditors, and appear at the §341 Meeting of Creditors with the debtor and advise debtor about documents required for the 341 meeting.
4. Respond to objections to plan confirmation, and, when necessary, prepare an amended plan.
5. Prepare, file, and serve necessary plan modifications which may include suspending, decreasing, or increasing plan payments.
6. Prepare, file, and serve necessary amended statements and schedules in accordance with information provided by the debtor.
7. Prepare, file, and serve necessary motions to incur debt, or to buy, sell, or refinance real property when appropriate.
8. Object to improper or invalid claims, if necessary, based upon documentation provided by the debtor.
9. Be available to respond to the debtor's questions throughout the life of the plan.
10. Represent the debtor in motions for relief from stay, to dismiss, or to convert.
11. 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, presenting appropriate legal pleadings, and making necessary court appearances.
12. File an executed copy of this document with the Court, and provide executed copies of it to the debtor and the Chapter 13 Trustee.

13. Timely file or confirm the filing of necessary pre-discharge paperwork following a debtor's completion of plan payments.

Dated: _____
Debtor

Dated: _____
Debtor

Dated: _____
Attorney for Debtors(s)