

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

In re:	)	FILED September 11, 2012
	)	
<b>CHAPTER 7 RIGHTS AND</b>	)	<b>BANKRUPTCY GENERAL</b>
<b>RESPONSIBILITIES and</b>	)	<b>ORDER NO. 180</b>
<b>AMENDMENTS TO LOCAL</b>	)	
<b>BANKRUPTCY RULE 9010</b>	)	
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Debtors who file bankruptcy cases under Chapter 7 or Chapter 13 must understand their rights and responsibilities, as well as their attorney's responsibilities, in order for their cases to succeed. For example, debtors are obligated to fully communicate with their attorneys and are entitled to rely on their attorneys to perform agreed upon services. To promote the success of Chapter 13 cases this district previously adopted a formal statement of the Rights and Responsibilities owed by both attorneys and Chapter 13 debtors. Now, to assure that Chapter 7 debtors and their attorneys understand their respective rights and responsibilities, a formal statement of Rights and Responsibilities will be required in Chapter 7 cases. This Chapter 7 statement is provided below and will be implemented through amended Local Bankruptcy Rules.

The effective date for these rule changes will be specified in an amended General Order following the Court's consideration of any comments received during a 60 day comment period. The timing of the effective date will take into consideration the need for attorneys to contact clients and obtain the required signatures on the Rights and Responsibilities document.

The Local Bankruptcy Rules are amended as follows below.

**RULE 9010. APPEARANCE OF ATTORNEYS.**

**9010-6 APPEARANCE ATTORNEYS.**

Section 341 (a) meeting. An attorney may attend a meeting of creditors on behalf of the attorney of record. The attorney attending a meeting of creditors must be familiar with the facts and circumstances of the case and must be prepared to act as the attorney of record for all purposes of the 341a meeting.

**9010-7 SCOPE OF REPRESENTATION OF DEBTOR'S COUNSEL IN  
CHAPTER 7 OR CHAPTER 13 BANKRUPTCY CASES AND  
PROCEEDINGS.**

An attorney retained to represent a debtor in a Chapter 7 or Chapter 13 bankruptcy case must provide representation that meets the standards established by the United States Bankruptcy Court, Southern District of California Rights and Responsibilities of Chapter 7 Debtors and Their Attorney or the United States Bankruptcy Court, Southern District of California Rights and Responsibilities of Chapter 13 Debtors and Their Attorney, as relevant. Consistent with these standards, an appearance in the bankruptcy case for a debtor does not require the attorney to appear for that party in certain contested matters, an adversary proceeding, or an examination pursuant to Bankruptcy Rule 2004, unless otherwise ordered by the Court.

IT IS FURTHER ORDERED that the period of comment on the local rule changes and the proposed Chapter 7 Rights and Responsibilities will be from now until November 9, 2012. The effective date of these Local Rules and the new Chapter 7 Rights and Responsibilities will be established by an amendment to this General Order. Any comments should be submitted to the Clerk of Court at 325 West "F" Street, San Diego, California 92101-6991. Please note on the envelope: "In re: G. O. 180 - Chapter 7 R&R."

DATED: September 11, 2012

s/Peter W. Bowie

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PETER W. BOWIE  
Chief Judge, U.S. Bankruptcy Court

s/Louise DeCarl Adler

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LOUISE DeCARL ADLER  
Judge, U.S. Bankruptcy Court

s/Laura S. Taylor

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LAURA S. TAYLOR  
Judge, U.S. Bankruptcy Court

Out of District

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MARGARET M. MANN  
Judge, U.S. Bankruptcy Court

Revised: 9/4/12

Name, Address, Telephone No. & I.D. No.

**UNITED STATES BANKRUPTCY COURT**  
SOUTHERN DISTRICT OF CALIFORNIA  
325 West "F" Street, San Diego, California 92101-6991

In Re

BANKRUPTCY NO.

Tax I.D. / S.S. #:

Debtor.

**United States Bankruptcy Court  
Southern District of California  
Rights and Responsibilities of Chapter 7 Debtors  
and Their Attorneys**

In order for debtors and their attorneys to understand their rights and responsibilities in the bankruptcy process, the following terms of engagement are hereby agreed to by the parties.

Nothing in this agreement should be construed to excuse an attorney from any ethical duties or responsibilities under Federal Rule of Bankruptcy Procedure 9011 and the Local Bankruptcy Rules.

**I.  
Services Included in the Initial Fee Charged**

The following are services that an attorney must provide as part of the initial fee charged for representation in a Chapter 7 case:

1. Meet with the debtor to review the debtor's assets, liabilities, income and expenses.
2. Analyze the debtor's financial situation, and render advice to the debtor in determining whether to file a petition in bankruptcy.
3. Describe the purpose, benefits, and costs of the Chapters the debtor may file, counsel the debtor regarding the advisability of filing either a Chapter 7, 11, or 13 case, and answer the debtor's questions.
4. Advise the debtor of the requirement to attend the § 341 (a) Meeting of Creditors, and instruct the debtor as to the date, time and place of the meeting.
5. Advise the debtor of the necessity of maintaining liability, collision and comprehensive insurance on vehicles securing loans or leases.

6. Timely prepare, file and serve the debtor's petition, plan, schedules, statement of financial affairs, and any necessary amendments to Schedule C, which may be required.
7. Provide documents pursuant to the Trustee Guidelines and any other information requested by the Chapter 7 Trustee or the Office of the United State Trustee.
8. Provide an executed copy of the Rights and Responsibilities of Chapter 7 Debtors and their Attorneys to the debtor.
9. Appear and represent the debtor at the § 341(a) Meeting of Creditors, and any continued meeting, except as further set out in Section II.
10. File the Certificate of Debtor Education.
11. Attorney shall have a continuing obligation to assist the debtor by returning telephone calls, answering questions and reviewing and sending correspondence.

**II.  
Services Included as Part of the Attorney Representation,  
But May Require an Additional Fee**

The following are additional services, included as part of the representation of the debtor, but for which the attorney may charge additional fees.

1. Representation at any continued meeting of creditors due to client's failure to appear or failure to provide required documents or acceptable identification;
2. Amendments (other than Schedule C);
3. Opposing Motions for Relief from Stay;
4. Reaffirmation Agreements and hearings on Reaffirmation Agreements;
5. Redemption Agreements and hearings on Redemption Agreements;
6. Preparing, filing, or objecting to Proofs of Claims, when appropriate, and if applicable;
7. Representation in a Motion to Dismiss or Convert debtor's case;
8. An audit of the debtor's case conducted by the United States Department of Justice.

**III.  
Services Not Included as Part of The Initial Fee, No Attorney  
Representation; additional Services to Be Negotiated  
By a Separate Fee Agreement**

The following services are not included as part of the representation in a Chapter 7 case, unless the attorney and debtor negotiate representation in these post-filing matters at mutually agreed

upon terms in advance of any obligation of the attorney to render services. The debtor will not be represented by the attorney in these matters:

1. Defense of a Complaint to determine dischargeability of a debt;
2. Defense of a Complaint objecting to discharge;
3. Objections to Claim of Exemption, except where an objection arises due to an error on Schedule C;
4. Sheriff levy releases;
5. Section 522(f) Lien Avoidance Motions;
6. Opposing a request for, or appearing at, a 2004 examination;
7. Motions to Buy, Sell, Refinance Real or other Property.

#### **IV. Duties and Responsibilities of the Debtor**

As the debtor filing for a Chapter 7 bankruptcy, you must:

1. Fully disclose everything you own, lease, or otherwise believe you have a right or interest in prior to filing the case;
2. List everyone to whom you owe money, including your friends, relatives or someone you want to repay after the bankruptcy is filed;
3. Provide accurate and complete financial information;
4. Provide all requested information and documentation in a timely manner, in accordance with the Chapter 7 Trustee Guidelines;
5. Cooperate and communicate with your attorney;
6. Discuss the objectives of the case with your attorney before you file;
7. Keep the attorney updated with any changes in contact information;
8. Keep the attorney updated on any and all collection activities by any creditor, including lawsuits, judgments, garnishments, levies and executions on debtor's property;
9. Keep the attorney updated on any changes in the household income and expenses;
10. Timely file all required tax returns;
11. Inform the attorney if there are any pending lawsuits or rights to pursue any lawsuits;
12. Appear at the Section 341(a) Meeting of Creditors, and any continued Meeting of Creditors;

13. Bring proof of social security number and government issued photo identification to the Section 341(a) Meeting of Creditors;
14. Provide date-of-filing bank statements to the attorney no later than 7 days after filing of your case;
15. Pay all required fees prior to the filing of the case;
16. Promptly pay all required fees in the event post filing fees are incurred;
17. Debtors must not direct, compel or demand their attorney to take a legal position or oppose a motion in violation of any Ethical Rule, any Rule of Professional Conduct, or Federal Rule that is not well grounded in fact or law.

Dated:

\_\_\_\_\_  
Debtor

Dated:

\_\_\_\_\_  
Debtor

Dated:

\_\_\_\_\_  
Attorney for Debtor(s)