

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

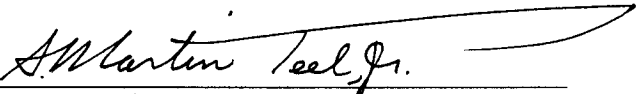
ORDER APPROVING AMENDMENTS TO
LOCAL BANKRUPTCY RULES AND SETTING EFFECTIVE DATE

PURSUANT to the authority granted by the United States
District Court for the District of Columbia, it is

ORDERED that the Local Rules of this court are amended and
revised as set forth in the attached Local Rules. It is further

ORDERED that the amended Local Rules shall take effect
September 22, 2006, and shall govern all proceedings in this
court thereafter commenced and, insofar as just and practicable,
all proceedings in this court then pending.

Dated: September 22, 2006



S. Martin Teel, Jr.
United States Bankruptcy Judge

RULE 2090-2. COURT APPOINTED REPRESENTATION

Attorneys who are members in good standing of the Bar of the United States District Court for the District of Columbia are urged whenever requested by the Court to assist or represent parties who can not afford to retain counsel to represent them in bankruptcy matters before this Court and, if necessary, without compensation unless exempted by rule or statute.

RULE 2090-3. ATTORNEYS REPRESENTING INDIGENT PARTIES

An attorney who is a member in good standing of the District of Columbia Bar or who is a member in good standing of the bar of any United States Court or of the highest court of any State may appear, file papers, and practice in any case handled without a fee on behalf of indigent parties upon filing a certificate that the attorney is providing representation without compensation.

RULE 2090-4. BANKRUPTCY PRO BONO PANEL

- (a) Attorneys who are members in good standing of the Bar of the United States District Court for the District of Columbia are urged whenever requested by the Court under Rule 2090-2 to assist or represent litigants who cannot afford to retain counsel to represent them in bankruptcy matters before this Court and, if necessary, without compensation unless exempted by rule or statute. As one way to assist attorneys in meeting this request, and in light of the need for attorneys to represent indigent pro se litigants in bankruptcy matters before this Court, the Court hereby establishes a Bankruptcy Pro Bono Panel (the "Panel") of attorneys who are members in good standing of the Bar of the United States District Court for the District of Columbia or who are otherwise eligible to practice before this Court pursuant to Rule 2090-3, and who have agreed to accept pro bono appointments to represent indigent parties in bankruptcy matters before this Court. Members of the Bar of the United States District Court for the District of Columbia are urged to volunteer to serve on this Panel.
- (b) The following procedures shall govern the assignment of attorneys from the Bankruptcy Pro Bono Panel to represent pro se parties who cannot obtain counsel by any other means.
 - (1) **BANKRUPTCY TASK FORCE.** The Bankruptcy Court shall appoint a Bankruptcy Task Force, which shall include private practitioners and government attorneys who are members of the District of Columbia Bar and who practice in this Court, to oversee the Bankruptcy Pro Bono Panel established herein and annually report

to the Court and to the D.C. Circuit Judicial Conference Standing Committee on Pro Bono Legal Services on the operation of the Panel.

(2) BANKRUPTCY PRO BONO PANEL.

- (i) Attorneys, law firms, and clinical legal education programs (“Clinics”) at law schools accredited by the American Bar Association that are willing to accept appointment to represent indigent pro se parties in bankruptcy matters may apply to join the Panel. Application forms shall be available from the Clerk. Each application shall set forth, among other things:
 - (aa) in the case of a law firm, the name of an attorney in the firm designated as the Panel Liaison, to whom orders of appointment may be directed;
 - (bb) that the individual attorney, Panel Liaison, or supervisor of the Clinic is a member in good standing of the Bar of the United States District Court for the District of Columbia or eligible to practice pursuant to Local Bankruptcy Rule 2090-3;
 - (cc) the attorney’s prior bankruptcy representation and/or trial experience;
 - (dd) whether the attorney, law firm, or Clinic has the ability to consult and advise in languages other than English;
 - (ee) the number of cases per calendar year that the applicant is willing to accept; and
 - (ff) any particular experience or interest of the applicant that should be considered when assigning bankruptcy matters, as well as any types of bankruptcy matters to which the applicant desires not to be assigned.
- (ii) Information on an application may be amended at any time by letter to the Clerk. An attorney, law firm, or Clinic may by letter withdraw from the Panel at any time.

(3) APPOINTMENT OF COUNSEL. When documentation or other evidence is submitted certifying that a pro se party cannot afford to retain counsel by other means, the judge to whom the case is assigned may, whether by application of the pro se party, or otherwise, refer

such party to an attorney from the Panel for representation. The referral should be made taking into account:

- (i) whether the party is a party (or prospective party) in an adversary proceeding or a contested matter;
- (ii) the nature and complexity of the action;
- (iii) the potential merit of the pro se party's claims or defenses;
- (iv) the degree to which the interests of justice will be served by appointment of counsel, including the benefit that the Court may derive from the assistance of the appointed counsel; and
- (v) any other relevant factors.

(4) APPOINTMENT PROCEDURE.

- (i) Whenever the presiding judge concludes that the services of pro bono counsel are warranted, the judge shall issue a referral ("Referral Form") to the Clerk requesting an assignment from the Panel to represent the pro se party. The judge may suggest a specific attorney from the Panel to receive the referral or may advise the Clerk to attempt to select an attorney with particular expertise or experience.
- (ii) Upon receiving the Referral Form, the Clerk shall select a member of the Panel. In making the selection, the Clerk shall take into consideration the experience and preferences of Panel members regarding specific types of cases and the equitable distribution of cases among Panel members.
- (iii) The Clerk shall contact the Panel attorney and, if that attorney is interested and available, so advise the Court. The Court will then enter an order (the "Appointment Order") directing the appointment of the attorney, subject to the attorney's right under paragraph 5(ii)(bb), below, and directing the Clerk to send a copy to the Panel attorney of the Appointment Order, this Rule and any pleadings, relevant correspondence or other documents not readily accessible from the Court's electronic docket.

(5) ACCEPTANCE OF APPOINTMENT BY APPOINTED ATTORNEY.

- (i) Upon receiving the Appointment Order, and unless a conflict of interest is apparent from the materials obtained through the Court's electronic docket or sent by the Clerk under paragraph (b)(4) above, the appointed attorney shall promptly communicate with the pro se party regarding the proceeding. Such communication shall include exploration of any actual or potential conflicts of interest and, if the absence of any conflicts can be established, whether the party has meritorious claims and/or defenses to raise, and whether the dispute can be resolved more appropriately in other forums or by other means.
- (ii) After any such consultation with the pro se party, the appointed attorney shall, within fourteen (14) days of entry of the order of appointment or within such other time ordered by the Court for good cause shown, file either:
 - (aa) a notice of appearance by the appointed attorney (and by any other attorney in the appointed attorney's law firm or Clinic who will also represent the party) pursuant to Local Bankruptcy Rule 9010-1(b); or
 - (bb) a notice declining representation and, to the extent possible, the justification.
- (iii) If a notice of appearance is filed pursuant to paragraph (5)(ii)(aa) above, each attorney entering an appearance shall represent the party in the proceeding from the date that the attorney files an appearance until (1) the attorney has been relieved of the assignment by the Court according to the provisions of this Rule and Local Bankruptcy Rules 2091-1 and 9010-1, (2) the proceeding has been dismissed, (3) the proceeding has been transferred (other than by way of withdrawal of the reference under 28 U.S.C. § 157(d)) to another Court, or (4) a final appealable judgment or order has been entered in the proceeding by the Court. The notice of appearance shall state with respect to each attorney making an appearance whether that attorney agrees to file a notice of appeal on behalf of the party (but not necessarily to further pursue the appeal on the party's behalf) should an adverse final appealable judgment or order be entered by the Court.

(iv) Limits of Representation.

- (aa) Notwithstanding Local Bankruptcy Rule 9010-1(e), an attorney accepting an appointment pursuant to this Rule shall not be required to represent the party in any other matter or proceeding.
- (bb) However, the appointed attorney may upon agreement with the party submit a proposed order amending the earlier appointment order to reflect an expansion of the proceedings for which representation is being provided.
- (cc) The appointed attorney is not required to pursue an appeal on behalf of the party from any adverse order or judgment of the Court, but, pursuant to paragraph (B) above, the Court may expand the attorney's representation to include representation of the party with respect to part or all of the pursuit of an appeal. By way of illustration and not limitation, the Court may, upon the submission of a proposed order by the party's attorney, expand the appointment to include (1) the filing of a notice of appeal only, (2) the filing of a notice of appeal and the designation of the record and statement of issues presented on appeal required by Federal Rule of Bankruptcy Procedure 8006, but not the appeal itself, or (3) the entire appeal, including representation of the party before the District Court.

(6) RELIEF FROM APPOINTMENT.

- (i) An appointed attorney may be relieved of an order of appointment, after acceptance of that appointment, only as provided in Local Bankruptcy Rules 2091-1 and 9010-1 or, where the appointment is with regards to a proceeding that is transferred to the District Court for the District of Columbia pursuant to an order withdrawing the reference to this Court, as provided in Local District Court Rule 83.11(b)(6).
- (ii) If an appointed attorney is relieved from an order of appointment, the Court may issue an order directing appointment of another attorney to represent the party, or may issue such other orders as may be deemed appropriate.

(7) DISCHARGE OF APPOINTMENT.

- (i) A party for whom an attorney has been appointed shall be permitted to request the Court to discharge the attorney from the representation and either to attempt to appoint another attorney or allow the party to proceed pro se.
- (ii) When such a request is made, the Court may, in its discretion, forthwith issue an order discharging the attorney from further representation of the party in the action and may, in its discretion, refer the party to another attorney to undertake the representation pursuant to paragraph (b)(4). If a party requests discharge of a second attorney, no additional referrals shall ordinarily be made.

(8) ATTORNEY FEES.

- (i) The attorney shall represent the party without receiving a fee, except upon order of the Court (a) where a party makes material misrepresentations regarding assets or the ability to afford counsel or where there is a material change in the financial circumstances of the party or it is otherwise determined by the Court that the circumstances of the party are such that the payment of a fee is reasonable, or (b) where a fee or expenses may be recoverable by a litigant under an applicable rule, statute or other law. The appointed attorney shall advise the party of the possibility of such a fee.
- (ii) Any recovery of attorney fees pursuant to subpart (8)(i) of this Rule shall be permitted only if the retainer agreement provides for the recovery of such fees.

(9) TRAINING SESSIONS. The Bankruptcy Task Force may, in cooperation with the District of Columbia Bar, organize and conduct educational programs to train and advise attorneys on the Panel in the preparation for and representation of the most common types of bankruptcy matters involving pro se parties brought before this Court.

(10) APPOINTMENT OF NON-PANEL ATTORNEYS OR LEGAL ORGANIZATIONS. Nothing in this Rule shall be interpreted to preclude a judge from requesting an attorney, law firm, Clinic, or legal organization that is not on the Panel to represent a party who is otherwise proceeding pro se in this Court. In addition, nothing in this

Rule shall be interpreted to preclude an attorney who is not a member of the Bar of the United States District Court for the District of Columbia, but who qualifies under Local Bankruptcy Rule 2090-3 to practice before this Court, from representing an indigent party subject to the conditions of Local Bankruptcy Rule 2090-3.