

UNITED STATES BANKRUPTCY COURT
DISTRICT OF COLORADO
OFFICE OF THE CLERK
U.S. CUSTOM HOUSE
721 NINETEENTH STREET
DENVER, COLORADO 80202
(720) 904-7300
www.cob.uscourts.gov

New Local Rules Subcommittee on Unbundling

The Standing Local Rules Revision Committee is looking for **additional members of the consumer debtors' bar** to serve on a subcommittee to focus on amendments or clarification of the Court's new "no-unbundling" rule. Local Rule 9010-1(c) provides, in general, that debtor's counsel in consumer cases may not limit the scope of their representation, other than to exclude adversary proceedings. Thus, they are obligated to appear at relief from stay hearings, to advise their clients on reaffirmation agreements, to defend against objections to exemptions, and the like. The only exceptions are when the attorney cannot advance the client's position without violating Rule 9011 or if the client does not want to oppose the motion or objection in question. In those instances, debtor's counsel is supposed to file a notice of advisement, informing the court that counsel cannot ethically represent the debtor or that the debtor declined representation.

This rule has led to some confusion. Is it permissible for the attorney to represent that the client has declined representation when the only reason for doing so is that the attorney insists on an additional fee for the services and the client will not or cannot pay more? What services should already be included in the flat fee agreed upon? These and other questions have arisen and the Local Rules Committee would like to have a robust discussion among members of the consumer debtors' bar and the Court to see if an amendment to the rule is necessary.

This will be a limited time commitment. It will likely include a few brown bag luncheon meetings at the courthouse in the next month or two. Please consider adding your valuable input to this endeavor. **Please respond by email to LocalRule_Comments@cob.uscourts.gov by February 26, 2016.**