

* **AMENDMENT TO**
UNITED STATES TRUSTEE'S DISCRETIONARY
ADDENDUM TO THE UNIFORM FEE GUIDELINES
FOR THE EASTERN DISTRICT OF MICHIGAN

This Addendum is promulgated pursuant to discretionary authority granted to the United States Trustee in the Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses Filed Under 11 U.S.C. Sec. 330 ("Uniform Guidelines") promulgated, pursuant to 28 U.S.C. Sec. 586(a)(3)(A)(i) and (ii), by the Executive Office for United States Trustees, as amended January 30, 1996. This Addendum applies only to applications for compensation filed within the Eastern District of Michigan.

1. **Effective Date.** This Discretionary Addendum is effective for all applications for compensation and reimbursement of expenses filed under 11 U.S.C. Section 330 wherein all professional services, for which compensation is sought, were rendered on and after October 1, 1998.
2. **Excepted professionals.** Unless otherwise ordered by the Court or requested by the United States Trustee, the Uniform Guidelines shall not apply to professional persons who are paid based on a flat fee or commission basis such as auctioneers, real estate brokers and appraisers.
3. **Project Billing Format.** In addition to the instructions as delineated at paragraph (b)(4)(i) of the Uniform Guidelines, as amended, and to further facilitate effective review of applications for compensation, *each application should include a breakdown of the hours spent and amounts of fees requested for each project category covered by that application; in addition, each subsequent application shall include a schedule which shows said information as separately set forth in each and all of the prior applications as well as cumulative totals for each of the included categories, including those covered by the pending application. The purpose and intent of this requirement is to give*

*anyone reviewing an application a full and complete picture of what has occurred to date. **

4. **Trustee Time.** Pursuant to Section (a)(6) of the Uniform Guidelines, as amended, fee applications submitted by trustees are subject to the same standard of review as are applications of other professionals and will be evaluated according to the principles articulated in the Uniform Guidelines. However, pursuant to the discretion granted to the United States Trustee in Section(a)(6) of the Uniform Guidelines, as amended, in the Eastern District of Michigan, applications for compensation for trustees need not comport with the Uniform Guidelines under the following circumstances:

A. Chapter 7 Trustees

Applications in which the cumulative compensation (exclusive of expenses) requested by the trustee in the case totals \$15,000.00 or less; however, time records must be maintained in a manner that is consistent with the requirements of Federal Rule of Bankruptcy Procedure 2016(a). Trustee time records shall be made available to the United States Trustee upon request.

B. Chapter 11 Trustees

Applications in which the cumulative compensation (exclusive of expenses) requested by the trustee in the case totals \$20,000 or less; however time records must be maintained in a manner that is consistent with the requirements of Federal Rule of Bankruptcy Procedure 2016(a). Trustee time records shall be made available to the United States Trustee upon request.

5. **Chapter 11 Examiners.** Pursuant to paragraph (b)(4)(ii) of the Uniform Guidelines, generally, applications for compensation in which the cumulative compensation (exclusive of expenses) requested by the examiner in the case totals \$15,000 or less need not comport with the project billing requirement of the Uniform Guidelines; however time records must be maintained in a manner that is consistent with the requirements of Federal Rule of Bankruptcy Procedure 2016(a). Examiner time records shall be made available to the United States Trustee upon request.

6. **Discretion of the United States Trustee.** This Discretionary Addendum is not intended to limit the United States Trustee's

discretion to request more information or documentation regarding fee applications in specific cases when deemed appropriate by the United States Trustee.

7. **Local Rules.** Nothing in this Discretionary Addendum should be construed to supersede local rules, but should be read as complementing the procedures set forth in local rules.

**SAUL EISEN
UNITED STATES TRUSTEE
MICHIGAN/OHIO, REGION 9**

BY:

**MARION J. MACK, JR.
ASSISTANT UNITED STATES TRUSTEE**

Date: October 1, 2002

* The italicized portion of paragraph 3 reflects an amendment to the Addendum. The amendment to the Addendum is effective for applications for compensation, which are otherwise governed by the Addendum, filed on or after December 1, 2002.