



U.S. Department of Justice

Office of the United States Trustee

Eastern District of Wisconsin

517 E. Wisconsin Avenue
Suite 430
Milwaukee, Wisconsin 53202

(414) 297-4499
FAX (414) 297-4478

[DATE]

[ATTORNEY NAME]
[ATTORNEY ADDRESS]

Re: [CASE NAME]
[CASE NUMBER]

Dear Attorney [NAME]:

Pursuant to 11 U.S.C. § 307, the United States Trustee has standing to move the Court for a determination of whether attorneys' fees paid or agreed to be paid in a case are reasonable pursuant to 11 U.S.C. § 329 and F.R.B.P. 2017. Your *Statement Pursuant to F.R.B.P. 2016(b)*, states that prior to the filing of the Statement you received \$0.00 from the debtor with the balance of [FEE], to be paid after the case was filed.

Current case law has found that fee agreements of this nature may be subject to the chapter 7 discharge. You may wish to review Judge Shapiro's decision in *In re Nieves*, 246 B.R. 866 (Bankr. E.D. Wis. 2000) and the Seventh Circuit decision in *Bethea v. Adams, et al.*, 352 F.3d 1125, (7th Cir. 2003). It is our position your claim for attorney's fees accrued and unpaid (in this case, [FEE]) at the time the case was filed may be subject to discharge.

Please provide me with the following documents regarding your representation of this debtor: (1) any retainer agreement; (2) a history of payments made to you by the debtor; and (3) any and all contemporaneously recorded time records for work performed on behalf of the debtor.

Please respond to this letter within ten (10) days. If you fail to respond, it is likely that I will file a motion asking the Court to review your fees. Thank you for your anticipated cooperation. If you have any questions, do not hesitate to contact me.

Sincerely,

[TRIAL ATTORNEY]
Attorney for the United States Trustee