

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

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**Clerk of Court
Thomas J. Hart**

**CLERK'S
ANNOUNCEMENT
00-106**

TO: Court Users

FROM: Thomas J. Hart

DATE: August 31, 2000

**RE: Filing and Service of Applications for Retention of Professionals and
Applications for Compensation**

As of September 11, 2000, all applications for appointment of professionals (including but not limited to the attorney for the debtor-in-possession, special counsel and realtors) must be filed with the Clerk of Court **and**, at the same time, the applicant shall serve a complete copy of the application package directly upon the Office of the U.S. Trustee (as well as any other parties required to be served). The Clerk will hold the application documents for 14 days from the date of service, to allow the U.S. Trustee an opportunity to make its position known to the Court. The Court will then consider the application, together with any responses and/or other filings.

As of September 11, 2000, all applications for compensation must also be filed with the Clerk of Court **and** served directly upon the Office of the U.S. Trustee (as well as any other parties required to be served). The Clerk will hold the application documents for 20 days from the date of service, to allow the U.S. Trustee an opportunity to make its position known to the Court. (If the application seeks less than \$1000 in compensation the application will be forwarded to the Court after 14 days.) The Court will then consider the application, together with any responses and/or other filings.

This procedure is not new, nor a departure from existing rules. Both *Fed. Rule Bankr. Proc. Rule 2014 (a)* and *Rule 2016(a)* require the applicant to serve the U.S. Trustee. *Rule 2014(a)* states, "The application [for employment] shall be filed and, unless the case is a chapter 9 municipality case, a copy of the application shall be transmitted **by the applicant** to the United States Trustee." The last sentence of *Rule 2016* states, "Unless the case is a chapter 9 municipality case, **the applicant** shall transmit to the United States Trustee a copy of the application [for compensation]." (*emphasis added*)

In the past, the Clerk has, on occasion, forwarded applications for retention or compensation to the U.S. Trustee. However, because of confusion and duplication of documents caused by this approach, the Clerk's Office is now relinquishing this responsibility back to the applicant. If an applicant fails to properly and timely serve an application, it will not be considered by the Court until proper service is completed and documented, and the U.S. Trustee review time has expired.

Thank you for your attention and cooperation.

/kmc