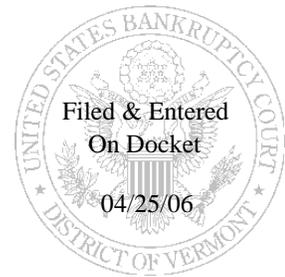


UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT



In re:

**Jeffrey & Erin Slayton  
Debtors.**

**Chapter 7 Case  
# 06-10029**

**ORDER TO SHOW CAUSE**  
**WHY DEBTORS' ATTORNEY SHOULD NOT DISGORGE FEES**

WHEREAS, on February 7, 2006, Michael Kainen, Esq. (the "Attorney") filed a petition for relief under chapter 7 of the Bankruptcy Code on behalf of Jeffrey and Erin Slayton (hereinafter the "Debtors"); and

WHEREAS, paragraph 5(d) of the "Disclosure of Compensation of Attorney for Debtor(s)" filed by the Attorney indicates that the services to be rendered in connection with this case included "...preparation and filing of reaffirmation agreements and applications as needed..." and paragraph 1 thereof states that he was paid \$1,200 in connection with the filing of this case; and

WHEREAS, on March 3, 2006, the Debtors filed a reaffirmation agreement between themselves and Ford Motor Credit (doc # 7) which was signed by the Debtors but not by the Attorney; and

WHEREAS, pursuant to 11 U.S.C. § 524(d)(1) and (2), the Court set a hearing on this reaffirmation agreement in order to make the findings required by that statute, and approved the agreement; and

WHEREAS, at the hearing held on April 25, 2006, Mr. Slayton appeared on behalf of himself and his wife, *pro se*, and Antonin Robassin appeared on behalf of Ford Motor Credit, and in response to the Court's question about why the Attorney was not present on behalf of the Debtors, Mr. Slayton indicated that the Attorney had told him he did not need to advise the Debtors with regard to the reaffirmation agreement or appear at the hearing, and that the Debtors could handle this themselves; and

WHEREAS, Rule 2016-1(f)(2)(A) of the Vermont Local Bankruptcy Rules requires attorneys representing chapter 7 debtors to provide certain services as part of the basic fee and those services include "negotiating, preparing, and filing reaffirmation agreements," see Vt. LBR 2016(f)(2)(A).

BASED UPON THE RECORD presented by the Rule 2016(b) statement, the Debtor's assertion in Court, and the content of the reaffirmation agreement, it appears that the Attorney has failed to comply with the Local Rules and failed to provided certain of the services for which the Debtors have paid the Attorney.

Therefore, IT IS HEREBY ORDERED that the Attorney appear and show cause at a hearing to be held on **May 9, 2006 at 9:45a.m, at the U.S. Bankruptcy Court, Rutland, Vermont**, why he should not be required to disgorge some or all of the fees the Debtors paid to him in connection with this case.

April 25, 2006  
Rutland, Vermont

  
Colleen A. Brown  
United States Bankruptcy Judge