



**DEPARTMENT OF JUSTICE, EXECUTIVE OFFICE FOR U.S. TRUSTEES
2013 FEE GUIDELINES FOR ATTORNEYS IN LARGER CHAPTER 11 CASES:
SUMMARY OF MATERIAL DIFFERENCES FROM 1996 GUIDELINES**

- 1. CUSTOMARY AND COMPARABLE COMPENSATION DISCLOSURES**
 - a. Disclose firm's non-bankruptcy blended hourly rates by category of timekeeper
 - b. Limited "safe harbor" from USTP objection
- 2. BUDGETS AND STAFFING PLANS**
 - a. By consent or court order
 - b. Hours and fees per task code; no narrative or description
 - c. Disclosed with fee application
 - d. If fee application exceeds budget by 10%, explain why
- 3. ELECTRONIC BILLING DATA**
 - a. Provide billing data as maintained by firm to court, USTP, and major parties; other parties on request
 - b. Virtually all firms and clients use LEDES (legal electronic data exchange standard) data (LEDES.org)
- 4. CLIENT AND APPLICANT STATEMENTS**
 - a. Applicant with retention application
 - b. Client with retention application (verified)
 - c. Applicant with fee application
- 5. RATE INCREASE DISCLOSURES AND CALCULATIONS**
 - a. Questions on disclosure and approval of rate increases in applicant statement (4 above)
 - b. Disclose initial rate and current rate for each timekeeper
 - c. Disclose number of rate increases since case inception for each timekeeper
 - d. Calculate total compensation requested with and without rate increases
- 6. EFFICIENCY CO-COUNSEL RETENTION AND BILLING GUIDANCE**
 - a. Encouraged for routine work at lower cost
 - b. Compare billing rates and terms with lead counsel; demonstrate projected savings to estate
 - c. Avoid duplication
- 7. FEE EXAMINER AND FEE COMMITTEE MODELS**
 - a. Three models
 - i. Fee examiner (not § 1104)
 - ii. Fee committee with independent chair
 - iii. Fee committee
 - b. Experienced bankruptcy professional
 - i. Not a prohibited special master; court must still adjudicate issues and award fees
 - ii. More than fee auditor focused solely on numbers
- 8. FIVE MODEL FORMS** (PDF fillable model forms will be available on USTP website)
 - a. Exhibit A: Customary and Comparable Compensation Disclosures
 - b. Exhibit B: Summary of Timekeepers Included in this Application
 - c. Exhibit C: Budget and Staffing Plan
 - d. Exhibit D: Summary of Compensation by Project Category
 - e. Exhibit E: Summary Cover Sheet of Fee Application