

**United States Bankruptcy Court  
Western District of Missouri**



**Notice to Debtor's Counsel  
Disclosure of Compensation (Official Form B203) Issue**

The Court has identified that some attorneys appear to be impermissibly excluding certain legal services, other than adversary proceedings, from fees paid by the debtor when a Rights and Responsibilities Agreement is executed as provided in their **Official Form B203, *Disclosure of Compensation of Attorney for Debtor(s)***. The disclosure is required to be filed in bankruptcy cases pursuant to Section 329(a) and Rule 2016(b). A copy of the disclosure may be found at <http://www.uscourts.gov/uscourts/RulesAndPolicies/bkforms/official/b203.pdf>

Specifically, required services such as relief from stay actions and judicial lien avoidances, amongst others, are listed as excluded services in either paragraph 6 or 7 of the disclosure, giving the appearance that Counsel are unbundling services and requiring additional, potentially undisclosed fees from debtors before performing such services.

Please understand that adversary proceeding representation (including appeals), and fees for Chapter 13 post-confirmation services, which are subject to Court approval, are the only services that may be excluded from initial fees when a Rights and Responsibilities Agreement is executed. When appropriate, however, Counsel may apply to the Court for compensation that is additional to the maximum initial fees set out in the Rights and Responsibilities Agreement.

Please review the Chapter 7 and Chapter 13 Rights and Responsibilities Agreements, particularly, Part IV regarding post-petition attorney services. Copies of the agreements may be found on the Court's website at [www.mow.uscourts.gov](http://www.mow.uscourts.gov).

*Permissible exclusions* from services in paragraphs 6 or 7 of the disclosure are simply any exclusion that otherwise does not conflict with the Rights and Responsibilities Agreement. Examples of *impermissible exclusions* include, but are not limited to:

1. Relief from stay actions.
2. Judicial and household good lien avoidances.
3. Redemption actions and reaffirmation agreement representation.
4. Amended schedules, statements and documents, including creditor amendments.
5. Any motion that is otherwise necessary for appropriate representation (such as motions to extend or impose the automatic stay, extend time, compel, etc.).
6. Audit and UST inquiries, including litigation.

This issue may be a simple oversight in that certain attorneys are inadvertently allowing their filing software to default with these prohibited exclusions in paragraphs 6 or 7 of the disclosure. Nonetheless, attorneys must take action to correct disclosures containing impermissible exclusions from services going forward.

**Effective May 15, 2015, the Court will address this fee disclosure issue in individual cases by generally issuing Orders to Show Cause, scheduling hearings to determine the reasonableness of compensation, or some other action.**

Please contact Rob Lawson at 816-512-1818, or [rob\\_lawson@mow.uscourts.gov](mailto:rob_lawson@mow.uscourts.gov), if you need clarification or otherwise have any questions.