**I N S T R U C T I O N S**

# APPLICATION FOR EMPLOYMENT OF SPECIAL COUNSEL

WHEN: Immediately

|  |  |  |
| --- | --- | --- |
| HOW: | 1) | Check the Court’s website ([**www.lamb.uscourts.gov/hearing-dates**](http://www.lamb.uscourts.gov/hearing-dates)) for |
|  |  | Chapter 13 court dates or call Clerk’s Office 225-346-3333 to get Chapter |
|  |  | 13 court dates. |
|  | 2) | Set for 9:00 a.m. on the above date. |
|  | 3) | Obtain a mailing list of parties to be noticed from the PACER website |
|  |  | ([**https://pacer.login.uscourts.gov**](https://pacer.login.uscourts.gov/)) or from the Clerk’s Office. |
|  |  | *NOTE: PACER is cheaper and faster.* |
|  | 4) | Complete the attached Application for Employment of Special Counsel. |
|  | 5) | **Attach a copy of your Retainer Agreement.** |
|  | 6) | Notice at the date and time obtained above to the parties on the mailing list, |
|  |  | which you obtained from Bankruptcy Court Clerk’s Offices. **Be sure to** |
|  |  | **notice Annette Crawford, Chapter 13 Trustee**. |
|  | 7) | File the Certificate of Service for **each** document that you file. Please |
|  |  | remember to attach the list of parties on the mailing list in your document |
|  |  | or as an attachment when you file the Certificate of Service. Be sure to link |
|  |  | the Certificate of Service to the document(s) for which you are filing it. |
|  | 8) | **FILING ORDER OF DOCUMENTS:** 1. MOTION**,** 2. **N**OTICE OF HEARING,  **FILE MOTION, THEN FILE NOTICE OF**  **HEARING, THEN FIL NOTICE OF HEARING, MOTION & CERTIFICATES OF** |
|  |  | HEARING, THEN 3. CERTIFICATE OF SERVICE **TO BANKRUPTCY COURT VIA THEIR ELECTRONIC** |
|  | 9) | **FILING SYSTEM. (**[**www.lamb.uscourts.gov**](http://www.lamb.uscourts.gov/)**)**  **E-MAIL** your Order Approving you as Special Counsel to the Judge. |
|  |  | at [**orders@lamb.uscourts.gov**](mailto:orders@lamb.uscourts.gov) in the format of court date, space, case |
|  |  | number (example: 05/23/01 00-12717) Be sure to leave only one space |
|  |  | between the court date and case number. |
|  | 10) | See the **Special Counsel Manual** on our website |

([www.annettecrawford.com](http://www.annettecrawford.com/)) for detailed instructions on how to file the Motion, Notice, and Certificate of Service, as well as submitting your order.

\*\* EMAIL QUESTIONS TO [acrawford@annettecrawford.com](mailto:amoyse@annettecrawford.com) \*\*

# MOTION TO RATIFY SETTLEMENT AND APPROVE ATTORNEY FEE

WHEN: Upon obtaining what you believe to be an acceptable settlement offer.

|  |  |  |
| --- | --- | --- |
| HOW: | 1) | Check the Court’s website ([**www.lamb.uscourts.gov/hearing-dates**](http://www.lamb.uscourts.gov/hearing-dates)) for |
|  |  | Chapter 13 court dates or call Clerk’s Office 225-346-3333 to get Chapter |
|  |  | 13 court dates. |
|  | 2) | Obtain a mailing list of parties to be noticed from the PACER website |

([**https://pacer.login.uscourts.gov**](https://pacer.login.uscourts.gov/)) or from the Clerk’s Office.

*NOTE: PACER is cheaper and faster.*

1. Complete the attached Motion To Ratify Settlement and Approve Attorney Fees.

# Attach a Settlement Statement.

1. Notice at the date above for 9:00 a.m. to the parties on the matrix

obtained from the PACER website or Clerk’s Office. **Be sure to notice Annette Crawford, Chapter 13 Trustee**.

1. File the Certificate of Service for **each** document that you file. Please remember to attach a mailing list of all parties in your document or as an attachment when you file the Certificate of Service. Be sure to link the Certificate of Service to the document(s) for which you are filing it.
2. Forward any settlement proceeds to Annette Crawford pending court approval.

# SUBMIT 1. MOTION, 2.NOTICE OF HEARING, & 3. CERTIFICATE OF SERVICE TO BANKRUPTCY COURT VIA THEIR ELECTRONIC FILING SYSTEM. ([www.lamb.uscourts.gov](http://www.lamb.uscourts.gov/))

1. **E-MAIL** your Order Ratifying the Settlement to the Judge at [**orders@lamb.uscourts.gov**](mailto:orders@lamb.uscourts.gov) in the format of court date, space, case number (example: 05/23/01 00-12717) Be sure to leave only one space between the court date and case number.
2. See the **Ratify Settlement Manual** on our website ([www.annettecrawford.com](http://www.annettecrawford.com/)) for detailed instructions on how to file the Motion, Notice, and Certificate of Service, as well as submitting your order.

\*\* EMAIL QUESTIONS TO [acrawford@annettecrawford.com](mailto:amoyse@annettecrawford.com) \*\*

UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF LOUISIANA

IN RE: CASE NO.:

# NOTICE OF HEARING ON

**APPLICATION FOR EMPLOYMENT OF SPECIAL COUNSEL**

Enclosed please find the Motion to Approve Application for Employment of Special Counsel filed with the United States Bankruptcy Court in connection with the above captioned debtor(s).

The hearing will be held on said Motion on the following date, place and time.

On the day of , at 9:00 a.m. at 707 Florida Street, Room 222,

United States Bankruptcy Court, Middle District of Louisiana Baton Rouge, LA 70801

Objections or Responses to this Motion must be filed not later than 11:59 p.m. on the eighth day before the scheduled hearing and must be served on the Trustee, debtor(s), and debtor’s/debtors’ attorney.

ATTORNEY NAME, ADDRESS &

PHONE NUMBER

IN RE: CASE NO.:

# CERTIFICATE OF SERVICE

**I HEREBY CERTIFY** that a copy of the above and foregoing Notice of Hearing on Application For Employment of Special Counsel has been served upon Annette C. Crawford, Chapter 13

Trustee, the debtor(s), the debtor’s/debtors’ attorney, and all parties on the mailing list, by placing the same in the United States mail, properly addressed thereto, postage prepaid this day of

, 20 .

ATTORNEY NAME, ADDRESS &

PHONE NUMBER

IN RE: CASE NO.:

# MOTION TO APPROVE APPLICATION FOR EMPLOYMENT OF SPECIAL COUNSEL

NOW INTO COURT, through undersigned counsel comes, debtor(s) herein, who respectfully represent: 1.

On the day of , debtor(s), filed a petition under Chapter 13 of the Bankruptcy Code.

2.

Debtor(s) have a claim involving , which occurred on .

3.

Debtor(s) wish to employ , an attorney duly admitted to practice law in this court, as special counsel.

4.

Debtor(s) have selected for the reason that he has had considerable experience in matters of this character and believe that is well qualified to represent them in this proceeding.

5.

The professional services that is to render are:

1. to give debtor(s) legal advice with respect to the personal injury lawsuit;
2. to represent debtor(s) in connection with the above suit;
3. to prepare on behalf of the debtor(s) necessary applications, answers, orders, reports and other legal papers;
4. to perform all other legal services for the debtor(s) which may be necessary in the above named suit;
5. to seek Court approval of any settlement negotiated; and it is necessary for debtor(s) to employ attorney for an attorney for such professional services.

6.

To the best of debtor’s/debtors’ knowledge, has no connection with the creditors, or any

other parties in interest, or their respective attorneys.

7.

Because of the extensive legal services required, debtor(s) desire(s) to employ

on a contingency fee basis, with attorney fees not to exceed 33 1/3 of any settlement or judgement plus costs approved by this Court, notwithstanding the terms of the **contingency contract attached.**

8.

represents no interest adverse to the debtor(s) or the estate in the matter upon which he is to be engaged for the debtor(s) and his employment would be to the best interest of the estate.

9.

Mover shows that the nature of the litigation is as follows:

(Describe incident, nature of liability, coverage, injuries or damages.)

WHEREFORE, debtor(s) pray(s) that the employment of the said under a contingency agreement to represent them in the above-mentioned suit be approved by the court, and that it have such other and further relief as is just.

RESPECTFULLY SUBMITTED BY:

ATTORNEY NAME, ADDRESS & PHONE NUMBER

# AFFIDAVIT OF PROPOSED ATTORNEY

I, , hereby make solemn oath:

1.

I am an attorney and counselor at law, duly admitted to practice in the State of Louisiana and this Court.

2.

I maintain an office for the practice of law at and my phone number is , and I have represented numerous similar legal matters in the past.

3.

I have no connection with , the above named debtor(s), their creditors, or any other party of interest herein, or their respective attorneys, except that I represent said debtor(s) in a personal injury lawsuit.

4.

I represent no interest adverse to the , as debtor(s) herein, or their estate in the matters upon which I am to be engaged.

ATTORNEY’S NAME

SUBSCRIBED AND SWORN TO before me this day of in , Louisiana.

NOTARY PUBLIC

UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF LOUISIANA

IN RE: CASE NO.:

# CERTIFICATE OF SERVICE

**I HEREBY CERTIFY** that a copy of the above and foregoing Motion to Approve Employment of Special Counsel has been served upon Annette C. Crawford, Chapter 13 Trustee, the debtor(s), the debtor’s/debtors’ attorney, and all parties on the mailing list by placing the

same in the United States mail, properly addressed thereto, postage prepaid this day of

, 20 .

ATTORNEY NAME, ADDRESS &

PHONE NUMBER

UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF LOUISIANA

IN RE: CASE NO.:

CHAPTER 13

ORDER APPROVING APPLICATION FOR EMPLOYMENT OF SPECIAL COUNSEL

Considering the application of debtor(s) , for approval of the employment of and for reasons orally assigned at the

hearing on the application,

IT IS ORDERED that the debtor’s/debtors’ employment of as special counsel to represent them in the lawsuit described in the application is approved on a contingent fee basis, with attorney fees fixed in the amount of 33 1/3 % of the total recovery or settlement.

IT IS FURTHER ORDERED that debtor(s) may not borrow any sums in connection with this claim or compromise this case without court approval, except that special counsel may advance ordinary and necessary litigation and court costs and that specifically no amounts shall be advances to the debtor(s) for their subsistence or other expenses directly required to prosecute the lawsuit for which special counsel is engaged.

IT IS FURTHER ORDERED that the claims may be compromised only with the prior approval of this court.

Baton Rouge, Louisiana on this day of , 20 .

MICHAEL A. CRAWFORD, JUDGE

UNITED STATES BANKRUPTCY COURT RESPECTFULLY SUBMITTED BY:

ATTORNEY NAME, ADDRESS & PHONE NUMBER

UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF LOUISIANA

IN RE: CASE NO.:

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the debtor’s/debtors’ Special Counsel has filed a Motion to Ratify Settlement and Approve Attorney Fees.

Objections or Responses to this Motion must be filed not later than 11:59 p.m. on the eighth day before the scheduled Hearing and must be served on the Trustee, debtor(s), and debtor’s/debtors’ attorney.

NOTICE IS HEREBY FURTHER GIVEN that a hearing on the debtor’s/debtors’ Motion to Ratify Settlement and Approve Attorney Fees will be held on the of

, 20 at 9:00 a.m. at the United States Bankruptcy Court, Middle District of Louisiana, 707 Florida Street, Room 222, Baton Rouge, Louisiana,70801 to consider and rule on said Motion.

ATTORNEY NAME, ADDRESS &

PHONE NUMBER

IN RE: CASE NO.:

# CERTIFICATE OF SERVICE

**I HEREBY CERTIFY** that a copy of the above and foregoing Notice of Hearing to Ratify Settlement has been served upon Annette C. Crawford, Chapter 13 Trustee, the debtor(s), the

debtor’s/debtors’ attorney, and all parties on the mailing list by placing the same in the United States

mail, properly addressed thereto, postage prepaid this day of , 20 .

ATTORNEY NAME, ADDRESS &

PHONE NUMBER

IN RE: CASE NO.:

MOTION TO RATIFY SETTLEMENT AND APPROVE ATTORNEY’S FEES

NOW INTO COURT, through undersigned counsel, comes and ,

debtor(s) herein, who respectfully represent:

1.

On , this Court approved the employment of attorney

and the law firm of to represent the above referenced debtor(s) in their claim arising from which occurred on or about , involving and .

2.

The debtor(s) suffered the following damages: (LIST DAMAGES)

3.

After negotiations, a compromise proposal has been reached between and , to settle their claim arising out of the aforementioned accident. Upon approval of this Motion, the compromise will result in payments to the Chapter 13 Trustee of $ , less costs and attorney’s fees, as shown by the **settlement statement** attached hereto and made part hereof as **Exhibit “A**.”

4.

The undersigned counsel for the debtor(s) has investigated, researched and prosecuted the debtor’s/debtors’ claim arising out of , resulting in a suit being filed in the District, Parish of , State of Louisiana bearing docket number .

WHEREFORE, the debtor(s) pray(s) that upon notice and hearing this Honorable Court authorize the settlement of this matter in the amount of $ , and approve attorney’s fees and expenses in the amount of $ .

RESPECTFULLY SUBMITTED BY:

ATTORNEY NAME, ADDRESS & PHONE NUMBER

# UNITED STATES BANKRUPTCY COURT

MIDDLE DISTRICT OF LOUISIANA

IN RE: CASE NO.:

# CERTIFICATE OF SERVICE

**I HEREBY CERTIFY** that a copy of the above and foregoing Motion to Ratify Settlement has been served upon Annette C. Crawford, Chapter 13 Trustee, the debtor(s), the debtor’s/debtors’ attorney, and all parties on the mailing list by placing the same in the United States mail, properly addressed thereto, postage prepaid this day of , 20 .

ATTORNEY NAME, ADDRESS & PHONE NUMBER

IN RE:

# UNITED STATES BANKRUPTCY COURT

MIDDLE DISTRICT OF LOUISIANA

CASE NO.

DEBTOR(S) CHAPTER 13

ORDER

Considering the application of , debtor’s/debtors’ special counsel, for approval of a compromise of the debtor’s/debtors’ claims against , and special counsel's fees of $ and expenses of $ for representing the debtor(s) in the matter being compromised; the lack of opposition to the compromise; and applicable law,

IT IS ORDERED that the compromise of the debtor’s/debtors’ claim against

for $ is approved.

IT IS FURTHER ORDERED that debtor’s/debtors’ special counsel is awarded attorney's fees of $ and (2) reimbursement of expenses of $ .

IT IS FURTHER ORDERED that after deducting the fees and expenses approved by this order, debtor(s) and debtor’s/debtors’ special counsel forward the balance of the compromise proceeds to the Chapter 13 Trustee.

Baton Rouge, Louisiana, .

MICHAEL A. CRAWFORD, JUDGE

UNITED STATES BANKRUPTCY JUDGE