

Rule 1007-5

STATEMENT OF SOCIAL SECURITY NUMBER - SUBMISSION & PRIVACY

- (a) **AMENDMENTS/CORRECTIONS TO SOCIAL SECURITY NUMBER.** If the petition was filed with a “Your Statement About Your Social Security Numbers” (Official Form B 121) listing an incorrect social security number, another Official Form 121 shall be filed, by the debtor(s) or attorney for the debtor(s), with the corrected social security number using the event Statement of Social Security Number (Amended). The clerk shall make the correction to the social security number in the Electronic Case Filing System. A copy of the corrected Official Form B 121 shall be mailed to all creditors listed on the matrix by the debtor(s) or attorney for the debtor(s). A certificate of mailing stating that corrected Official Form B 121 was mailed to all creditors and the date it was mailed shall be filed separately from the corrected Official Form by the debtor(s) or attorney for the debtor(s). An Amendment to the Petition listing the debtor’s last four digits of the social security number is necessary only when the correction is being made to one of the last four listed digits.
- (b) **NOTICE TO NATIONAL CREDIT REPORTING AGENCIES.** The attorney shall also file Local Form 1007-5, Notice of Correction of Social Security Number. The Notice shall be mailed to the national credit reporting agencies. A certificate of mailing stating that the form was mailed to the three national credit reporting agencies at the address on their websites shall be filed separately by the debtor(s) or attorney for the debtor(s).

Rule 2014-2

APPLICATION FOR APPROVAL OF MENTAL HEALTH EVALUATION

The debtor may apply to the court for approval of a pro bono mental health evaluation. The application shall be filed and a copy of the application shall be transmitted by the debtor to the bankruptcy administrator and any other interested party. The application shall substantially conform to the Application for Approval of Mental Health Evaluation located on the court's website at www.nceb.uscourts.gov. The application, orders approving or denying the application, orders appointing a mental health professional pursuant to the application, and the mental health professional's report(s) shall be restricted from public access.

Rule 2016-1
COMPENSATION OF PROFESSIONALS

- (d) FLAT FEE COMPENSATION OF ATTORNEYS IN CHAPTER 11 CASES. Counsel for a chapter 11 debtor may apply to be employed on a flat-fee basis, with flat-fee compensation not to exceed \$20,000, as follows:
- (1) Notice of an application to employ counsel for the debtor on a flat-fee basis shall be provided to all creditors and the bankruptcy administrator.
 - (2) All retainer funds must be held in trust by counsel and may be withdrawn only according to the following schedule:
 - (A) One-fifth (1/5) for pre-petition services (full and complete petition including schedules and statements) to be withdrawn only after filing complete schedules and statements with the court;
 - (B) One-fifth (1/5) after the completed 341 meeting of creditors;
 - (C) One-fifth (1/5) after the filing of the plan and disclosure statement;
 - (D) One-fifth (1/5) after the hearing on confirmation of the plan and disclosure statement or, if the plan is not confirmed, upon conversion or dismissal of the case; and
 - (E) One-fifth (1/5) upon entry of the final decree.
 - (3) Upon proper application, the court will consider the award of reasonable fees for services performed after confirmation if a final decree is not obtained, or the case is converted or dismissed.
 - (4) Upon each withdrawal, counsel shall file a Rule 2016 Disclosure Statement that includes a detailed list of the services rendered, time expended (if available), expenses incurred, and amount paid from trust.
 - (5) Any party in interest, including the bankruptcy administrator, may review the fees upon completion of services or after the conclusion of such employment to determine whether the flat fee is reasonable in light of unanticipated developments at the time of the approval of the terms and conditions of employment pursuant to 11 U.S.C. § 328(a). If the flat fee exceeds the reasonable value of services, the court may require the attorney to return the fee to the extent that it is excessive pursuant to § 329(b). If the attorney does not properly represent the debtor after approval of the flat fee, the approved fee would not be deemed reasonable under § 330(a)(3) and is subject to adjustment.
 - (6) This rule does not preclude application for a flat fee higher than \$20,000 under appropriate circumstances.
 - (7) The reimbursement of expenses may be addressed in the original application or by separate application.

Rule 2090-2
ATTORNEYS - DISCIPLINE AND DISBARMENT

- (a) **STANDARDS OF CONDUCT.** Acts or omissions by an attorney practicing before this court (that violate the Rules of Professional Conduct adopted by this court) shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of an attorney-client relationship. The Rules of Professional Conduct adopted by this court are the Rules of Professional Conduct of the North Carolina State Bar adopted by the Supreme Court of North Carolina, as amended from time to time by that state court, except as otherwise provided by a specific rule of this court.
- (b) **DISCIPLINARY ENFORCEMENT.** For misconduct as defined in these Local Rules, and after notice and an opportunity to be heard, any attorney practicing before this court may be disbarred, suspended from practice, reprimanded, or subjected to such other disciplinary action as the circumstances may warrant.
- (c) **DUTY TO INFORM THE CLERK.** Any attorney practicing before this court shall, upon being subjected to public discipline by any court or by the state bar of any state, within 14 days of notification, inform the clerk of such action.
- (d) **REFERRAL OF COMPLAINTS TO COUNSEL OR TO A STATE BAR.** When allegations of misconduct by an attorney practicing before this court come to the attention of a judge of this court, whether by complaint or otherwise, the judge may refer the matter to counsel for investigation and the prosecution of a formal disciplinary proceeding or the formulation of such other recommendation as may be appropriate. Alternatively, the judge may refer the matter to the appropriate state bar. The court is not restricted from taking such other disciplinary action as is within the inherent authority of the court.
- (e) **REFERRAL TO COUNSEL.** Should the judge decide to refer a disciplinary matter to counsel for investigation and the prosecution of a formal disciplinary proceeding, the proceeding shall be referred and shall proceed and be conducted as set forth in Rule 83.7e of the Local Rules of the United States District Court for this judicial district.
- (f) **ATTORNEYS SPECIALLY APPEARING.** Whenever an attorney appears in this court for purposes of a particular proceeding, the attorney shall be deemed to have conferred disciplinary jurisdiction upon this court for any alleged misconduct of that attorney arising in the course of or in the preparation for such proceeding.
- (g) **JURISDICTION.** Nothing contained in these Local Rules shall be construed to deny to this court such powers as are necessary for the court to maintain control over proceedings conducted before it, such as proceedings for contempt or other sanctions under the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, these Local Rules or other applicable law.

Rule 3015-1

SERVICE OF PROPOSED AND AMENDED, UNCONFIRMED CHAPTER 13 PLANS

A full copy of the debtor's chapter 13 plan, as filed or as amended and restated, shall be attached to and served with any motion filed requesting confirmation of the plan.

Rule 7067-1
REGISTRY FUND

~~In the event a depository intended by the court to receive registry funds is not able, immediately upon the court's receipt of the registry funds, to pledge sufficient collateral for receipt of those funds, the funds may be retained temporarily in non-interest-bearing U. S. Treasury accounts as necessary to arrange for their deposit in interest-bearing accounts.~~