

## PROPOSED ADDITIONAL 2017 AMENDMENTS TO NEW MEXICO LOCAL BANKRUPTCY RULES

Federal Bankruptcy Rule amendments that will become effective December 1, 2017 necessitate amendments to the New Mexico Local Bankruptcy Rules in addition to those published for notice and comment on April 3, 2017. The following is a redlined version of the proposed additional amendments to NM LBR 3015-2:

### 3015-2 Chapter 13 Plan and Confirmation

(c) Extension of Deadline to Object to the Plan – Trustees Only. ~~Unless the court orders otherwise: 1) the deadline to object to chapter 13 plan confirmation shall be no fewer than five days before the confirmation hearing; and 2) The chapter 13 trustee and the United States trustee shall have an automatic extension of the time to object to confirmation of a plan until the earlier of 14 days after conclusion of the first meeting of creditors or five days before a rescheduled confirmation hearing, whichever is earlier. Unless the court orders otherwise, the 2821-day objection deadline in BR 2002(b) shall apply to all plans and any pre-confirmation plan modifications.~~

(e) Notice of Objection Deadline and Confirmation Hearing. If both a plan and a confirmation hearing notice are filed with the petition in accordance with the clerk's case opening instructions, the clerk will include a copy of the plan and ~~hearing~~ notice with the notice of the bankruptcy filing. In all other cases, the debtor shall serve on all creditors and other parties in interest a copy of the plan and the notice of objection deadline and confirmation hearing notice, and shall file a certificate of service within three days thereafter. *Note: NM LF 3015-2(e)A and 3015-2(e)B were created by the clerk for compliance with this rule.*

The United States Trustee has requested the addition of a local rule to assist the United States trustee in reviewing fee applications. Compliance with the rule is required only with larger fee applications. Even if the fee application would otherwise require compliance with the rule, the Court retains the power to order otherwise, if appropriate.

### 2016-1 Compensation of Professionals.

(a) Applications for Compensation. Applications for interim or final compensation of professionals shall be accompanied by detailed billing statements itemizing all services provided, the time spent on each service, the charge for the service, the identity and hourly rate of each service provider, all costs for which reimbursement is sought, and all taxes passed on to the debtor or estate. Applications shall list the total amounts of fees, costs, and taxes previously requested, awarded, or paid.

(b) Electronic Reporting to the United States trustee. Unless the court orders otherwise, any professional or other entity seeking fees, compensation, or reimbursement of expenses exceeding \$25,000 shall submit time and expense detail electronically to the United States trustee, in a format compatible with the United States trustee's software. The submissions shall comply with United States trustee fee guidelines. This

requirement is not applicable to final fee applications that exceed \$25,000 due only to previously approved interim fee applications.

(c) Payment From the Estate. Professional fees will be allowed and paid from the estate in all chapters only after court approval.