

BANKRUPTCY ^{UP}DATE

May 7, 2018

If someone else would like to receive these ^{UP}dates, please send an e-mail to Mary_Frederickson@sdb.uscourts.gov.

New Member

Please welcome Liam Culhane to the group.

Applications to Employ Estate Professionals

Federal Rule of Bankruptcy Procedure 2014(a) requires an application to employ a professional for a bankruptcy estate to set forth "to the best of the applicant's knowledge, all of the person [to be employed]'s connections with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States trustee or any person employed in the office of the United States trustee." This complete listing of connections - or a statement of "none" - must be set forth in the application to employ.

Federal Rule of Bankruptcy Procedure 2014(a) contains the same requirement for the affidavit of the professional to be employed. In the affidavit the professional to be employed is required to set forth "the person's connections with the debtor, creditors, or any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee." This complete listing of connections - or a statement of "none" - must also be set forth in the affidavit of the professional.

The following is a sample paragraph for an employment application that complies with Fed.R.Bankr.P. 2014(a):

Smith & Jones, P.C. has disclosed to Debtor that the firm and its attorneys have the following connections with Debtor, Debtor's creditors, any other parties in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee: Smith & Jones, P.C. represented Debtor in a divorce action in 2015. All fees for that matter have been paid in full. The firm has no other connections to the parties listed.

Please update your in-house forms accordingly.

South Dakota Filings Up 21 Percent in 2018

In the first four months of this year South Dakota bankruptcy filings increased 21 percent from the number of bankruptcies filed in the first four months of 2017.

Your Cell Phone and Direct-dial Desk Numbers

Occasionally we are unable to reach an attorney through his or her receptionist for a telephonic hearing. Sometimes the easiest solution is to call the attorney's cell phone or direct-dial desk number. If you have not done so in the past year, please e-mail Courtroom Deputy Nita Sarvis (Nita_Sarvis@sdb.uscourts.gov) and give her both your cell phone number and your direct-dial desk number. We will not publish or share these numbers and will not call you directly except in special circumstances.

Link

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