

BANKRUPTCY ^{UP}DATE

March 1, 2022

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

Forrest Allred Retiring From Trustee Panel

The United States Trustee's office has announced Forrest Allred has retired from the panel of chapter 7 trustees for the District of South Dakota. Trustee Allred will conduct his last 341 meetings this month, though he will continue to administer all cases which have been assigned to him. Because of the historically low caseload and the continuing remote 341 meeting structure, the United States Trustee does not intend to fill Trustee Allred's position at this time. Accordingly, Trustee Lee Ann Pierce will handle all new chapter 7 cases in South Dakota.

Trustee Allred took his first chapter 7 case in 1999 and has handled nearly 7,000 chapter 7 cases and related adversary proceedings in the intervening years. We extend our thanks and wish him well in his ensuing endeavors.

Local Bankruptcy Rules Committee

If you are interested in being considered for a three-year appointment to the Local Bankruptcy Rules Committee, please send an email on or before March 11, 2022, to Bankruptcy Clerk Rick Entwistle at Rick_Entwistle@sdb.uscourts.gov.

CLN Decision

You can use the link in the "Links" section below to view the following decision:

In re Quigley

Issues: Whether an attorney's disclosure of compensation accurately reflected the bifurcated fee agreements between the attorney and the debtor, and whether the fee for the attorney's post-petition services was reasonable.

Rulings: No, on both issues. Though no fees were required to be disgorged, the attorney's disclosures of compensation must be internally consistent and accurately reflect the attorney's fee agreements with a debtor. In addition, pre-petition services must be sufficient to fulfill the attorney's obligations under 11 U.S.C. § 707(b)(4)(C), Fed.R.Bankr.P. 9011(b), and all applicable rules of professional conduct, and any flat fee for post-petition services must reflect the actual work expected to be performed post-petition.

Links

In re Quigley

Previous Bankruptcy ^{UP}dates

As always, should you have questions regarding this ^{UP}date or anything else concerning your dealings with the Court or the Clerk's office, please let us know.