

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA  
Central Division

In re:	)	Bankr. No. 99-30008
	)	
ARTHUR DEAN REEVES	)	Chapter 12
a/k/a Dean Reeves	)	
Soc. Sec. No. [REDACTED]-9952	)	
	)	
and	)	
	)	FINAL DECISION RE:
EMMA LU REEVES	)	COMPENSATION OF
Soc. Sec. No. [REDACTED]-5003	)	DEBTORS' COUNSEL
	)	
Debtors.	)	

The matter before the Court is the final review of Debtors' counsel's fees under 11 U.S.C. § 330(a). This is a core proceeding under 28 U.S.C. § 157(b)(2). This Final Decision and accompanying order shall constitute the Court's findings and conclusions under Fed.R.Bankr.P. 9014 and 7052. As set forth below, fees allowed under § 330(a) will be reduced for those services performed and related costs incurred in *In re Jimmy D. Reeves*, Bankr. No. 99-30009, that apparently were charged against this estate in error.

I.

On January 23, 2001, the Court entered an interim decision under 11 U.S.C. § 329(b) and § 330(a) regarding the fees of James P. Hurley, the bankruptcy attorney for Debtors Arthur "Dean" and Emma Lu Reeves. As part of the § 330(a) review, the court stated

in its January 23, 2001 decision:

After reviewing Attorney Hurley's fee application, it appears that some services rendered for Debtor Jimmy Reeves [Debtors Dean and Emma Lu Reeves' son] in Bankr. No. 99-30009, may have been erroneously charged to this estate. Entries on numerous dates in this Application include work performed for Jimmy Reeves and Dean and Emma Lu Reeves. A few entries are for work for Jimmy Reeves' case only. For several entries, the particular debtor is not identified. Accordingly, the requested compensation and related sales tax and costs in this case may need to be reduced for work performed separately or simultaneously in the *Jimmy Reeves* case.

It is possible that Attorney Hurley already apportioned his time and related costs between the two cases before completing the Application in this case. If that apportionment has been made, only limited deductions for the erroneous entries for work in Jimmy Reeves' case may be necessary. If no apportionment has been made or if more than a few entries are in error, Attorney Hurley will need to file an amended fee application with an apportionment made.

An appropriate order will be entered once Attorney Hurley advises the Court on whether he has already apportioned his time between this case and Jimmy Reeves' case.

Though several months have passed, Attorney Hurley has not filed a supplement to his fee application to address the Court's concerns. Thus, the Court is left to use the present record to make a final application of § 330(a).

## II.

The applicable law is set forth in part IV. of the January 23, 2001 Decision Re: Compensation of Debtors' Counsel.

## III.

Those entries on Attorney Hurley's itemization that include work only for Jimmy Reeves will be disallowed in their entirety. These services include those rendered on: November 24, 1998 (.25 disallowed); April 21, 1999 (5.00); January 12, 1999 (3.25); and June 16, 1999 (.10). Compensation for those services should be sought through Jimmy Reeves' Chapter 12 case, Bankr. No. 99-30009. These disallowed services total 8.6 hours or \$1,075.

Those entries on Attorney Hurley's itemization that include work for both Jimmy Reeves and Debtors Dean and Emma Lu Reeves will be allowed at one-half the requested amount. The Court is left to presume that the two different bankruptcy estates benefitted equally from Attorney Hurley's services on those dates. These entries include: October 8, 1998 (disallowed .50); November 19, 1998 (1.00); November 25, 1998 (.75); December 15, 1998 (2.00); December 18, 1998 (.75); December 21, 1998 (1.50); January 4, 1999 (1.00); January 21, 1999 (2.50); January 30, 1999 (1.50); February 5, 1999 (1.00); February 13, 1999 (.25); February 25, 1999 (2.50); March 4, 1999 (.05 for review of cash collateral order that included funds for Jimmy Reeves); March 5, 1999 (1.00); March 30, 1999 (1.50); March 31, 1999 (2.00); April 1, 1999 (1.50); April 28, 1999 (2.00); May 14, 1999 (4.25); June 8, 1999 (.50); June 9, 1999 (.75); June 11, 1999 (3.0); June 17, 1999 (2.25); June 18, 1999

(.80, based on hearing held in both cases); August 12, 1999 (.125); and January 14, 2000 (.25). These deductions total 35.225 or \$4,403.13.

Expenses associated with these disallowed services on the stated dates will also be reduced by the same percentage that compensation was reduced. These deductions include: April 21, 1999 (\$6.99), June 9, 1999 (\$.85); and June 16, 1999 (\$.15). The total expenses disallowed is \$7.99.

In many entries for both services and expenses, the client for whom Attorney Hurley rendered the service or incurred the expense was not named. The nature of some entries, however, indicate that the service or expense may have been for both the Dean and Emma Lu Reeves' bankruptcy estate and the Jimmy Reeves' bankruptcy estate. The Court presumed that the entry was for Debtors Dean and Emma Lu Reeves' case only since that is the case in which this application was filed. If that is not true, Attorney Hurley should apply the compensation and reimbursement received through this application to the appropriate estate and reflect that action in his fee application in the Jimmy Reeves' bankruptcy case.

Finally, Attorney Hurley sought compensation for the services of a paralegal, Suzanne Blair.<sup>1</sup> Attorney Hurley stated in his

---

<sup>1</sup> Although the fee application does not specifically state that Suzanne Blair is a certified paralegal, the Court will presume that she is based on Attorney Hurley's employment application,

employment application that certified paralegals were to be compensated at \$45 per hour, not the \$55 stated in the fee application. Accordingly, Blair's compensation will be reduced to \$22.50 for the half hour of service she rendered.

An appropriate fee order will be entered.

So ordered this 13<sup>th</sup> day of June, 2001.

BY THE COURT:



Irvin N. Hoyt  
Bankruptcy Judge

ATTEST:  
Charles L. Nail, Jr., Clerk

By: Jhan Stroup  
Deputy Clerk



**NOTICE OF ENTRY**  
Under F.R. Bankr.P. 9022(a)  
Entered

**JUN 13 2001**

Charles L. Nail, Jr., Clerk  
U.S. Bankruptcy Court  
District of South Dakota

I hereby certify that a copy of this document was mailed, hand delivered, or faxed this date to the parties on the attached service list.

**JUN 13 2001**

Charles L. Nail, Jr., Clerk  
U.S. Bankruptcy Court, District of South Dakota  
By: AS

---

which referenced certified paralegals. In the future, a better record regarding certification should be made by either naming, in the employment application, the certified paralegals who will work on the case and stating their credentials or by including certification information in the fee application.

Case: 99-30008 Form id: 122 Ntc Date: 06/13/2001 Off: 3 Page : 1  
Total notices mailed: 8

Debtor Reeves, Arthur Dean Box 466, Eagle Butte, SD 57625  
Debtor Reeves, Emma Lu Box 466, Eagle Butte, SD 57625  
Aty Hurley, James P. PO Box 2670, Rapid City, SD 57709  
Trustee Lovald, John S. PO Box 66, Pierre, SD 57501  
Aty Gering, Bruce J. Office of the U.S. Trustee, #502, 230 South Phillips Avenue, Sioux Falls, SD 57104-6321  
Aty Schrempp DuPris, Cheryl Assistant U.S. Attorney, 225 South Pierre Street #337, Pierre, SD 57501  
Aty Wilbur, Brent A. PO Box 160, Pierre, SD 57501-0160  
Aty Wilkinson, Todd D. PO Box 29, DeSmet, SD 57231