

USTP Fee Guidelines

From: Gaffney, Don <dgaffney@swlaw.com>
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To: USTP Fee Guidelines
Subject: Proposed Guidelines re Fee Applications in larger Chapter 11 cases

The US Trustee staff should be commended on what is obviously a lot of hard work on a difficult area. Nevertheless, I would offer that Section E, which asks questions regarding other clients of an applicant, is inappropriate, and under certain circumstances, could be unethical. On a practical point, for the largest, multi-state or multi-country firms, questions such as those set forth in E(1)(d) or (e), could not be answered with any possible accuracy. Moreover, if the US Trustee is attempting to locate some type of market standard, then probing an applicant firm's relations with its clients, the vast bulk of which may have nothing to do with bankruptcy, would distort the point of the exercise. Additionally, it is difficult to discern how section E (and the companion Exhibit F) would be any more appropriate for attorneys than for accountants or financial advisers. I would urge the UST office to reconsider these sections. Thank you.

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