

March 31, 2009 [www.orb.uscourts.gov](http://www.orb.uscourts.gov)

### **Recent Opinions**

*In re Clark*, No. 06-62407-aer13; *In re Houts*, No. 08-62216-aer13; *In re Taylor*, No. 08-62785-aer13  
March 26, 2009

11 USC §329(a); FRBP 2016(b); ABA MRPC 1.1, 1.3, 1.5(a), 3.3(a); ORPC 1.1, 1.3, 1.5(a), 3.3(a); ABA Sanctions Standards; Attorney Discipline, Attorney Suspension

A lawyer for chapter 13 debtors failed to make disclosures about his fees required by §329(a) and FRBP 2016(b). Unfortunately, there had been other cases in which this lawyer failed to make required disclosures, collected excessive fees or failed to abide by court orders. This decision reduced his attorney fees by \$500 each in the Houts and Taylor cases, and denied fees altogether (and ordered disgorgement) in Clark. Finally, the lawyer was suspended for 90 days from filing new cases in the Oregon bankruptcy court.

Click on [Opinions](#) (the last item in the column headed **Information for Attorneys**), for two search options. Clicking on [To view a list of all current opinions](#) takes you to a list of opinions organized by date, most recent to oldest. Entering a search term in the box on the [Opinions](#) page produces a list of results. Search logic for opinion searches appears on the [Opinions](#) page.

The [Opinions](#) page now has an improved display of search results, showing case name and number, opinion date and file size. Click on the portion of the opinion shown to see the full opinion in searchable pdf format.

The Clerk's office continues to work on the Opinions search feature. If you have specific suggestions for improvement, please let me know.

### **NEW ITEM:**

#### **ECF Online Manual**

Several procedures in the ECF Online Manual have been updated in accord with the upgrade to ECF 3.3. Click on **ECF** on the top index, then **Using ECF**, then **Manuals**.

The following ECF Manuals were updated on March 30, 2009:

**Basic** - "ECF Filing Manual"

**Case Opening** - "Involuntary Petition" and "Open a BK Case"

**Claims** - "File Proof of Claim"

**Creditor** - "Attorney Creditor Manual" and "Creditor Manual (Non-Attorney)"

**Miscellaneous** - "Missing Documents Filed"

**Query** - "Query"

**Reports** - "Reports"

**Utilities** - "Utilities"

### **PREVIOUSLY PUBLISHED ITEMS:**

The following is a summary of items added in the past several weeks.

#### **ECF Upgrade**

The upgrade to ECF version 3.3 is now in effect. Details about ECF 3.3 are on the site; click on either "3/10/09 – ECF 3.3 Upgrade" under **Court News and Announcements** or, under the heading **ECF**, on **ECF 3.3**, then "What's New in Release 3.3."

#### **ECF Training**

Lawyers get 4 CLE credits for ECF training. Sessions run from 8:30 am to 12:30 pm. The currently scheduled training dates for Eugene and Portland are April 23, May 20 and June 18.

#### **ECF Online Manual**

The Style Guide was updated January 28, 2009. Under **ECF** at top of home page, click on **Using ECF**,

then **Manuals**, then **Basic**, then “Style Guide.”

### **Chapter 7/13 Relief from Stay Hearings**

Schedules for these hearings now appear on the Judges' Calendars page, which can be found either under Calendars or Information for Attorneys on the main page.

### **Local Bankruptcy Forms**

Several LBFs have been updated since the first of the year. On the home page, click on **Rules & Forms**, then **Local Bankruptcy Forms**, to access all local forms.

### **General Order #09-1**

GO #09-1 was posted to the site on January 27. It orders numerous changes to Local Bankruptcy Rules. It can be found under **Rules and Forms**, “Oregon US Bankruptcy Court General Orders (GO).”

### **Local Bankruptcy Rules**

The following local rules were updated on January 27, 2009, in accordance with GO #09-1: 1002-1(b), 1080-1, 2002-1(j) and 7026-1(f)

### **Message from Clerks Office**

Please **do not modify** the fixed text in a local bankruptcy form (LBRs 1001.1.F. and G.)! If adequate room does not exist in any area, attachment pages may be added to the end of the form for inclusion of essential text.

### **Debtor-Creditor Section Website**

An archive of these court updates is maintained on the Debtor-Creditor Section website at <http://www.osb-dc.org/orb.htm>.