

**UNITED STATES BANKRUPTCY ADMINISTRATOR
MIDDLE DISTRICT OF NORTH CAROLINA**

JOHN PAUL H. COURNOYER — BANKRUPTCY ADMINISTRATOR

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Via Email to Chapter 7 Trustees

Re: Motions to Employ Trustee and Trustee's Law Firm

Dear Trustees,

As you all know, you should file motions to employ yourselves and your law firms as counsel in case where legal services are needed. After a recent hearing, my office is recirculating its guidance on this issue:

- Please use the enclosed form motion and order that have been reviewed and approved by the BA's Office and the Clerk's Office.
- Please do not deviate from the form motion and order. It streamlines the review and approval process if the standard forms are used. If you seek to modify the substantive language in the order in a particular case, you should alert my office and chambers of the proposed changes.
- Absent unusual circumstances, you should generally wait at least 21 days after the petition date to file the motion. The purpose of this is to avoid the need for a showing of immediate and irreparable harm, and to avoid logistical issues for the Clerk's Office in processing proposed orders due to Rule 6003.
- If you file the motion within a reasonable time, you may recover compensation for time incurred prior to filing the motion. *See In re Wellington*, 628 B.R. 19 (Bankr. M.D.N.C. 2021) (holding that the Court could not enter an employment order with a retroactive employment date under the Supreme Court's *Acevedo* opinion, but "courts are not prohibited from compensating professionals under § 330 for work performed prior to an effective date of employment").



John Paul H. Cournoyer
U.S. Bankruptcy Administrator
Middle District of North Carolina