

IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS  
\_\_\_\_\_ DIVISION

IN RE:	*	
	*	
[Debtor's Name]	*	
(***-**-last four digits of SSN)	*	Case No. __-_____
[Joint Debtor's Name, if any]	*	Chapter 13
(***-**-last four digits of SSN)	*	Chapter 13
[Debtors' mailing address]	*	
[Debtor's mailing address—cont.]	*	
Debtors	*	

**APPLICATION TO RETAIN SPECIAL COUNSEL**

**NO HEARING WILL BE CONDUCTED ON THIS APPLICATION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS APPLICATION SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING UNLESS IT DETERMINES THAT AN EVIDENTIARY HEARING IS NOT REQUIRED AND THAT THE COURT'S DECISION WOULD NOT BE SIGNIFICANTLY AIDED BY ORAL ARGUMENT. IF YOU FAIL TO APPEAR AT ANY SCHEDULED HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.**

To the Honorable Judge of Said Court:

Comes Now,   [the Debtor(s)' name]  , Debtor(s), hereinafter called Movant(s), respectfully show the Court the following:

1. Movant(s) filed their Chapter 13 Petition on \_\_\_\_\_.
2. The Movant(s) are plaintiffs in a lawsuit styled \_\_\_\_\_, pending under Cause No. \_\_\_\_\_, in the   [for example, District Court of Smith County, \_\_\_\_\_ Judicial District]  , hereinafter referred to as the lawsuit. The nature of the lawsuit is a suit by the Movant(s) against the Defendant(s)   [Defendant(s)' name(s)]   seeking damages based upon

[description of cause of action: for example, the injuries received by the Movant(s) resulting from an automobile accident occurring on or about \_\_\_\_\_].

3. The Movant(s) desire to employ [lawyers' name] of the lawfirm of \_\_\_\_\_ to represent the interests of the Movant(s), if any, and the above entitled bankruptcy estate to prosecute the claim against the Defendant(s) in the above described lawsuit. The attorney has had experience in matters of this character and Movant(s) believe that the attorney is qualified to represent them and the bankruptcy estate in this matter. The attorney represents no interest adverse to the Chapter 13 Trustee or this bankruptcy estate and his employment would be in the best interest of this Estate. The prosecution of this cause of action is necessary for the successful reorganization of the Movant(s). The attorney's mailing address, state bar number, telephone number, and e-mail address are set forth hereinbelow.

4. The professional services to be rendered by the above-named attorney would include the following:

- a. To assist the Movant(s) in the handling of this lawsuit.
- b. To perform all other legal services for Movant(s) in connection with this and directly related matters which may be necessary and in the best interest of the Debtor(s)' bankruptcy estate.

5. There are no other attorneys employed pursuant to previous Court Order by the Movants with regard to this matter [Or, if there were previous attorney(s) handling the matter, identify the name(s) of such attorney(s), describe any overlap in proposed services, and an explanation of why new attorney is needed].

6. After the performance of such legal services, or during the performance, upon proper application, the above named attorney should be allowed reasonable compensation for services rendered as follows: [description of fee arrangement]. Such fees and expenses shall be requested to be allowed as an administrative expense in this bankruptcy proceeding.

Wherefore, the Movant(s) pray that they be authorized to employ and appoint [attorney's name] of [lawfirm's name] to represent the Movant(s) and the above entitled bankruptcy estate in connection with the above referenced lawsuit, and that they have such other and further relief as is just.

Respectfully submitted,

\_\_\_\_\_  
[Attorney's name, address, telephone number,  
bar number, and e-mail address]

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was forwarded to following parties by regular mail on the day indicated:

U. S. Trustee  
110 N. College, Suite 300  
Tyler, TX 75702

Mr. John J. Talton  
Chapter 13 Trustee  
110 N. College, Suite 1200  
Tyler, TX 75702

[Debtor(s)' name and address]

[Debtor(s)' bankruptcy attorney's name and address]

All parties on the attached mailing matrix

\_\_\_\_\_  
Date

\_\_\_\_\_  
[Name of Attorney]

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[Debtor's mailing address—cont.]	*	
Debtors	*	

AFFIDAVIT OF PROPOSED ATTORNEY

STATE OF TEXAS           \*  
  \*  
COUNTY OF \_\_\_\_\_ \*

  [Attorney's Name]   of   [Lawfirm's name]   ("Affiant") being sworn, deposes and says:

“That Affiant has reviewed the schedules and statement of affairs filed in this bankruptcy case.

“That Affiant has no connection with the Debtor(s), their creditors, any other party in interest, their respective attorneys, the Chapter 13 Trustee, the United States Trustee, or any person employed by the said parties;

“That Affiant is a disinterested person and does not represent or hold any interest adverse to the bankruptcy estate;

“That Affiant will supplement this Affidavit if Affiant subsequently discovers a connection with the Debtor(s), the creditors, any party in interest, their respective attorneys, the Chapter 13 Trustee, the United States Trustee, or any person employed by said parties; and

“That Affiant represents the Debtor(s) in the lawsuit entitled   [style of lawsuit]  , Cause No. \_\_\_\_\_, filed in the   [description of the Court lawsuit is pending]  . I have no connection with any creditor or any other party in interest or their attorneys.”

\_\_\_\_\_  
[Name and address of attorney]

SUBSCRIBED AND SWORN to before me this the \_\_\_\_\_ day of \_\_\_\_\_, 201\_.

\_\_\_\_\_  
Notary Public, State of Texas

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ORDER AUTHORIZING EMPLOYMENT OF  
[Name of Professional or Firm]  
AS SPECIAL COUNSEL FOR THE ESTATE

ON THIS DATE, this Court considered the Application of [name of Debtor(s)], for an order approving the employment of [name of professional or firm] as Special Counsel for the Estate in the above-referenced case. The Application has been properly served as required by LBR 2014 and no objection to the Application has been timely filed by any party. Upon review of the Application, it appears to the Court that the proposed professional is “disinterested” as that term is defined in 11 U.S.C. 101(14) and that the proposed professional represents or holds no interest adverse to the Estate. Accordingly,

IT IS THEREFORE ORDERED that the Application is GRANTED and that the employment of [attorney's name] of [lawfirm's name] as Special Counsel for the Chapter 13 Estate in the above-referenced case for the purposes as set forth in the Motion is hereby APPROVED, with such compensation as may be awarded by the Court upon proper application submitted pursuant to Fed. R. Bankr. P. 2016(a) and LBR 2016.