

November Update of Changes to Miscellaneous Fee Schedule

Effective November 21, 2012

The following information is a more detailed explanation of the November changes to the court's miscellaneous fee schedule than was previously posted:

At its September 2012 session, the Judicial Conference of the United States approved amendments to fees in the bankruptcy court miscellaneous fee schedule to correspond with an increase - from \$1,000 to \$1,167 - in the Chapter 11 filing fee under the Temporary Bankruptcy Judgeships Extension Act of 2012 (Pub.L.No.112-121). For Chapter 11 cases filed on or after November 21, 2012, the statutory filing fee will increase to \$1,167. The total fee for filing a Chapter 11 case will increase to \$1,213 (statutory fee of \$1,167 plus the administrative fee of \$46).

The Judicial Conference also approved a recommendation to increase three miscellaneous fees that are derived from the Chapter 11 filing fee:

- the fee for splitting a joint Chapter 11 case(Item 18 of the Fee Schedule)
- the fee for reopening a Chapter 11 case (Item 11 of the Fee Schedule) and
- the fee for filing a Chapter 15 case (Item 15 of the Fee Schedule).

The new amount for each of these fees will be \$1,167, and these fee increases will also take effect on November 21, 2012.

In addition, the fee for filing a Chapter 9 case will increase because under 28 U.S.C. §1930 (a)(2), the Chapter 9 filing fee is "equal to the fee specified in paragraph (3) for filing a case under Chapter 11 of Title 11." (Paragraph 3 is the Chapter 11 filing fee). Therefore, the fee for filing a Chapter 9 will increase to \$1,167. The total fee for filing a Chapter 9 case will increase to \$1,213 (statutory fee of \$1,167 plus the administrative fee of \$46).

The fees for converting a Chapter 7 and a Chapter 13 to a Chapter 11 will also increase. 28U.S.C. §1930(a) states that "for converting, on the request of the debtor, a case under Chapter 7, or 13 of Title 11, to a case under Chapter 11 of title 11, the debtor shall pay to the clerk ... a fee of the amount equal to the difference between" the fee for filing a Chapter 11 and the fee for filing either a Chapter 7 or Chapter 13. Because the statutory fee for filing a Chapter 11 is increasing to \$1,167, the fee for converting a Chapter 7 (statutory fee of \$245) to a Chapter 11 will increase to \$922. The fee for converting a Chapter 13 (statutory fee of \$235) to a Chapter 11 will increase to \$932.