Checklist for Employment App

Identifying Person to be Employed	**Code/Rule**
☐ What does estate need services for? ☐ Analyze professional's past involvement with debtor ☐ Who is most qualified/what are their qualifications? ☐ Do they understand the bankruptcy process/how compensation will be paid? ☐ Define services to be performed ☐ How, when and from what funds will professional be paid?	11 U.S.C. §§ 101, 327, 363, 1107, 1008

Retaining the Professional	**Code/Rule**
☐ They should review the list of relevant parties ☐ Run a conflicts check ☐ Address whether there will be a retainer and terms, if so ☐ Review of LR 2016-1	11 U.S.C. §§ 101, 327, 330 LR 2016-1

Employment Application	**Code/Rule**
☐ Review the local rule, as necessary ☐ Update form with case name, number, applicant's name ☐ State facts showing necessity of employment ☐ Reason for selection ☐ Define services to be performed ☐ Explain compensation structure - Disclose the hourly rate, any contingent fee arrangement, commission percentage, or other compensation arrangements. ☐ Refer to engagement agreement attached to declaration ☐ Address whether there will be a retainer and terms, if so the amount and whether paid pre-petition or not ☐ Source of any retainer paid ☐ Refer to declaration as to conflicts check being done and/or connections identified ☐ Confirm professional has read LR 2016-1 ☐ For debtor's counsel file ASAP, order can be entered after 21 days	11 U.S.C. § 327 Fed. R. Bankr. P. 2014 and LR 2014-1 & B.R. 2014 Fed. R. Bankr. P. 6003

Preparing Declaration in Support	**Code/Rule**
☐ Name of person/firm to be employed ☐ Relevant experience/qualifications ☐ Defines Services to be performed ☐ Describe scope & method of conflicts check ☐ Confirm when conflicts were run ☐ Identify any hits, and/or if they are disqualifying ☐ Attach any conflict waivers obtained ☐ Statement about "connections" beyond conflicts	Fed. Bankr. R. 2014(a) Fed. R. Evid. 601-603, 701, 801-803

☐ What facts demonstrate that a professional is: a) Not a creditor, or professional unconditionally waives pre-petition claim; b) Not an insider, relative, shareholder of debtor, etc.; and c) No security interest held to secure payment of fees. d) Professional has no interest adverse to the estate (including special counsel). ☐ Attach engagement letter/listing agreement ☐ Attach any other exhibits (such as CV or other evidence of qualifications) ☐ Declaration signed under penalty of perjury or notarized	*See* 11 U.S.C. 101(14) & 101(31) for definitions.
☐ Attorneys → Statement whether attorney is a general or special counsel	11 U.S.C. § 327(a) or § 327(e)
Proposed Order	
☐ Identifies which Section of 327 professional is employed under (if attorney) ☐ Any reference to fees must specify that payment will only be made after notice and hearing and as approved by the court	