

BANKRUPTCY FEE INCREASES EFFECTIVE NOVEMBER 21, 2012

The Temporary Bankruptcy Judgeships Extension Act of 2012 (Pub. L. No. 112-121) was signed into law by the President on May 25, 2012. This law includes a provision that increases the statutory fee for filing a case under Chapter 11 of the Bankruptcy Code from \$1,000 to \$1,167. This fee increase will take effect on November 21, 2012. The total fee for filing a Chapter 11 case on or after that date will increase from \$1,046 (\$1,000 statutory fee plus the administrative fee of \$46) to \$1,213 (\$1,167 statutory fee plus the administrative fee of \$46).

Additionally, 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 statutory fee). The Chapter 9 statutory fee will increase to from \$1,000 to \$1,167 and the total fee for filing a Chapter 9 case will increase from \$1,046 (\$1,000 statutory fee plus the \$46 administrative fee) to \$1,213 (\$1,167 statutory fee plus the \$46 administrative fee) effective November 21, 2012.

The fees for converting a case under Chapter 7 or Chapter 13 to a case under Chapter 11 will also increase. 28 U.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 from \$1,000 to \$1,167, the fee for converting a Chapter 7 case to a Chapter 11 case will increase from \$755 to \$922 and the fee for converting a Chapter 13 case to a Chapter 11 case will increase from \$765 to \$932 effective November 21, 2012.

The following miscellaneous fees derived from the Chapter 11 statutory fee will also increase effective November 21, 2012:

The fee for splitting a joint Chapter 11 case found in Item 18 of the Bankruptcy Court Miscellaneous Fee Schedule will increase from \$1,000 to \$1,167, causing the total fee for splitting a Chapter 11 case to increase from \$1,046 (\$1,000 plus the \$46 administrative fee) to \$1,213 (\$1,167 plus the \$46 administrative fee).

The fee for filing a Chapter 15 case found in Item 15 of the Bankruptcy Court Miscellaneous Fee Schedule will increase from \$1,000 to \$1,167, causing the total fee for filing a Chapter 15 to increase from \$1,046 (\$1,000 plus the \$46 administrative fee) to \$1,213 (\$1,167 plus the \$46 administrative fee).

The fee for reopening a Chapter 11 case found in Item 11 of the Bankruptcy Court Miscellaneous Fee Schedule will increase from \$1,00 to \$1,167.