



To: Pro Bono Bankruptcy Volunteers
From: Melanie L. Kushnir
Re: Application for Fee Waiver and Paying Fee in Installments
Date: May 2, 2016

MEMORANDUM

For most of the clients accepted for pro bono services, it would be an extreme hardship for them to pay the \$335 Chapter 7 filing fee and for others it would simply be impossible. Consequently, **we encourage volunteers to apply for fee waivers on behalf of your pro bono clients, where appropriate.** While most of the clients who qualify for pro bono assistance from Legal Aid Center will be eligible for a fee waiver, others will not due to differences in the income eligibility guidelines the court must use. [Click here to view the court's 2016 Poverty Guidelines.](#)

This memorandum is intended to provide tips and instructions for volunteers who may not be familiar with filing these applications.

1. Attorneys filing a petition on behalf of a pro bono client should file the new case electronically. **E-filers can now file an Application for Waiver of the Chapter 7 Filing Fee or an Application to Pay Filing Fee in Installments without having to pay the fee up front.**
2. After opening the new case via the Case Management/ Electronic Case Files (CM/ECF) docketing system, you will be required to submit an [Application for Waiver of the Chapter 7 Filing Fee - \(Form 103B\)](#). This form is located on the Court's website at www.nvb.uscourts.gov (under Rules/Forms - Local Forms - Financial).
3. When opening the petition, make sure you select in forma pauperis (IFP) filing fee waived in the fee status box. Also, make sure on the fee screen, that the box shows \$0. Double check your final docket text to ensure it reflects correctly. If not, then you may use your browser back button in order to modify. **If not followed correctly, you may be charged a filing fee and locked out from the future filings until the fee is paid.**
4. After the bankruptcy case is opened, complete an [Application for Waiver of the Chapter 7 Filing Fee - \(Form 103B\)](#).
5. It is **important to explain why** the debtor cannot pay in installments. We suggest a detailed and thoughtful response to Question #5 will increase the chances of the Application being granted. We **strongly encourage** you to include language such as, "My attorney is representing me on a pro bono basis in conjunction **with Legal Aid Center of Southern Nevada Pro Bono Project.**"

6. Docket the Application for Waiver:

- a. Select Bankruptcy > Motions/Applications
- b. Select Waiver of the Chapter 7 Filing Fee (in forma pauperis)
- c. Complete the docketing of the event

If the Order on Debtor's Application for Waiver of the Chapter 7 Filing Fee is denied, the case will be placed on installments. Those installments must come across the counter either by cash or money order if it's the debtor making the payment, or an attorney can pay by check.

Failure to docket the Application for Waiver could result in the filing fee being due and possible dismissal of the case.

If you have any trouble with this process, please contact the CM/ECF Help Desk at 1-866-232-1266 or via e-mail at helpdesk@nycourts.gov.

Special thanks to Mary Schott, Clerk of the U.S. Bankruptcy Court, District of Nevada, and her staff for helping to make this process so much easier.

We realize that completing the Application for Waiver of Chapter 7 Filing Fee adds a little more work to the case. However, the \$335 saved is making a huge difference in the lives of our clients, so, on their behalf, we are so grateful for your efforts.