

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO

IN RE)	
)	
HALL, JEFFREY M. and)	Case No. 04-00020-TLM
HALL, DANIELLE M.)	
)	
Debtors.)	MEMORANDUM OF DECISION
)	
_____)	

The chapter 7 Trustee’s attorney, Jed Manwaring (“Counsel”), filed an application for compensation in the above case and set the same for hearing. *See* Doc. Nos. 72, 73. Letters of objection were filed with the Court on January 6 and January 9, 2006. *See* Doc. Nos. 74, 75.

The matter came on for hearing on January 11, 2006. Counsel appeared, but the objecting parties failed to appear and advance their objections. *See* Doc. No. 76 (minute entry). As no evidence was presented in furtherance of the objections, and as Counsel provided sufficient rebuttal including explanation of his billing procedures, the objections will be overruled.

However, the Court has an independent obligation to review attorney fees under § 330. After undertaking that review, the Court determines that Counsel’s fees must be reduced by \$465.00.

The Trustee's § 327(a) application to approve Counsel's employment was served on June 9, 2004, and thus the August 20, 2004 order approving employment was effective on that date. *See* Doc. Nos. 46, 51; LBR 2014.1(c) (providing that entry of an order approving employment relates back to the date of service of the application for employment approval). Counsel's application for final compensation lists two items of work on June 7, 2004, and June 8, 2004, prior to the effective date of the order approving employment. Compensation for such services cannot be allowed. *See In re Voechting*, 03.4 I.B.C.R. 237 (Bankr. D. Idaho 2003) (holding that the Court cannot approve fees for services provided prior to court approval of professional's employment).

The balance of Counsel's fee request, \$4,590.00, and costs, \$141.14, will be allowed.

A separate order will be entered.

DATED: January 18, 2006



A handwritten signature in black ink, appearing to read "Terry L. Myers".

TERRY L. MYERS
CHIEF U. S. BANKRUPTCY JUDGE