Opinion Title: 10/01/2010 PUBLISHED Rushton v. Woodbury & Kelser, P.C., 09-2382, Judge Mosier.

Body: Attorneys representing the debtor in an involuntary chapter 11 case during the "gap" period may not be compensated if they are not employed under § 327. If attorneys representing the debtor in an involuntary chapter 11 case during the "gap" period represent an interest adverse to the estate or are not disinterested they may be denied compensation under § 328 and/or § 330. If attorneys representing a debtor in an involuntary chapter 11 case during the "gap"period fail to comply with § 329 they may be denied compensation and may be ordered to disgorge fees they have been paid.

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Judge: Chief Judge R. Kimball Mosier [2]

Date: Friday, October 1, 2010

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