

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ALASKA

In re:

JERRY WAYNE JONES,  
  
Debtor.

Case No. A04-00836-DMD  
Chapter 13

Filed On  
5/16/06

**MEMORANDUM REGARDING PRIVILEGE AND JURISDICTION**

Mr. Johansen contends evidence regarding his fee agreement with the debtor is privileged. There can be no privilege with respect to a fee agreement mandated for disclosure by the Code. I agree with the cases on privilege cited by the United States Trustee and *Clark v. American Commerce National Bank*.<sup>1</sup> There is no need for elaborate disclosures by the court: the privilege simply doesn't apply here.

Mr. Johansen contends that this court lacks jurisdiction over the fee dispute based on *Sea Hawk Seafoods v. State of Alaska (In re Valdez Fisheries)*.<sup>2</sup> The situation here is different than Sea Hawk. Sea Hawk was a non-core related proceeding involving a dispute about a settlement agreement. Fee disputes are core proceedings. A bankruptcy court retains ancillary jurisdiction to determine an attorney fee dispute even after dismissal of the underlying Chapter 13 case.<sup>3</sup> This court retains jurisdiction over the pending controversy.

DATED: May 16, 2006.

---

<sup>1</sup>974 F.2d 127 (9th Cir. 1992).

<sup>2</sup>439 F.3d 545 (9th Cir. 2006).

<sup>3</sup>*Elias v. U.S. Trustee*, 188 F.3d 1160, 1164-1165 (9th Cir. 1999); *Tsafaroff v. Taylor*, 884 F.2d 478, 481 (9th Cir. 1989); *U.S.A. Motel Corp. v. Danning*, 521 F.2d 117 (9th Cir. 1975).

BY THE COURT

/s/ Donald MacDonald IV  
DONALD MacDONALD IV  
United States Bankruptcy Judge

Serve: Debtor  
C. Johansen, Esq.  
K. Hill, Esq.  
L. Compton, Trustee

05/16/06