UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF ALABAMA

COMPENSATION OF DEBTOR'S ATTORNEY IN CHAPTER 13 CASES SECOND REVISED ORDER

On March 17, 1997, the Court entered an order designated as "Compensation of the Debtor's Attorney in Chapter 13 Cases Revised Order" which revised the presumptively reasonable compensation for legal services rendered by an attorney for a debtor in a chapter 13 case.[1]

The Court concludes that changes in the economy make an increase in the amount of compensation appropriate.

The Court also concludes through experience that the order should be revised to establish the imposition of sanctions when the debtor's attorney fails to fulfill certain duties this Court believes are imperative in representing a chapter 13 debtor.

Therefore, it is ORDERED that –

1. A fee of $1,300.00 is presumed to be reasonable compensation and may be awarded for all legal services rendered in a chapter 13 case by an attorney for the debtor.

2. The United States Bankruptcy Administrator, the Chapter 13 Trustee, or the debtor may in any case act to rebut the presumption of reasonableness of compensation awarded under

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[1] See Order dated March 17, 1997. This order revised an earlier order dated December 7, 1993, which stated in part:

> The high volume of chapter 13 cases in this district, in the opinion of the court, makes it inexpedient to engage in full-scale lodestar analysis of numerous detailed fee application, and expedient to establish a presumptively reasonable fee for services rendered in uncomplicated, nonbusiness chapter 13 cases.

this order and for this purpose request the filing of an application under 11 U.S.C. § 330 and Fed. R. Bankr. P. 2016.

3. An attorney for the debtor seeking compensation in excess of $1,300.00 shall file with the Court an application under 11 U.S.C. § 330 and Fed. R. Bankr. P. 2016. Rule 2016 requires a detailed statement of all services rendered in the case.

4. The failure of an attorney to timely file the plan and schedules, to attend § 341 meetings of creditors, to promptly and timely file amendments, to appear at contested confirmation hearings or at other scheduled meetings or hearings, or for similar cause as determined by the Court may result in the reduction of the attorney's fee, for each such occurrence, in such amount as the Court finds to be appropriate.

Done this 12 day of October, 2000.

William R. Sawyer
Chief United States Bankruptcy Judge

Dwight H. Williams, Jr.
United States Bankruptcy Judge

c: Attorneys for Chapter 13 debtors,
Curtis C. Reding, Chapter 13 Trustee,
Teresa R. Jacobs, Bankruptcy Administrator,
Richard S. Oda, Clerk of Court