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DEC 18 2018

United States Bankruptcy Court
Middle District of Alabama

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF ALABAMA

FILED

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**AMENDED ORDER ON COMPENSATION OF DEBTOR'S ATTORNEY IN
CHAPTER 13 CASES (EFFECTIVE JANUARY 1, 2019)**

The Court last revised the Order designated as "compensation of Debtor's Attorney in Chapter 13 Cases" on June 14, 2013. Prior orders stated in part that:

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 applications, and expedient to establish a presumptively reasonable fee for services rendered in uncomplicated, nonbusiness Chapter 13 cases.

The Court concluded that an increase in the amount of compensation is appropriate. Therefore, it is ORDERED that:

1. A fee of \$3,500 is presumed to be the maximum reasonable compensation that may be awarded for all legal services rendered in a Chapter 13 case by an attorney for a debtor having below median income. A fee of \$3,750 is presumed to be the maximum reasonable compensation for a debtor having above median income.
2. A disclosure of compensation shall be filed in accordance with 11 U.S.C. § 329 and Fed. R. Bankr. Proc. 2016(b) setting forth the fee sought.
3. In filing the Rule 2016(b) Disclosure, the debtor's attorney shall reflect that the attorney will perform all required and necessary services for the debtor including, but not limited to:
 - a. Counseling with the debtor;
 - b. Preparing and filing the chapter 13 petition, schedule, statement of financial affairs, plan, and other documents;

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- c. Attending the meeting(s) of creditors and confirmation hearing(s) (the attorney of record or an attorney with the law firm of record must appear, to comply with this requirement);
 - d. Reviewing and filing claims and objecting to claims as necessary;
 - e. Filing amendments, motions, or any other required pleadings;
 - f. Attending all hearings when required;
 - g. Assisting the debtor in petitioning the Court to employ special counsel, to seek approval of settlements or compromises, and to request approval of compensation for special counsel;
 - h. Vigorously pursuing all objections to claims filed on behalf of the debtor to a final order or judgment; and
 - i. Prepare all documents and filings to satisfy discharge requirements for an eligible debtor.
4. No other fees shall be charged or collected by debtor's counsel without prior court approval except court costs, including the filing fee and actual costs of each amendment to the schedules.
5. 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 this order and for this purpose requests the filing of an application pursuant to 11 U.S.C. §330 and Fed R. Bank. Proc. 2016.
6. An attorney for the debtor seeking compensation in excess of the maximum fee stated herein shall file an application under 11 U.S.C. § 330 and Fed R. Bankr. Proc. 2016(a). Rule 2016(a) requires a detailed statement of all services rendered in the case.
7. The Court may reduce the attorney's fee, in such amount at the Court finds appropriate, for cause including the failure of an attorney to timely file the plan and schedules, to attend the §341 meeting of creditors, to promptly and accurately file amendments, to appear at contested confirmation hearings or at other scheduled meetings or hearings, or similar cause.

8. In the event the Chapter 13 Trustee is holding undistributed funds at the time a Chapter 13 case is dismissed or converted to a case under Chapter 7, those funds shall be paid over to the debtor, subject to payment of any claims allowed pursuant to 11 U.S.C. § 503. *See, Harris v. Viegelahn*, 135 S.Ct. 1829 (2015); *In re Murphy*, No. 09-81661, 2014 WL 2600168 (Bankr. M.D. Ala. Feb. 11, 2014).
9. This Order shall be effective for cases filed on or after January 1, 2019.

Done this 18th day of December, 2018.

A handwritten signature in black ink, appearing to read "W. Sawyer", written over a horizontal line.

William R. Sawyer,
CHIEF U.S. BANKRUPTCY JUDGE

A handwritten signature in black ink, appearing to read "Bess M. Parrish Creswell", written over a horizontal line.

Bess M. Parrish Creswell
U.S. BANKRUPTCY JUDGE