

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF ALABAMA**

In re:)
)
AMENDED ORDER ON)
COMPENSATION OF DEBTOR’S) Administrative Order No. 2022-10
ATTORNEY IN CHAPTER 13 CASES)
(EFFECTIVE OCTOBER 1, 2022))

ADMINISTRATIVE ORDER

The Court last revised the Order designated as “Compensation of Debtor’s Attorney in Chapter 13 Cases” on December 18, 2018, with an effective date of January 1, 2019. 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 concludes that an increase in the amount of compensation is appropriate. Therefore, it is ORDERED that:

1. A fee of \$4,500.00 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 (the “Presumptive Chapter 13 Fee”).
2. To earn the Presumptive Chapter 13 Fee, an attorney representing a debtor in a Chapter 13 case must represent the debtor in all matters related to the main case that affect the debtor’s interests unless the attorney is permitted to withdraw by order of the Court.
3. 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 (the “2016(b) Disclosure”).
4. In the 2016(b) Disclosure, the debtor’s attorney shall certify that the attorney will perform all required and necessary services for the debtor including, but not limited to:
 - a. Counseling and advising the debtor as to options under the various chapters of

the Bankruptcy Code and other non-bankruptcy options, as well as counseling and advising the debtor as to all other matters and issues arising in the main case;

- b. Preparing and timely filing the chapter 13 petition, schedules, statement of financial affairs, plan, and all necessary amendments thereto;
 - c. Attending and providing competent legal representation at 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 timely filing claims and objecting to claims as necessary;
 - e. Timely filing or responding to motions and any other required pleadings or documents;
 - 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. Preparing all documents and filings to satisfy discharge requirements for an eligible debtor.
5. No other fees shall be charged or collected by the debtor's attorney without prior Court approval except filing fees and court costs.
6. The U.S. Bankruptcy Administrator, the Chapter 13 Trustee, or the debtor may in any case move to rebut the presumption of reasonableness of compensation awarded under this order and for this purpose request the filing of an application pursuant to 11 U.S.C. § 330 and FED. R. BANKR. PROC. 2016.
7. An attorney for the debtor seeking compensation exceeding the Presumptive Chapter 13 Fee shall file an application under 11 U.S.C. § 330 and FED. R. BANKR. P. 2016(a). Rule 2016(a) requires a detailed statement of all services rendered in the case.

8. The Court may, *sua sponte*, in its discretion, or upon the recommendation of the U.S. Bankruptcy Administrator, the Chapter 13 Trustee, or any other party in interest, after notice and an opportunity for hearing, and for cause (including, without limitation, failure of any attorney to perform those services set forth in Section 4), reduce or disgorge any fee an attorney proposes to charge in a case, including the Presumptive Chapter 13 Fee, if the Court determines that the work performed by the attorney does not justify the amount of such fee.
9. 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).
10. This Order shall be effective for cases filed on or after October 1, 2022.

Done this the 22nd day of August, 2022.



Bess M. Parrish Creswell
Chief United States Bankruptcy Judge



Christopher L. Hawkins
United States Bankruptcy Judge