

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA**

IN THE MATTER OF

CHAPTER 13 ATTORNEYS' FEES

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GENERAL ORDER 2020-8

GENERAL ORDER REGARDING CHAPTER 13 ATTORNEYS' FEES

At the request of members of the chapter 13 bar and upon the recommendation of the Local Rules Committee established by General Orders 2019-2 and 2019-3, the Judges of this District have evaluated this District's presumptive, or "no-look," compensation structure for debtor's counsel in chapter 13 cases in light of the fee structures implemented in other districts of this Circuit as well as districts with comparable markets outside of this Circuit. As a result,

IT IS ORDERED that General Order No. 2011-1 is revoked for cases filed in this District on or after June 1, 2020.

IT IS FURTHER ORDERED that the presumptive base fee must be elected in the first chapter 13 plan filed by counsel. That election is irrevocable. Counsel opting to receive the presumptive base fee must sign and file the Bankruptcy Rule 2016(b) Disclosure of Fixed Fee Agreement attached to this Opinion as **Exhibit A**. Presumptive base fees are compensable by the chapter 13 Standing Trustee without fee application upon confirmation of a debtor's plan.

IT IS FURTHER ORDERED that the presumptive base fee for debtor's attorneys in chapter 13 cases filed on or after June 1, 2020, shall be \$4,000.00 in confirmed "direct-payment"

plans and \$4,500.00 in confirmed “conduit” plans.¹ If the total amount paid into the debtor’s confirmed chapter 13 plan will be \$6,000.00 or less, however, the base fee will be capped at \$2,500.00. Applications for approval of a base fee higher than that presumptive base fee must be filed by the debtor’s attorney within forty-five (45) days of the conclusion of the Meeting of Creditors held pursuant to 11 U.S.C. § 341.

IT IS FURTHER ORDERED that the presumptive base fee in chapter 13 cases covers the usual and ordinary services involved in representing the debtor during the chapter 13 case. Services not covered by the presumptive base fee (“Non-Base Services”) include the services set forth below along with the compensation deemed presumptively reasonable and allowable for such Non-Base Services:

- a. Motion for Authority To Refinance or Modify Mortgage (\$400)
- b. Objection to Motion To Terminate the Automatic Stay (\$400)
- c. Motion To Substitute Collateral (\$400)
- d. Objection To Mortgage Claim (\$400)
- e. Motion or Adversary Proceeding To Value Immovable Property (\$400)
- f. Motion for Authority To Sell Realty (\$350)
- g. Motion To Deem Mortgage Current (\$350)
- h. Motion To Incur Indebtedness (\$250)
- i. Motion To Modify Chapter 13 Plan Pursuant to § 1329 (\$250)
- j. Motion To Approve Special Counsel (\$250)
- k. Motion for Hardship Discharge (\$250)

¹ “Direct payment” plans are those in which payments on claims secured by property are made by the debtor directly to the secured lien holder or servicer. “Conduit” plans are those in which payments on claims secured by property are disbursed to secured lien holders or servicers by the chapter 13 Standing Trustee.

If a request for the presumptive fee for a Non-Base Service is included in the pleading seeking relief, such compensation shall be allowable at the hearing on the pleading unless otherwise ordered by the Court; however, in the discretion of the Court, the Court may depart from the presumptive fee amount as may be reasonably warranted.

IT IS FURTHER ORDERED that if two motions are made on the same factual predicate, such as a Motion To Modify Chapter 13 Plan Pursuant to § 1329 made in connection with a Motion for Authority To Sell Realty, the relief may be requested in a combined motion and the presumptively reasonable and allowable aggregate compensation for the related motions, whether combined or not, shall be the higher of the presumptive fees for the related motions.

IT IS FURTHER ORDERED that representation of the debtor in adversary proceedings constitutes a Non-Base Service. With the exception of an Adversary Proceeding To Value Immovable Property, applications for approval of attorneys' fees for representation of the debtor in an adversary proceeding must be filed by separate, itemized application to the Court.

IT IS FURTHER ORDERED that when a representation agreement between a debtor and court-approved counsel requires the debtor to pay litigation costs and expenses, if aggregate costs and expenses incurred in the representation total \$500.00 or less, no review or approval is necessary before such costs and expenses are paid. If such costs and expenses total between \$500.01 and \$2,500.00, an itemization of such costs and expenses must be presented to the chapter 13 Standing Trustee for review and approval before the debtor pays any portion of such costs and expenses. If the total of such costs and expenses exceeds \$2,500.00, an itemization of such costs and expenses must be presented in a motion to the Court for review and approval before the debtor pays any portion of such costs and expenses. Neither the debtor nor the debtor's bankruptcy estate

shall be obligated for any costs and expenses in excess of those amounts authorized to be paid under this paragraph.

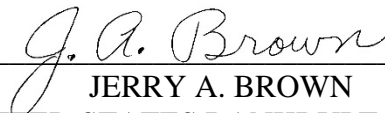
IT IS FURTHER ORDERED that upon the entry of an Order dismissing a chapter 13 case prior to a plan being confirmed, counsel for the debtor shall have fourteen (14) days from the entry of the Order of Dismissal within which to file an application for attorneys' fees and expenses (the "Post-Dismissal Application"). The Post-Dismissal Application shall be served on the debtor, the chapter 13 Standing Trustee, and the United States Trustee. The chapter 13 Standing Trustee shall not make any disbursement until the 14-day period for filing the Post-Dismissal Application has expired. If a Post-Dismissal Application is timely filed, the chapter 13 Standing Trustee shall continue to hold all funds on hand in trust pending further Order of the Court.

IT IS FURTHER ORDERED that nothing in this General Order should be viewed as barring an objection by any party in interest or the Court to a presumptive fee request.

DATED: May 5, 2020.



MEREDITH S. GRABILL
UNITED STATES BANKRUPTCY JUDGE



JERRY A. BROWN
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT A

BANKRUPTCY RULE 2016(b) DISCLOSURE OF FIXED-FEE AGREEMENT

- I. I, [Name of Attorney], have agreed to provide on a fixed-fee basis usual and ordinary services involved in representing the Debtor(s) during the chapter 13 case, including, but not limited to:
 - A. Counsel with the Debtor(s) on an as-needed basis;
 - B. Prepare and timely file the petition for bankruptcy relief, schedules, statement of financial affairs, and all other required documents;
 - C. Prepare and timely file a proposed chapter 13 plan and any required amendments to the plan;
 - D. Prepare and file motions and responses to motions required to protect the Debtor(s)' interests in the case and attend scheduled hearings;
 - E. Attend the meeting of creditors pursuant to 11 U.S.C. § 341(a);
 - F. Review all proofs of claim filed, exercise Debtor(s)' rights under Bankruptcy Rule 3004, and object to proofs of claim necessary to confirm, implement, or enforce the terms of a plan;
 - G. Attend the confirmation hearing; and
 - H. Advise the Debtor(s) concerning their obligations and duties pursuant to the Bankruptcy Code, Bankruptcy Rules, applicable court order and the provisions of their chapter 13 plans.
- II. The fixed fee agreement does not include the following services:
 - A. Representation of the Debtor(s) in adversary proceedings, either as a plaintiff or defendant;
 - B. Representation of the Debtor(s) in a contested matter, the subject of which is extraordinary in the context of a chapter 13 case in this District; and
 - C. Representation of the Debtor(s) in any matter in which the Court orders fee-shifting pursuant to which fees are to be paid by a person other than the Debtor(s).

III. I have not shared or agreed to share any of the compensation paid or to be paid. The following sets forth all compensation that is being paid by any person or entity other than the Debtor(s):

[INSERT]

IV. As of the filing of the petition for bankruptcy relief, I have received \$_____ compensation and \$_____ will be paid through the confirmed chapter 13 plan.

Dated: _____

Counsel to the Debtor(s)