

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF LOUISIANA

In re: **CHAPTER 13 NO LOOK FEES**

**GENERAL ORDER NO. 2011-1**

For the reasons set forth in the Reasons for General Order No. 2011-1 issued herewith by Judge Elizabeth W. Magner,

**IT IS ORDERED** that the no look fee for Chapter 13 cases filed on or after this date will be \$2,500.00.

**IT IS FURTHER ORDERED** that the no look fee covers the services set forth in the attached Exhibit A.

**IT IS FURTHER ORDERED** counsel requesting compensation under the no look fee will also receive \$300.00 in additional compensation payable in months 24, 36, 48, and 60 of confirmed plans. The Trustee shall withhold from distribution, \$25.00 per month beginning in month 13 of the plan and for each month thereafter for this purpose. Debtor's counsel will receive an annual \$300.00 payment if the case is in good standing and still pending under chapter 13 at the end of the applicable plan year. No partial payments will be made, and any residual funds not distributed will be payable to other claimants in the priorities provided by the plan.

**IT IS FURTHER ORDERED** that the standard fee for filing a successful motion not contemplated by the no look fee will be \$350.00, plus costs. However, successful objections to a motion to dismiss or for relief from the automatic stay when followed by a request for plan modification shall be compensable at the standard rate of \$650.00 for the combined representation of objection and subsequent plan modification.

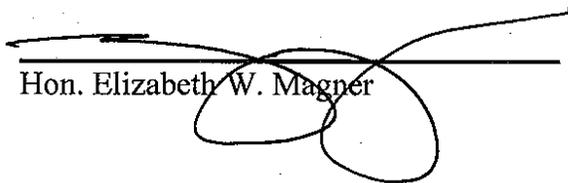
**IT IS FURTHER ORDERED** that no fees will be awarded to counsel if a plan is not confirmed, except on separate application with the Court. A fee request may be made after the denial of confirmation but must be filed prior to dismissal of the case. The granting of a fee will be at the discretion of the judge who may consider the reasons for the case's failure.

**IT IS FURTHER ORDERED** that a case may be dismissed on *ex parte* motion by the Trustee if the schedules, mailing matrix, statement of financial affairs, proposed plan, and sixty (60) days of pay advices are not filed into the record within the later of fourteen (14) days after the filing of the petition or the expiration of any Court authorized extension.

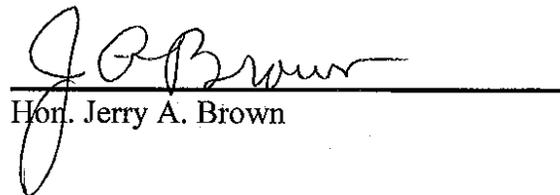
**IT IS FURTHER ORDERED** that an automatic reduction of the lesser of \$350.00 or \$100.00 per item not supplied will be applied to the no look fee if documentation requested by the Trustee or agreed corrections to the schedules or plan between Trustee and debtor's counsel are not made at least nine (9) days prior to any scheduled confirmation hearing or continued section 341(a) meeting. The reduction may be imposed multiple times if after a continuance of either the section 341(a) meeting or confirmation hearing, the information is still not provided in a timely manner. Any request for reduction will be filed by Trustee as an objection to confirmation at least seven (7) days prior to the confirmation hearing and if granted, shall be applied from the first funds received.

**IT IS FURTHER ORDERED** that counsel opting to receive a no look fee must sign and file the Bankruptcy Rule 2016(B) Disclosure of Fixed Fee Agreement attached to this Opinion as Exhibit A.

New Orleans, Louisiana, August 31, 2011.



Hon. Elizabeth W. Magner



Hon. Jerry A. Brown

## EXHIBIT A

### Bankruptcy Rule 2016(b) Disclosure of Fixed Fee Agreement

1. I, [Name of Attorney], have agreed to provide the following services to the Debtor(s) on a fixed fee basis for a period ending not less than 120 days after confirmation of Debtor(s)' Chapter 13 plan:

- A. Counsel with the debtor(s) on an as needed basis;
- B. Prepare and timely file a proposed Chapter 13 plan and any required amendments to the plan;
- C. Prepare and timely file the required petition, schedules, statement of financial affairs, and all other required documents;
- D. Prepare and file miscellaneous motions required to protect the debtor(s)' interests in the case;
- E. Prepare and file responses to motions filed against debtor(s)-even if the response is a statement that the debtor(s) have no opposition to the relief requested (Section A only)- and attend the scheduled hearing;
- F. Attend the section 341(a) meeting of creditors;
- G. Review all proofs of claim filed; file proofs of claim for secured or priority claimants provided for under the plan, if the claimant does not timely file a proof of claim; and modify the plan after confirmation or object should a timely proof of claim require greater distributions than provided for by the confirmed plan;
- H. Prepare and file objections to claims necessary to confirm, implement or enforce the terms of a plan which could have been brought within 120 days of confirmation.
- I. Attend the confirmation hearing, if required under the circumstances, including but not limited to if an Objection is filed; and
- J. Advise the debtor(s) concerning their obligations and duties pursuant to the Bankruptcy Code, Bankruptcy Rules, applicable court orders and the provisions of their chapter 13 plan.

2. The fixed fee agreement does not include the following services:

A. Representation of the debtor(s) in an adversary proceeding, either as a plaintiff or a defendant;

B. Representation of the debtor(s) in a contested matter, the subject of which is extraordinary in the context of chapter 13 cases in the United States Bankruptcy Court for the Eastern District of Louisiana;

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);  
and

D. Representation on matters for which the first hearing is set more than 120 days following confirmation.

3. 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).

4. As of the filing of the petition, I have received \$ \_\_\_\_\_ compensation and \$ \_\_\_\_\_ will be paid under the chapter 13 plan.

Dated \_\_\_\_\_

\_\_\_\_\_  
Counsel to Debtor(s)