

/

DRAFT ONLY FOR DISCUSSION
UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE

STANDING ORDER REGARDING CHAPTER 13 ATTORNEY'S FEES

No. _____

In accordance with 11 U.S.C. §330(a), effective as to all Chapter 13 cases filed on or after _____, 2017:

- 1) The Chapter 13 Trustee shall treat the attorney's fees of the debtor as an administrative expense and pay them as a priority debt, in accordance with 11 U.S.C. §507(a)(1). These attorney's fees shall be paid as soon as is practicable and shall be payable from available funds after payment of other administrative expenses, adequate protection payments and/or other court ordered payments. Absent an order of the Court, generally unsecured creditors shall not receive payment until the attorney's fee is paid in full.
- 2) That upon confirmation of the plan, the debtor's attorney shall receive a maximum initial disbursement of fifteen hundred dollars (\$1,500.00). If the funds on hand at confirmation are insufficient to receive this initial disbursement, after payment of other administrative expenses, adequate protection payments and/or other court ordered payments, the attorney shall receive as large an initial disbursement as is practicable, which shall not be lower than \$700.00 hundred dollars (\$700.00).
- 3) A claim for attorney's fees for services rendered and expenses advanced to a debtor will be presumptively approved by the Court, in the absence of an objection, so long as said claim does not exceed the sum of four thousand dollars (\$4,000.00). The \$4,000.00 presumptive fee contemplates appearance by attorney of record for the debtor at the §341 meeting and all hearings.
- 4) The debtor's attorney may file an itemized fee application with the Court to seek an increase in the presumptive fee should the attorney of record for the debtor subsequently determine that an award of \$4,000.00 attorney's fees does not adequately compensate the attorney for legal services rendered.

IT IS SO ORDERED:

Proposed revision to presumptively reasonable (no-look) attorney's fees in Chapter 13:

\$ ____ for services in a below-median income case; and an additional	(\$3400)
\$ ____ if the debtor has above-median income;	(\$300)
\$ ____ if a motion to extend (or to impose a stay) is filed;	(\$300)
\$ ____ if the debtor has twenty or more creditors;	(\$250)
\$ ____ if the case involves vehicle loans or leases;	(\$250)
\$ ____ if the case involves real property claims;	(\$300)
\$ ____ for each additional encumbered parcel of real property;	(\$250)
\$ ____ if a complaint for turnover of property is filed;	(\$300)
\$ ____ if the case involves a motion to avoid lien as to real property;	(\$600)
\$ ____ if the case involves an operating business.	(\$700)

The presumptively reasonable fee will cover all services provided by debtor's counsel reasonably required by the debtor from initial consultations to discharge, dismissal or closing of the case. Debtor's counsel may file an itemized fee application with the Court to seek an increase in the presumptively reasonable fee should they subsequently determine that these fees do not adequately compensate the attorney for legal services rendered.

Proposed revision to timing of payment of attorney's fees in Chapter 13:

The Chapter 13 Trustee shall treat the attorney's fees of the debtor as an administrative expense and pay them as a priority debt, in accordance with 11 U.S.C. §507(a)(1). The attorney's fees shall be paid as soon as is practicable and shall be payable from available funds after payment of other administrative expenses, adequate protection payments and/or other court ordered payments. Absent an order of the Court, generally unsecured creditors shall not receive payment until the attorney's fee is paid in full. Upon confirmation of the plan, the debtor's attorney shall receive a maximum initial disbursement of fifteen hundred dollars (\$1,500.00). If the funds on hand at confirmation are insufficient to receive this initial disbursement, after payment of other administrative expenses, adequate protection payments and/or other court ordered payments, the attorney shall receive as large an initial disbursement as is practicable, which shall not be lower than seven hundred dollars (\$700.00).

TOTAL CASES FILED		TOTAL CASES DISCHARGED	AVE ATTY FEE PAID
1/1/16-12/31/16	1912	---	---
1/1/15-12/31/15	2139	---	---
1/1/14-12/31/14	2389	---	---
1/1/13-12/31/13	2307	---	---
1/1/12-12/31-12	2389	---	---
1/1/11-12/31/11	2507	695 (incomplete)	\$1,501.13**
1/1/10-12/31/10	2677	988	\$1,602.47
1/1/09-12/31/09	3399	1227	\$1,636.21
1/1/08-12/31/08	3503	1085	\$1,267.27

DRAFT ONLY FOR DISCUSSION