

NEW ECF EVENT

ADMINISTRATIVE ORDER 20-2 NO APP FEES

ECF Location for Event

Bankruptcy Events → Miscellaneous → Other/Notice → No App Fee

PURPOSE OF ECF EVENT

The ECF event is created for attorneys already seeking compensation under the No App Fee¹ as provided in Administrative Order 18-1 (AO 18-1) but who, in addition to the No App Fee, seek additional compensation as expressed in paragraph three of AO 18-1. The ECF event allows the attorney to comply with paragraph 4 of AO 18-1 by filing a certification with the Court stating that the services performed, the fee requested, and the payment of the fee will not impact the feasibility of the Chapter 13 plan.

There are six categories of additional compensation (enhanced fees) which may be requested by Debtor's counsel without filing a separate § 330 fee application:

- a. A completed mortgage loan modification of the claim secured by the debtor's principal residence – up to \$500.
- b. A motion and order authorizing the substitution of collateral – up to \$400.
- c. A motion and order authorizing the retention of a realtor, auctioneer or other professional by the debtor relating to the sale of property or representing the interests of the estate – \$200.
- d. A motion and order authorizing the sale of property and disposition of the proceeds, resulting in the closing of such sale and the filing of a report of sale – up to \$300.
- e. A motion and order authorizing the retention of special counsel by the debtor relating to collecting or pursuing a cause of action in a different judicial forum and that results in the filing of a motion and order authorizing the approval of a settlement of such litigation – \$300. (When the special counsel is receiving a contingency fee, it is anticipated that such contingency fee will typically be reduced by the amount paid by the bankruptcy estate to bankruptcy counsel to engage special counsel and to obtain settlement approval so that the cumulative fees incurred by the bankruptcy estate to complete a settlement does not exceed the agreed upon contingency fee. If the litigation is tried to a conclusion and does not require a settlement approval process in bankruptcy, the fee enhancement solely for

¹ To qualify for the No App Fee, five requirements must be met under AO 18-1. See, AO 18-1, paragraph 2.

obtaining approval of special counsel will be up to \$200, again typically reducing the total contingency fee paid.)

- f. The allowable portion of the No App Fee for a case that is dismissed prior to confirmation with the amount not to exceed \$500 (less any amounts paid to the attorney prior to the filing of the petition). Amounts in excess of \$500 from funds held by the trustee require an appropriate motion.

The ECF event allows attorneys to pick one of six No App Fee types.

The ECF event is a “virtual” or “docket text only” event which does not require that a PDF document be attached to the certification entry.

The request for a No App Fee, or additional attorney compensation, can only be sought if the Debtor’s attorney has qualified for the No App Fee (AO 18-1, paragraph 2). Those fees are limited to the types listed in AO 18-1, paragraphs 3 and 6.

In addition to the No App Fee, there are other services under the Rights and Responsibilities Agreement which are not covered by the No App Fee scheme and may be compensated. Those fees are listed in AO 18-1, paragraph 5, and require approval by motion. 11 U.S.C. § 330 and FRBP 2016(b).

PROCESSING THE ECF EVENT

ECF EVENT
LOCATION



- Bankruptcy Events → Miscellaneous → Other/Notice → No App Fee
- Click on No App Fee category

DROP-
DOWN
LIST



- There will be a drop-down list asking which of the six categories of compensation you seek.
- Each category must be requested separately. You cannot combine various categories of compensation within one docket event.

ECF DOCKET
TEXT



- Once you pick the category you seek enhanced compensation/compensation for, the ECF docket text will display the certification per category type.
- If the certification category indicates you may seek up to a certain amount, the ECF event will allow you to type in the text box the amount of the fee request.
- If the enhanced compensation is one for employment, there are additional text boxes in the ECF event categories which require you indicate the professional type to be employed and/or the name of

WHAT WILL THE EVENT LOOK LIKE?

The drop-down list will allow you to pick the following categories or event types:

- Mortgage Modification – up to \$500
- Substitute Collateral – up to \$400
- Employment of Professional – \$200
- Sale of Property – up to \$300
- Special Counsel - \$300
- Dismissed Case Fee Preconfirmation - \$500

Once one of the six No App Fee compensation categories is picked, the ECF docket text will appear as indicated below for each of the six compensation types:

Mortgage Modification – up to \$500

Mortgage Modification – up to \$500. I certify that I have met the requirements set forth in Administrative Order 18-1, paragraph two, and qualify for the No App Fee. In addition to the No App Fee, I am requesting enhanced compensation for a completed mortgage loan modification of the claim secured by the debtor's principal residence (up to \$500). I am seeking fees in the amount of \$[text required]. I further certify that payment of the fee will not impact the feasibility of the Chapter 13 plan, and that such additional fee shall be

Substitute Collateral – up to \$400

Substitute Collateral – up to \$400. I certify that I have met the requirements set forth in Administrative Order 18-1, paragraph two, and qualify for the No App Fee. In addition to the No App Fee, I am requesting enhanced compensation for a motion and order authorizing the substitution of collateral (up to \$400). I am seeking fees in the amount of \$[text required]. I further certify that payment of the fee will not impact the feasibility of the Chapter 13 plan, and that such additional fee shall be paid in accordance with the confirmed plan.

Employment of Professional – \$200

Employment of Professional - \$200. I certify that I have met the requirements set forth in Administrative Order 18-1, paragraph two, and qualify for the No App Fee. In addition to the No App Fee, I am requesting enhanced compensation for a motion and order authorizing the retention of a realtor, auctioneer or other professional by the debtor relating to the sale of property or representing the interests of the estate in the amount of \$200. The professional to be employed is [text required]. I further certify that payment of the fee will not impact the feasibility of the Chapter 13 plan, and that such additional fee shall be paid in accordance with the confirmed

Sale of Property – up to \$300

Sale of Property – up to \$300. I certify that I have met the requirements set forth in Administrative Order 18-1, paragraph two, and qualify for the No App Fee. In addition to the No App Fee, I am requesting enhanced compensation for a motion and order authorizing the sale of property and disposition of the proceeds, resulting in the closing of such sale and the filing of a report of sale (up to \$300). I am seeking fees in the amount of \$[text required]. I further certify that payment of the fee will not impact the feasibility of the Chapter 13 plan, and that such additional fee shall be paid in accordance with the confirmed plan.

Special Counsel - \$300

Special Counsel - \$300. I certify that I have met the requirements set forth in Administrative Order 18-1, paragraph two, and qualify for the No App Fee. In addition to the No App Fee, I am requesting enhanced compensation for a motion and order authorizing the retention of special counsel by the debtor relating to collecting or pursuing a cause of action in a different judicial forum and that results in the filing of a motion and order authorizing the approval of a settlement of such litigation in the amount of \$300. If special counsel is receiving a contingency fee, it is anticipated that such contingency fee will be reduced by the amount paid by the bankruptcy estate to bankruptcy counsel to engage special counsel and to obtain settlement approval so that the cumulative fees incurred by the bankruptcy estate to complete a settlement does not exceed the agreed upon contingency fee. If the litigation is tried to a conclusion and does not require a settlement approval process in bankruptcy, the fee enhancement solely for obtaining approval of special counsel will be up to \$200, again reducing the total contingency fee paid. The professional to be employed is [text required]. I further certify that payment of the fee will not impact the feasibility of the Chapter 13 plan, and that such additional fee shall be paid in accordance with the confirmed plan.

Dismissed Case Fees Preconfirmation - \$500

Dismissed Case Fees Preconfirmation – \$500. I certify that this case has been dismissed and in accordance with Administrative Order 18-1, I am seeking attorney’s fees which do not exceed \$500 (less any amounts paid prior to filing the petition). The fees I am seeking in this case total \$ ____.

Examples of Correct Docket Texts

Mortgage Loan Modification Attorney Certification. I certify that I have met the requirements set forth in Administrative Order 18-1, paragraph two, and qualify for the No App Fee. In addition to the No App Fee, I am requesting enhanced compensation for a completed mortgage loan modification of the claim secured by the debtor’s principal residence (up to \$500). I am seeking fees in the amount of \$450. I further certify that payment of the fee will not impact the feasibility of the Chapter 13 plan, and that such additional fee shall be paid in accordance with the confirmed plan.

Substitution of Collateral Attorney Certification. I certify that I have met the requirements set forth in Administrative Order 18-1, paragraph two, and qualify for the No App Fee. In addition to the No App Fee, I am requesting enhanced compensation for a motion and order authorizing the substitution of collateral (up to \$400). I

am seeking fees in the amount of \$250. I further certify that payment of the fee will not impact the feasibility of the Chapter 13 plan, and that such additional fee shall be paid in accordance with the confirmed plan.

Employment of Professional. I certify that I have met the requirements set forth in Administrative Order 18-1, paragraph two, and qualify for the No App Fee. In addition to the No App Fee, I am requesting enhanced compensation for a motion and order authorizing the retention of a realtor, auctioneer or other professional by the debtor relating to the sale of property or representing the interests of the estate in the amount of \$200. The professional to be employed is *Real Estate Broker, John B. Smith*. I further certify that payment of the fee will not impact the feasibility of the Chapter 13 plan, and that such additional fee shall be paid in accordance with the confirmed plan.

Sale of Property. I certify that I have met the requirements set forth in Administrative Order 18-1, paragraph two, and qualify for the No App Fee. In addition to the No App Fee, I am requesting enhanced compensation for a motion and order authorizing the sale of property and disposition of the proceeds, resulting in the closing of such sale and the filing of a report of sale (up to \$300). I am seeking fees in the amount of \$300. I further certify that payment of the fee will not impact the feasibility of the Chapter 13 plan, and that such additional fee shall be paid in accordance with the confirmed plan.

Employment of Special Counsel. I certify that I have met the requirements set forth in Administrative Order 18-1, paragraph two, and qualify for the No App Fee. In addition to the No App Fee, I am requesting enhanced compensation for a motion and order authorizing the retention of special counsel by the debtor relating to collecting or pursuing a cause of action in a different judicial forum and that results in the filing of a motion and order authorizing the approval of a settlement of such litigation in the amount of \$300. If special counsel is receiving a contingency fee, it is anticipated that such contingency fee will be reduced by the amount paid by the bankruptcy estate to bankruptcy counsel to engage special counsel and to obtain settlement approval so that the cumulative fees incurred by the bankruptcy estate to complete a settlement does not exceed the agreed upon contingency fee. If the litigation is tried to a conclusion and does not require a settlement approval process in bankruptcy, the fee enhancement solely for obtaining approval of special counsel will be up to \$200, again reducing the total contingency fee paid. The professional to be employed is *Robert M. Jones of the Jones Law Firm, PC*. I further certify that payment of the fee will not impact the feasibility of the Chapter 13 plan, and that such additional fee shall be paid in accordance with the confirmed plan.

Dismissed Case Fees Preconfirmation – \$500. I certify that this case has been dismissed and in accordance with Administrative Order 18-1, I am seeking attorney's fees which do not exceed \$500 (less any amounts paid prior to filing the petition). The fees I am seeking in this case total \$ 300.

TIPS

- *Please remember that only one ECF No App Fee event may be used at one time. Motions cannot be combined (i.e., Sale of Property Enhancement Fee event and Employment of Professional No App Fee event cannot be combined in one single ECF No App Fee event).*
- *Do not use the ECF text boxes contained in the event for anything other than for the information requested.*
- *Failure to commit the ECF No App Fee event in its entirety may prevent the ECF event from docketing properly. Neither the Clerk nor the Court will docket the ECF event properly for you. See, ECF Procedure 5.*
- *Remember to use the correct ECF browser and browser version when using CM/ECF. The browser and their versions are found on the ECF splash page when you first sign on to CM/ECF (at the bottom).*