

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF GEORGIA

In re: Administrative Order on Attorney  
Fees in Chapter 13 Cases (Superseding  
Administrative Order on Attorney Fees  
in Chapter 13 Cases dated January 7, 2017)

**ADMINISTRATIVE ORDER #118 ON ATTORNEY FEES IN CHAPTER 13 CASES**  
**(SUPERSEDES #109)**

In recognition of the high volume of Chapter 13 cases filed in this District and acknowledging that many of these cases require similar legal services for each debtor, the Court enters the following administrative order to promote the efficient management of compensation for debtors' attorneys, to provide fair and equitable treatment to debtors and their attorneys, and to avoid undue additional financial burdens on debtors. Accordingly, it is hereby

ORDERED that, effective as to cases filed on or after October 8, 2018, debtors' attorney fees in Chapter 13 cases will be awarded and paid as follows:

Fee Options:

An attorney representing a debtor in a Chapter 13 case may request a Single Set Fee or apply for compensation on a time-billing basis via an itemized fee application (or series of applications). Unless the Court orders otherwise, the attorney must select the method of setting his or her fee in each case by agreement with the debtor.

This Order is not intended to set any minimum or maximum fee in any Chapter 13 case filed in this District. Attorneys are prohibited from advising clients or the public that the Court mandates any set fee amount to be charged for a Chapter 13 case.

Fees Based on a Single Set Fee:

The Single Set Fee provided in this Order represents a fee that is agreed upon between the debtor and debtor's attorney and shall be a specific amount up to but not exceeding \$3,250.00. The fee is expected to provide for payment of costs and expenses (other than the filing fee) and for all services rendered to the debtor from the filing of the petition to the closing of the case. An attorney for a Chapter 13 debtor receiving a Single Set Fee is excused from filing a fee application or reporting hours or listing expenses.

An attorney who has requested a Single Set Fee is entitled to apply for supplemental fees. However, any application for supplemental fees must assert in detail (1) a significant matter that has arisen that could not reasonably have been anticipated at the commencement of the case, (2) that the debtor acknowledged the possibility of supplemental fee requests in his or her engagement agreement, or subsequently agreed to such supplemental fee; and (3) the hourly time entries and tasks performed, along with any expenses for which reimbursement is sought, for the significant matter for which the attorney is requesting a supplement (and not for the case as a whole). Supplemental fee applications will be reviewed under the totality of the circumstances.

### Fees Based on Itemized Applications:

Attorneys who wish to be compensated on a time-billing basis (including reimbursement of expenses (other than the filing fee) must file itemized fee applications under 11 U.S.C. § 330(a)(4)(B) and Federal Rule of Bankruptcy Procedure 2016. No fees will be awarded at confirmation unless such a fee application has been filed and the objection period run without objection (or any objections overruled). Any award made at confirmation will be based solely on the itemized written application of time and expenses incurred up to the final hearing on confirmation of the plan, and must not include any future fees which may be earned later in the representation of the debtor. Attorneys at confirmation will not satisfy the requirement of this Order by simply reporting a total accumulation of hours.

After confirmation, any additional fees requested must be presented to the Court by way of subsequent itemized fee applications.

Whether initial or subsequent, all fee applications filed under this option must be itemized, setting forth, by task, the work performed and the time spent for each task.

Attorneys receiving fees through itemized applications are still expected to represent debtors in all matters relating to the case affecting the debtors until the attorney is permitted to withdraw by order of the court. (*see* M.D. Ga. LBR 2091-1)

### Method of Disbursement of Fees

Regardless of the amount or the method of compensation (Single Set Fee or Itemized Application) selected, disbursement of approved fees to attorneys shall be as follows:

(a) Disbursements shall be made from proceeds available or paid to the trustee by the debtor, or on debtor's behalf, after the deduction of any current house payment in the plan, any unpaid filing fees, and payment of Trustee's fees and expenses.

(b) Upon confirmation of a debtor's Chapter 13 plan and in the first distribution thereunder, the Chapter 13 Trustee (hereinafter, "Trustee") shall be authorized to disburse to the debtor's attorney the lesser of \$1,500.00 or six (6) times the monthly plan payment, less any attorney's fees paid prior to confirmation. Disbursement of fees shall begin with the first distribution under the confirmed plan and shall continue monthly thereafter until the sum authorized by this paragraph is paid.

(c) After completion of disbursements to the debtor's attorney as authorized in (b) above, the Trustee is authorized to disburse, in monthly payments, the balance of any remaining attorney's fees under the debtor's plan in an amount not to exceed the lesser of \$100.00 or 40% (percent) of the monthly plan payment excluding any current house payment in the plan; and

(d) If the attorney is awarded supplemental fees by itemized application, the fees so awarded will be paid in accordance with paragraph (c) above;


(e) If no plan is confirmed and the Chapter 13 case is dismissed, unless otherwise ordered, the Trustee is authorized to disburse to debtor's attorney compensation not to exceed the sum of \$800.00, less any sums previously received by the debtor's attorney, after deduction of any unpaid filing fees and payment of the Trustee's fees and expenses.

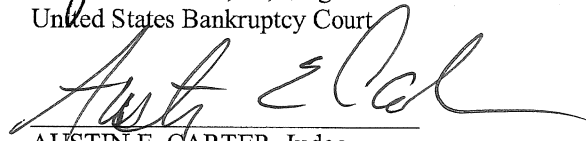
IT IS FURTHER ORDERED that after the filing of a Chapter 13 case, the attorney for the debtor shall collect no compensation other than that allowed by this Order without prior court approval based upon an appropriate application and order.

IT IS FURTHER ORDERED that any fee allowed and paid in accordance with the procedures specified in this Order shall be interim in nature and, as such, subject to review, disallowance, and disgorgement, upon request of the Trustee or another party in interest, or on the Court's own motion.

IT IS SO ORDERED this 1<sup>st</sup> day of October, 2018.

  
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JAMES P. SMITH, Chief Judge  
United States Bankruptcy Court

  
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JOHN T. LANEY, III, Judge  
United States Bankruptcy Court

  
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AUSTIN E. CARTER, Judge  
United States Bankruptcy Court