

**APR 26 2012**

**U.S. BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF ARIZONA**

**In re:**

**ADOPTION OF GUIDELINES FOR  
PAYMENT OF ATTORNEYS FEES  
IN CHAPTER 13 CASES**

**GENERAL ORDER  
NO. 106**

**GUIDELINES FOR PAYMENT OF ATTORNEYS FEES IN CHAPTER 13 CASES**

**Effective in all chapter 13 cases filed on or after June 1, 2012**

The following are guidelines (“Guidelines”) for approving flat fee arrangements as part of the chapter 13 plan confirmation process.

An attorney may decline to seek approval of compensation pursuant to the Guidelines. If an attorney so declines, his or her compensation shall be disclosed, reviewed, and approved in accordance with applicable authority including, without limitation, 11 U.S.C. § 329 and 330, Fed. R. Bankr. P. 2002, 2016, and 2017.

**A. Flat Fee Guidelines**

Alternatively, attorneys may have their fees approved and paid as part of the chapter 13 plan confirmation process if they comply with the Guidelines.

1. Counsel may seek approval for fees in the order confirming the plan up to the amounts set forth in Paragraph 2 without filing a detailed application if:
  - (a) Counsel provides all services listed in Section B.;
  - (b) No objection to the requested fees has been raised; and
  - (c) The court has not determined, in its sole discretion, that the fees have either not been earned or are not reasonable.
2. The maximum fee which can be approved through the procedure described in Paragraph 1 is: \$4,500, but if such fee is not sufficient to fairly compensate counsel for the legal services rendered in the case, the attorney may apply for additional fees. The court will not approve additional compensation in cases in which no plan is confirmed, or for work necessary to confirm the initial plan. Further, counsel should not view the fee permitted by the Guidelines as a retainer that, once exhausted, automatically justifies a fee motion seeking additional fees.

1 Counsel may request additional compensation only in instances where substantial  
2 and unanticipated post-confirmation work is necessary. In the event that counsel  
3 files for additional fees, time records in support of such an application must be  
4 provided and date from the inception of the case.

4 **B. Minimum Required Services**

5 Attorney responsibilities for a standard plan confirmation and general representation shall  
6 include, but are not limited to:

7	Review of financial documents and information
8	Consultation, planning and advice, including office visits and telephone communications
9	Representation and advice regarding filing of pre-filing credit briefing
10	Preparation/Filing of Petition, Schedules, Statement of Financial Affairs, Current Monthly Income, Payment Advice Declaration and Master Mailing List
11	Preparation/Filing of Chapter 13 Plan, Plan Analysis and necessary amendments
12	Preparation/Filing of bankruptcy notice in State Court actions
13	Representation at §341 meeting of creditors
14	Resolution of non-adversary proceeding creditor objections and any hearings related thereto
15	Review and analysis of creditor claims for potential objections, and attendance at related hearings
16	Objections to Proofs of Claim
17	Preparation/Filing of Affidavit of no income regarding tax claims
18	Notify client of unfiled tax return claims, follow up with taxing authority
19	Preparation of Proposed Order Confirming Plan with cover letter to Trustee addressing each issue numerically
20	Preparation/Filing of Motion to Extend (for each: Schedules, Stipulated Order of Confirmation, Motion to Dismiss)
21	Preparation/Filing of Responses to Pre-Confirmation Objections to Dismissal
22	Preparation/Filing of Pre-Confirmation Stipulation to Reinstate Case
23	Responses to motions for stay relief, and attendance at hearings
24	Drafting and mailing any necessary correspondence

1	Change of Debtor address filings
2	Representation regarding filing of post-filing education course
3	Representation regarding discharge eligibility certificate
4	Amendments to Schedules
5	Representation at continued 341 meeting

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7 In Business cases, the following additional services must be provided:

8	Filing of Business Operating Statements with court
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10 **C. Hourly Fees**

11 All fees not covered by the Guidelines, including, but not limited to, appeals or adversary  
12 proceedings, may be billed at hourly rates and will require a separate application for allowance of  
13 compensation and reimbursement of expenses in compliance with 11 U.S.C. §330 and Fed. R.  
14 Bankr. P. Rule 2016. Such fees are reviewable by the court for reasonableness.

15 Attorneys are not required to charge the Flat Fee and may bill at hourly rates for the rendering  
16 of any and all of the professional services described in the Guidelines, but in such event shall submit  
17 an application for allowance of compensation and reimbursement of expenses in compliance with  
18 11 U.S.C. §330 and Fed. R. Bankr. P. Rule 2016, dating from the inception of the case.

19 **EXCEPT FOR PRE-PETITION RETAINERS AND HOURLY FEES, ALL FEES SHALL BE  
20 PAID THROUGH THE PLAN UNLESS OTHERWISE ORDERED.** Attorneys shall file a  
21 2016(b) Statement disclosing any fee(s) collected and the services performed, with a copy provided  
22 to the Debtor.

23 **Regardless of the type of fee arrangement, attorneys shall represent the debtor(s) in all  
24 matters in the administrative case, unless an order is entered allowing their withdrawal.**

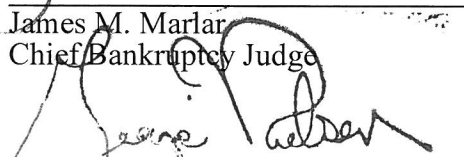
25 The Guidelines may be reviewed on an annual basis to determine reasonableness.

26 Approved, effective June 1, 2012, for chapter 13 cases filed in the District of Arizona.

27 Dated: April 26, 2012

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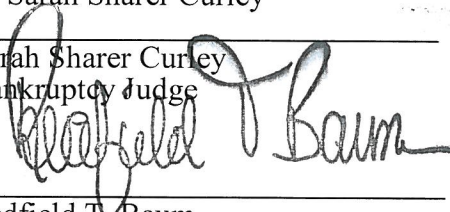
James M. Marlar  
Chief Bankruptcy Judge

  
George B. Nielsen, Jr.  
Bankruptcy Judge

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/s/ Sarah Sharer Curley

Sarah Sharer Curley  
Bankruptcy Judge



Redfield T. Baum  
Bankruptcy Judge

/s/ Charles G. Case

Charles G. Case II  
Bankruptcy Judge



Randolph J. Haines  
Bankruptcy Judge



Eileen W. Hollowell  
Bankruptcy Judge