

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF FLORIDA

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BANKRUPTCY COURT
NORTHERN DISTRICT FL.

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FILED

FIFTH AMENDED STANDING ORDER NO. 9
Attorney Fees in Chapter 13

IN ORDER TO fairly compensate attorneys providing competent representation of debtors in cases filed under Chapter 13, to provide fair treatment to creditors receiving payments under Chapter 13 plans, and to limit the administrative burdens placed on the court, the trustee, and on attorneys, the following guidelines and procedures are hereby adopted regarding the payment of attorney's fees for debtors in Chapter 13 cases filed in the Northern District of Florida after November 1, 2009.

1. Attorney's fees, excluding costs, in the amount of \$3,500.00 shall be considered "normal and customary" in "routine cases" under chapter 13 and may be paid, either by pre-petition retainer, through the plan, or through a combination of the two, without further application to the court.

2. A "routine" case will normally be one in which the attorney prepared and files the petition, lists, schedules, plan and all other required documents; attends the § 341 meeting of creditors; attends the hearing on confirmation; prepares and serves notices of valuation pursuant to Local Bankruptcy Rule 3012-1 B; prepares and serves motions to avoid liens pursuant to § 522(8); negotiates adequate protection agreements, if necessary, for one automobile and for the homestead and files uncontested objections to claims.

3. If an attorney seeks in excess of \$3,500.00, he/she shall file an application in accordance with 11 U.S.C. § 330 and Local Bankruptcy Rule 2016-1 B (2). Such application shall be supported by contemporaneous time records and shall specifically identify services required to comply with the provisions of BAPCA and any other specific factors to justify a

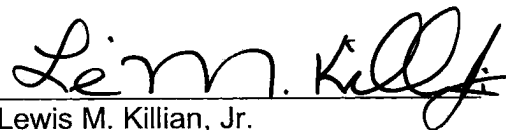
departure from the presumptively reasonable fee. Applications for additional fees of \$1,000.00 or less may be considered by the Court without a hearing on 21 days negative notice to the trustee and the parties in interest. Additional fees will not be awarded based on excessive time caused by insufficient use of the attorney's time or the lack of cooperation by the debtor.

4. The United States Trustee or Chapter 13 Trustee may object to payment of the normal and customary fee in any case in which it appears that such fee is excessive based on the amount of income available to fund a plan, the nature and the amount of debt dealt with in the plan or other cause shown. The court may, sua sponte, or at the request of the Chapter 13 trustee, reduce the fees to be paid to the attorney under a plan if confirmation is delayed due to lack of diligence by the attorney in preparation for confirmation.

5. Attorneys fees may be paid by the Chapter 13 trustee ahead of payments to other creditors except that payment of regular mortgage payments on the debtor's homestead if provided for under the plan, and payment of adequate protection to creditors holding automobile liens shall be made prior to any payment of attorney's fees.

6. This order supersedes the Fourth Amended Standing Order No. 9, dated July 17, 2008.

DONE AND ORDERED this 27th day of October, 2009.


Lewis M. Killian, Jr.
United States Bankruptcy Judge