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U.S. BANKRUPTCY COURT

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

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NORTHERN DISTRICT OF OHIO
YOUNGSTOWN

IN RE: *
* HONORABLE KAY WOODS
FEES FOR DEBTORS' COUNSEL *
IN CHAPTER 13 CASES * ADMINISTRATIVE ORDER
* NO. 08-01

Dated at Youngstown, Ohio this 31st day of January, 2008.

Except as set forth otherwise herein, as to all Chapter 13 cases filed on or after February 1, 2008, following is the Court's policy of allowing counsel for Chapter 13 debtors to request fees without the filing of a detailed fee application:

1. Notwithstanding any agreement with the client to the contrary, counsel are reminded that *an agreement to represent Chapter 13 debtors before this Court continues throughout the duration of the case until withdrawal from representation is approved by the Court or the case is closed.*

2. Counsel and the debtor shall file with the Court and serve on the Chapter 13 Trustee an executed copy of the "Rights and Responsibilities of Chapter 13 Debtors and their Attorneys," which is attached at Exhibit A. If an executed copy of the "Rights and Responsibilities of Chapter 13 Debtors and their Attorneys" has not been filed with the Court, counsel fees shall be allowed only upon formal application under Bankruptcy Rules 2002, 2002 [Interim] and 2016.

3. If an executed copy of the "Rights and Responsibilities of Chapter 13 Debtors and their Attorneys" has been filed with the Court, and if the total fee (including expenses other than filing fees) requested by counsel for the debtors is **three thousand dollars (\$3,000.00) or less**, then those fees may be allowed by the Court in the order confirming the debtor's plan of reorganization based upon the compensation statement signed by the attorney, without filing a fee application under 11 U.S.C. § 330 and Bankruptcy Rule 2016(a).

4. The Court expects that the fees referred to in paragraph 3, above, constitute full payment for the following services:

- (a) Personally meeting with the debtor to review the debtor's financial situation and counseling the debtor regarding filing under either Chapter 7 or Chapter 13, analyzing the financial situation and assisting the debtor in understanding the debtor's rights and obligations throughout the pendency of the case, and assessing potential issues in the particular bankruptcy, including but without limitation, exemptions, dischargeability, and avoidance matters.
- (b) Counseling the debtor regarding and preparing all documents required to be filed pursuant to 11 U.S.C. § 521. Counseling the debtor about the obligation to obtain pre-filing credit counseling, as set forth in 11 U.S.C. § 109.
- (c) Negotiating and communicating with priority and secured creditors, including the Internal Revenue Service, regarding matters pertaining to the administration of the estate or valuation issues and representation of the debtor's interest at hearings related thereto.
- (d) Representing the debtor at the meeting of creditors under 11 U.S.C. § 341 and any adjourned meeting.

- (e) Responding to inquiries made by the debtor and/or the Chapter 13 Trustee in furtherance of confirmation and administration of the Chapter 13 plan.
- (f) Preparing documents and notices, including submissions based upon Trustee recommendations, filing of suggestion of bankruptcy, amendments to schedules, voluntary dismissals, and all case-related correspondence.
- (g) Responding to routine objections to plan confirmation, and, when necessary, preparing, filing and serving an amended plan or one (1) modification not requiring a hearing.
- (h) Representing the debtor at the confirmation hearing (if any), but not including an evidentiary hearing.
- (i) Representing the debtor in connection with motions for abandonment and up to two (2) motions under 11 U.S.C. § 362, but not including an evidentiary hearing upon these matters.
- (j) Representing the debtor on motions under 11 U.S.C. § 522(f) to avoid liens on exempt property, but not including an evidentiary hearing.
- (k) Representing the debtor on one (1) motion to reinstate stay.
- (l) Representing the debtor on one (1) motion to reinstate case.
- (m) Preparing routine objections to claims and representing the debtor in connection therewith.
- (n) Representing the debtor on one (1) motion for suspension of payments, one (1) motion to dismiss/convert, removal of wage garnishments, and other motions not specifically referenced herein.
- (o) Providing such other legal services as are necessary for the administration of the case, including but not limited to, continuing to assist the debtor by returning phone calls, answering questions, and reviewing and sending correspondence.

5. If all of the services set forth in paragraph 4, above, are not included, counsel should submit a fee application to

the Court regardless of the amount of the compensation. The application shall set forth, at a minimum, as to each activity for which a fee is requested, the identity of the person performing the services, the billing rate for such person, the services performed, the dates of service, and the amount of time expended.

6. A request for additional compensation will be considered in extraordinary circumstances even if it is for services included within the literal terms of this order.


7. Counsel fees shall be paid by the Chapter 13 Trustee in equal installments over the first twelve (12) months of the plan, subject to other restrictions and to the extent of available funds.

8. If the Chapter 13 case is either converted or dismissed without reinstatement and the attorney fees are allowable pursuant to paragraph 3, above, absent a contrary order, the trustee shall pay to the attorney for the debtor, to the extent of the funds available, an administrative claim equal to the unpaid balance of the total fee that the debtor agreed to pay. In the event a case is dismissed or converted prior to confirmation, counsel for debtor must file a fee application and notice of hearing within fifteen days after entry of dismissal or conversion. If no fee application is filed, the Trustee will disburse any funds held without payments of any fees to debtor's counsel.

9. The Court's policy in providing a "No Look" fee, as set forth herein, is a privilege - not a right. The Court may, upon cause, (i) order the reduction of fees; or (ii) revoke an attorney's right to utilize the procedure and fee set forth in this Order.

10. This order does not limit the right of debtors, the Chapter 13 Trustee, the U.S. Trustee, or any other party in interest to object to any fee request, even if the amount sought falls within the fee schedule listed, and even if the debtor(s) had previously consented in writing to pay the requested fees. Specifically, the Chapter 13 Trustee is encouraged to comment on fees for attorneys engaging in actions or inaction resulting in delay, unnecessary work, abuse of process, failing to provide complete, competent or timely representation, or such other matters as are appropriate.

IT IS SO ORDERED.



HONORABLE KAY WOODS
UNITED STATES BANKRUPTCY JUDGE

4. Respond to all attorney requests as soon as possible.
5. Provide the attorney with a working telephone number or other means of communication.
6. Obtain credit counseling from an approved nonprofit budget credit counseling agency during the 180-day period preceding the date of the petition or provide the attorney with accurate information to prepare a certificate of exigent circumstances, as required by 11 U.S.C. § 109(h).
7. Inform the attorney about any pending lawsuits brought by or against the debtor and any claims the debtor may have against third parties.

The **attorney** agrees to:

1. Personally meet with the debtor to review the debtor's assets, liabilities, income, and expenses.
2. Counsel the debtor regarding the advisability of filing either a Chapter 7 or a Chapter 13 case, discuss both procedures with the debtor, and answer the debtor's questions.
3. Explain what payments will be made directly by the debtor, such as mortgage and vehicle lease payments, and what payments will be made through the Chapter 13 plan.
4. Explain to the debtor how, when, and where to make the required Chapter 13 plan payments.
5. Explain to the debtor how the attorney's fees and Trustee's fees are paid.
6. Explain to the debtor that the first plan payment must be made to the Trustee within ten (10) days after the date the plan is filed.
7. Advise the debtor of the requirement to attend the Section 341 Meeting of Creditors and bring to the meeting, valid, unexpired, government-issued picture identification, proof of social security number, and proof of vehicle insurance.
8. Advise the debtor of the necessity of maintaining liability, collision, and comprehensive insurance on all vehicles owned or leased by the debtor.
9. Advise the debtor of the necessity of maintaining insurance on any real property that the debtor may own.
10. Timely prepare and file all documents required to be filed pursuant to 11 U.S.C. § 521.
11. Advise whether and on what fee basis the attorney will represent the debtor in the event that an adversary proceeding needs to be pursued or defended.

B. After the case is filed:

The **debtor** agrees to:

1. Keep the Trustee and the attorney informed as to the debtor's current address and phone number.
2. Timely make all Chapter 13 payments to the Trustee.
3. Timely make all post-petition payments to any creditors that the debtor has agreed to pay directly, and, if appropriate, maintain proper insurance coverage and pay post-petition tax obligations concerning the same in a timely fashion.
4. Cooperate with the attorney in preparing all pleadings and attending all hearings as required.
5. Prepare and file all delinquent federal, state, and local tax returns, and thereafter file with all taxing authorities all required tax returns in a timely manner and provide copies to the attorney, pursuant to 11 U.S.C. § 521(e)(2) and (f).
6. Promptly inform the attorney of any wage garnishments or attachments of assets which occur or continue to occur after the filing of the case.
7. Let the attorney know if the debtor is sued at any time during the case, or threatened with legal action.
8. Let the attorney know if a creditor attempts to collect on a debt.
9. Contact the attorney regarding any changes in employment, increases or decreases in income, or any other financial problems or changes.
10. Cooperate with the attorney and the Trustee in timely producing any financial or supporting documents requested by the attorney or the Trustee.
11. Contact the attorney to find out what approvals are required before buying, refinancing, or selling real property, or before entering any long-term loan or lease agreements.
12. Complete an instructional course concerning personal financial management, as set forth in 11 U.S.C. § 1328(g).

The **attorney** agrees to:

1. Continue to represent the debtor through the conclusion of the case, whether by dismissal or discharge.

2. Instruct the debtor as to the date, time, and location of the Section 341 Meeting of Creditors and advise the debtor about documents required for the Section 341 meeting.
3. Respond to objections to plan confirmation, and, when necessary, prepare an amended plan.
4. Prepare, file, and serve necessary plan modifications, which may include suspending, decreasing, or increasing plan payments.
5. Prepare, file, and serve necessary amended statements and schedules in accordance with information provided by the debtor.
6. Prepare, file, and serve necessary motions to incur debt, or to buy, sell, or refinance real property when appropriate.
7. Object to improper or invalid claims, if necessary, based upon documentation provided by the debtor.
8. Be available to respond to the debtor's questions throughout the life of the plan.
9. Represent the debtor in motions for relief from stay and motions to dismiss or convert.
10. Provide such other legal services as are necessary to the administration of the case before the Bankruptcy Court, which include, but which are not limited to, meeting with the debtor, presenting appropriate legal pleadings, and making necessary court appearances.
11. File an executed copy of this document with the Court, and provide executed copies of it to the debtor and the Trustee.

Dated: _____

Debtor

Dated: _____

Debtor

Dated: _____

Attorney for Debtor(s)