

September 16, 2002

Supplemental Chapter 13 Attorney Fee Requests

There is substantial inconsistency in the form and procedure used by attorneys seeking fees in Chapter 13 proceedings other than the routine amount in a confirmed case. These situations include fees in unconfirmed cases, usually in the context of dismissal, and fees for extraordinary services.

These applications should provide, at a minimum, 20 days notice to object and request a hearing and should be served on debtors, the Chapter 13 Trustee, the United States Trustee, creditors, and the Chapter 7 Trustee, if applicable. The time may be shortened to 10 days and creditors need not be given notice if the amount is less than \$1,000.00. Although a Form 20A notice appears not to be literally required, either a Form 20A notice or a similar notice of the opportunity to object and request a hearing must be provided. An effort must be made to comply with the code and rules, including, but not limited to, 11 U.S.C. § 330 and Bankruptcy Rules 2002(a)(6), 2002(k), 2016, and 9034.

Applications should include an itemized time report. The terms of any fee agreement, approval of the Trustee, approval of the debtor, and matters of similar import will be considered.

---

Russ Kendig  
U.S. Bankruptcy Judge