

This opinion is not intended for publication

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

In re:) Case No. 03-17045
)
JAMES HAYNES,) Chapter 13
)
Debtor.) Judge Arthur I. Harris

ORDER REGARDING COMPENSATION FOR DEBTOR'S ATTORNEY

Before the Court is a Confirmation Order submitted by debtor's attorney in connection with the Chapter 13 plan that came on for confirmation on October 2, 2003. Paragraph 13 of the submitted confirmation order requests that \$1300.00 be allowed as fees for debtor's attorney. However, because such request does not comply with the applicable administrative order, debtor's attorney is directed to take additional action, as described below.

Pursuant to Administrative Order 98-4 (a copy of which is attached), the bankruptcy judges sitting in Cleveland have established uniform procedures for the allowance of attorneys fees in Chapter 13 cases.¹ If the total fee is (a) \$900 or less; or (b) \$1,200 or less, and the fee arrangement provides that \$300 or less will be paid prior to the filing of the bankruptcy petition with the balance to be paid

¹On July 2, 2003, the bankruptcy judges sitting in Cleveland established new procedures for allowance of attorney fees in Chapter 13 cases filed after August 1, 2003. See Administrative Order 03-6, which is available on the Court's website at www.ohnb.uscourts.gov. Because the present case was filed on May 29, 2003, Administrative Order 03-6 does not apply here.

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through the Chapter 13 plan, then those fees may be allowed by the Court in the Order confirming the debtor's plan of reorganization. If counsel seeks fees exceeding such limits, counsel is required to submit a detailed fee application in accordance with the Guidelines prescribed under Local Bankruptcy Rule 2016-1. (A copy of General Order 93-1, *Guidelines for Compensation and Expense Reimbursement of Professionals*, is posted on the Court's website).

In the present case, the attorney's disclosure statement under Rule 2016 and the proposed confirmation order indicate that counsel seeks a total fee in excess of \$1200.00, without the submission of a fee application in accordance with the Guidelines prescribed under Local Bankruptcy Rule 2016-1 and in contravention of Administrative Order 98-4.

Accordingly, the Court will strike paragraph 13 of Confirmation Order (allowing attorney's fees). Counsel for the debtor shall have the option of (1) accepting \$900.00 as payment in full for his services and remitting the balance of fees to the Chapter 13 Trustee, or (2) filing a fee application in accordance with the Guidelines prescribed under Local Bankruptcy Rule 2016-1 and Administrative Order 98-4.

If counsel elects option one, then, within 30 days of the date of this order,

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counsel shall file a notice with this Court indicating that he will accept \$900.00 as payment in full for his services and that the balance of \$400.00 in fees has been remitted to the Chapter 13 Trustee. The notice shall be served on the Chapter 13 Trustee, the U.S. Trustee, and the debtor. Upon filing the notice, the total \$900.00 fees will be deemed approved without further involvement of the Court.

If counsel elects option two, then, within 30 days of the date of this order, counsel shall file a fee application in accordance with the Guidelines prescribed under Local Bankruptcy Rule 2016-1 and Administrative Order 98-4. The application shall be served on the Chapter 13 Trustee, the U.S. Trustee, and the debtor. The application will then be subject to further order of the Court.

IT IS SO ORDERED.

/s/ Arthur I. Harris 10/14/2003
Arthur I. Harris
United States Bankruptcy Judge