

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

In re:) Case No. 03-10789
)
JOHN CROXTON, and) Chapter 13
THERESA CROXTON,)
Debtors.) Judge Arthur I. Harris
)

ORDER

On April 13, 2006, debtors' counsel filed an application for compensation (Docket #108), requesting approval of \$7,388 in additional fees beyond the \$1,200 previously awarded in the December 17, 2003, confirmation order (Docket #37).

On April 28, 2006, the Chapter 13 trustee filed a brief in opposition (Docket #109), which was later withdrawn. For the reasons that follow, the Court will defer any ruling on the request for additional compensation until debtors' counsel supplements the application as specified below.

This Chapter 13 case was filed on January 22, 2003. Therefore, it predates the effective date of Administrative Order 03-6, which governs the allowance of attorneys fees in cases filed on or after August 1, 2003. Rather, Administrative Order 98-4 governs the allowance of attorneys fees in this case. Administrative Order 98-4 provides in pertinent part:

2. If counsel seeks fees exceeding the [\$1,200 limit] set forth above, counsel shall submit a detailed fee application in accordance with [General Order 93-1]. This requirement applies to initial fee applications as well as to additional or supplemental applications. In the case of an additional or

supplemental application, the application shall also (a) describe in detail the services provided from the beginning of the case in accordance with the Guidelines and (b) attach the debtor's authorization for allowance of those fees. . . .

In the present case, it appears that debtors' counsel never filed a statement of compensation as required under Bankruptcy Rule 2016. Nor is there any written authorization from the debtors for allowance of the \$7,388 in additional fees requested on April 13, 2006. Absent written agreement that provides otherwise, the Court would expect that the \$1,200 in fees approved in the confirmation order would cover all services performed on or before that date, even if the actual hours worked to that date times the hourly rate exceeds \$1,200. Certainly, debtors' counsel has put in substantial work since the debtors' Chapter 13 plan was confirmed in 2003. Nevertheless, before the Court will approve fees for additional work, debtors' counsel will need to supplement his April 13, 2006, application consistent with Administrative Order 98-4.

IT IS SO ORDERED.

/s/ Arthur I. Harris 6/1/2006
Arthur I. Harris
United States Bankruptcy Judge