

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

In re:)
)
Chapter 13 Attorney Fee) Standing Order No. 17-01
Requests)
)
)
)

IT IS HEREBY ORDERED:

In all Chapter 13 cases, attorney fees for counsel for the debtor shall be allowed by application pursuant to Fed.R.Bankr.P.2016(a) and 2002(a)(6), or, subject to the exceptions set forth in paragraph 4 below, pursuant to the provisions of the "NO-LOOK" Compensation Plan ("NLCP").

1. The NLCP shall consist of:
 - a. Standard Allowable Amount ("SAA"); and
 - b. A La Carte ("ALC") fees for additional services rendered during the Chapter 13 proceeding as outlined in Appendix A.
2. Standard Allowable Amount ("SAA").
 - a. For Chapter 13 cases, counsel for the debtor, without filing a fee application, shall be awarded a SAA not to exceed \$4,000.00 (\$3,700.00 fees and \$300.00 out-of-pocket expenses), plus applicable filing fees paid by or through counsel. The fees and expenses shall be deemed allowed upon confirmation of the plan.
 - b. Services included in the SAA are all services typically performed when representing a Chapter 13 debtor up to and through confirmation of the debtor's original Plan, including:
 1. Meet with the debtor to review the debtor's debts, assets, liabilities, income, and expenses. Counsel the debtor regarding the advisability of filing either a Chapter 7 or Chapter 13 case. Discuss both procedures with the debtor and answer the debtor's questions. Explain what payments will be made directly by the debtor and what payments will be made through the debtor's Chapter 13 plan, with particular attention to mortgage loan payments, as well as any other claims which accrue interest.
 2. Advise the debtor of the requirement to attend the § 341 meeting of creditors, and instruct the debtor as to the date, time, and place of the meeting. Provide appropriate representation at the § 341 meeting of creditors for the debtor.

3. Timely prepare and file the debtor's petition, plan, statements, and schedules. Respond to objections to plan confirmation and, where necessary, prepare an amended plan.
4. Prepare, file, and serve necessary pre-confirmation modifications to the plan. Prepare, file, and serve necessary pre-confirmation amended statements and schedules, in accordance with information provided by the debtor.
5. Provide appropriate representation at plan confirmation hearings.

3. ALC (a la carte) Fees and Process.

- a. ALC fee request implementation. Upon meeting the requirements entitling the award of ALC fees, debtor's counsel must file a "Certification of ALC Fees" along with providing Notice pursuant to Local Rule 9013-3. The Chapter 13 trustee, the United States Trustee, and attorneys having appeared in the case will receive electronic notice through the Court's CM/ECF system. Therefore, the debtor's counsel shall only be required to serve a paper copy of the Certification and Notice on the debtor and on any party requesting notice (if such party does not receive electronic notice). If no objection is filed by the resistance deadline, then the ALC fees will be granted automatically without a hearing. Counsel for debtors shall provide the clerk of court a proposed order for the ALC. Debtor's counsel must use the standard "Certification of ALC Fees" form found at Appendix "A" in order to be awarded ALC fees.
- b. ALC qualified services and applicable rates are set forth in Appendix "A" to this order.
- c. Actual expenses incurred under the qualified ALC actions shall be allowed in addition to the ALC fee. The actual expenses shall be itemized and included in the "Certification of ALC Fees" request as set forth in paragraph 3(a) above.
- d. ALC Limitations.
 1. ALC fee requests shall not be stacked if the service or services provided essentially involve one larger transaction, regardless of the number of motions.
 2. ALC fees shall only be requested for substantive services that are described in the chart listed in Appendix "A". Debtor's counsel shall not request ALC fees when the services rendered were due to oversight, inexperience, or inefficiency of counsel.
 3. ALC fees shall not be requested for cursory, generic, routine or non-substantive motions, objections or resistances that are later withdrawn or denied for failure to comply with local rules. Debtor's counsel may only request fees for motions, resistances, responses and objections that include specific factual and legal basis.

4. Exceptions to the "NO-LOOK" Compensation Plan ("NLCP").

- a. Counsel for the debtor may file a fee application for services provided and costs incurred, rather than seeking compensation pursuant to the NLCP. If counsel is approved for compensation of pre-confirmation services pursuant to the NLCP, counsel shall not be precluded from filing an itemized application for post-petition services. If counsel is approved for compensation of pre-confirmation services pursuant to an itemized application, counsel shall not be precluded from seeking post-petition ALC fees.
- b. In the event that the Chapter 13 proceeding is dismissed, nothing in this order prevents counsel for the debtor claiming a right to payment for services and costs pursuant to written contract or the doctrine of *quantum meruit*.
- c. Successor law firms/attorneys. In the event the debtor elects to retain a new law firm and/or attorney before Plan confirmation, the SAA shall not apply nor be paid and both the original law firm and/or attorney of record and the successor law firm and/or attorney of record shall instead file a fee application. Post-confirmation, the successor law firm and/or attorney may participate in the ALC fees or file a fee application.

5. Effective Dates and Limitations.

- a. All Chapter 13 cases, including those that are not confirmed, regardless of the filing date, are subject to the provisions of this order, including ALC fees and costs, effective November 1, 2017, subject to the limitations in 5(b). Upon the effective date of this order, a certain number of Chapter 13 cases will have unconfirmed plans. In the absence of the various qualifying exceptions set forth in paragraph 4 above, all previous requests for compensation made through an unconfirmed Chapter 13 plan pursuant to the options set forth in this order shall be deemed automatically converted to the SAA as of the effective date of this order. In all such cases counsel may elect to be paid a NO-LOOK fee of less than the SAA by filing an attorney fee election prior to confirmation. In all cases that are unconfirmed as of the effective date of this order, counsel for debtor shall verify that the proposed plan is properly funded and shall file any necessary plan amendments to address funding issues.
- b. All pending fee applications filed before the effective date of this order shall not be affected by the rules herein.

6. Miscellaneous Provisions.

- a. Upon the filing of an ALC request for fees, the Chapter 13 trustee shall, within seven business days, earmark and reserve available funds on hand in anticipation of final approval by the Court. However, all required adequate protection payments shall continue to be made by the trustee and said payments shall have priority over ALC fee requests.

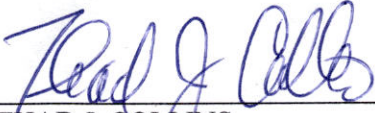
b. Cost-of-living adjustment.

Beginning July 1, 2019, and annually thereafter, the SAA and individual ALC amounts shall be adjusted by an amount equal to the SAA and ALC amounts multiplied by the cost-of-living adjustment. The cost-of-living adjustment is the percentage by which the Consumer Price Index (CPI) for all-urban consumers, published by the Department of Labor, for the preceding calendar year exceeds the CPI for the calendar year 2017.

1. Rounding Rules. If the SAA amount after adjustment under subsection 1 is not a multiple of \$100, such amount shall be rounded to the nearest multiple of \$100. If any ALC amount after adjustment under subsection 1 is not a multiple of \$20, such amount shall be rounded to the nearest multiple of \$20.
2. The Clerk of the Bankruptcy Court shall maintain the SAA and ALC amounts pursuant to Local Rule 2016-(1)(b).

- c. The debtor's counsel may receive a pre-petition retainer directly from the debtor. The post-petition fees shall be paid through the plan, except for Court costs to add creditors post-petition, costs to process the financial management certificate, fees to dismiss or convert the case to another chapter or as otherwise ordered by the Court.

ORDERED: 10/25/17



THAD J. COLLINS
CHIEF BANKRUPTCY JUDGE

APPENDIX "A"
 IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE NORTHERN DISTRICT OF IOWA

IN THE MATTER OF: _____) CASE NO. _____
)
) Chapter 13
)
 Debtor(s).)

CERTIFICATION OF A LA CARTE ("ALC") FEES/EXPENSES BY
 COUNSEL FOR THE DEBTOR(S)

COMES NOW _____, counsel for the Debtor(s) and certifies that:

1. I have provided valuable legal services to the Debtor(s) that qualify for ALC fees and/or expenses above and beyond the Standard Allowable Amount ("SAA") provided for Local Rule 2016-1(b).
2. That if additional expenses are requested herein, I certify that the actual expenses incurred are itemized and attached to this certification of fees.
3. I hereby request ALC fees and/or expenses as set forth in the chart below:

	Service	Scheduled Fee	Related CM/ECF Docket Entry Numbers	Select Service With an "X"	Selected Amount
1.	Motion ¹ to extend the automatic stay.	\$300			\$____

¹ All references to "motion" includes drafting and filing motions, resisting motions, negotiating regarding motions filed by parties other than the debtor, and entering into consent orders or other agreements. The intent is to compensate counsel for services, regardless of who is the initiating party.

	Service	Scheduled Fee	Related CM/ECF Docket Entry Numbers	Select Service With an "X"	Selected Amount
2.	Motion to borrow, sell or refinance personal or real property. Services to include amending necessary schedules, communications with various parties prior to filing motion, obtaining and reviewing all available documents which the debtor proposes to execute upon approval of the motion and any other related work.	\$400			\$__
3.	Motion to allow filing claim out of time.	\$250			\$__
4.	Motion to alter, amend, or reconsider judgments (except where the motion to alter, amend, or reconsider was necessitated by counsel's own oversight, inexperience, inefficiency, or failure to follow proper procedure).	\$500			\$__
5.	Motion to reinstate Chapter 13 case.	\$250			\$__
6.	Preparation, filing and service of amended plan post confirmation. Services provided shall include amending necessary schedules, reviewing past stipulations, if any, reviewing claims, verifying adequate funding, addressing all objections and responding to any request for production of documents.	\$500			\$__
7.	Motion to avoid liens on real or personal property. If filing more than one such motion contemporaneously and not requiring actual court attendance on different dates, \$350 for the first motion, and \$250 for each additional motion.	\$350			\$__
8.	Objection to improper or invalid claims.	\$250			\$__
9.	Preparing and filing late claims.	\$250			\$__
10.	Motion to employ, approve settlement, or compromise controversy.	\$350			\$__
11.	Objection to motions for relief from the automatic stay, including motions for relief under the co-debtor stay.	\$400			\$__

	Service	Scheduled Fee	Related CM/ECF Docket Entry Numbers	Select Service With an "X"	Selected Amount
12.	Resist/defend motion to dismiss.	\$400			\$___
13.	Motion for turnover if no adversary proceeding is necessary.	\$350			\$___
14.	Motion to assume or reject lease.	\$150			\$___
15.	Motion to retain income tax refund(s).	\$350			\$___
16.	Other necessary miscellaneous motions not otherwise provided for in the above categories.	\$300			\$___
	ACTUAL EXPENSES INCURRED RELATED TO ALC ACTION (please attach an itemized statement)	\$___			
	TOTAL (FEES AND EXPENSES)				\$___

DATED: _____

Counsel for the Debtor(s)

Appendix "A" Instructions and Comments:

- a. All ALC fee and expense requests should be made with due consideration to *related* events that culminate into a larger transaction. Counsel for the debtor shall, to the extent reasonably possible, only submit ALC requests that are just and reasonable under the totality of circumstances involving services rendered.
- b. Counsel for the debtor shall only submit ALC fee requests pursuant to services that are customary and necessary in representing a Chapter 13 debtor utilizing *best practices*. Debtor's counsel is expected not to request ALC fees when the services rendered were due to an oversight, inexperience, or inefficiency of counsel.
- c. Multiple selections for ALC fees may be made on one ALC request form but each such ALC fee requested must be for separate substantive matters. Counsel shall not "stack" ALC fees for one substantive matter.

Examples:

Generally, a separate ALC selection for a motion to shorten time may be combined (selected on the form) with another underlying pleading or motion.

Stacking fees shall not be allowed in the following scenarios:

1. A motion to sell/transfer a vehicle filed concurrently with a motion to purchase a new vehicle is one ALC matter
 2. Defending a motion for relief from stay and a motion for relief from co-debtor stay on the same property are collectively one ALC matter.
 3. Multiple motions to avoid lien on the same item of property (for example, where there are multiple judgment liens on a homestead) are collectively one ALC matter.
- d. ALC fee requests may be filed at the time of the service. As a best practice, ALC fee requests should be made within three months of completing the underlying service(s).
- e. ALC fee requests need to refer to a specific docket entry or entries on the CM/ECF system relating to the services performed.
- f. All ALC expenses must be itemized and attached to the certification of fees.
- g. ALC fees shall not be requested when the primary reason for filing an objection, motion, resistance, or response is to *increase or enlarge the time available* to file further pleadings regarding substantially the same matter or issue.