

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ALABAMA**

Effective in Cases Filed after January 1, 2001

**MEMORANDUM ON COMPENSATION IN CHAPTER 13 CASES**

I. Rule 2016 Statements

For administrative purposes, attorneys for debtors in Chapter 13 cases are relieved from filing detailed fee applications as required by Rule 2016 of the Federal Rules of Bankruptcy Procedure and Rule 2016-1 of the Local Rules of Bankruptcy Procedure for the Northern District of Alabama if all of the conditions and requirements as set forth in this Memorandum on Compensation in Chapter 13 Cases are met, including:

- A. The attorney for the debtor(s) shall file a Rule 2016(b) Disclosure of Compensation **and** a Statement of Attorney for Debtor in a Chapter 13 Case in a form that is in substantial conformance with the attached Exhibit A.
- B. The attorney for the debtor(s) shall perform all required and necessary services for the debtor(s) including but not limited to:
  - 1. Counseling with the debtor(s);
  - 2. Preparing and filing the chapter 13 petition and other documents;
  - 3. Attending the meeting(s) of creditors and confirmation hearing(s);
  - 4. Reviewing claims, filing claims and objecting to claims if necessary;
  - 5. Filing amendments, motions, adversary proceeding complaints, answers to complaints or any other required pleadings; and
  - 6. Attending all hearings when required.
- C. The fee charged and disclosed by the attorney for the debtor(s) does not exceed \$1,300.00, is for all services rendered, and is the total amount for the length and duration of the case. Attorneys are admonished that the fees charged should be commensurate with the nature and complexity of the case and should be based upon the reasonably anticipated amount of time to be expended on the case.

II. Proposal for Payment of Fees

The attorney for the debtor(s) shall include in the chapter 13 plan a detailed proposal consistent with the Bankruptcy Code as to how the attorney fee is to be distributed and paid by the Chapter 13 Trustee.

III. Attorney Fee Applications

The attorney for the debtor(s) may elect to seek fees more than the amount stated in Section I.C. In that event, the attorney shall file a detailed fee application pursuant to Rule 2016(a) of the Federal Rules

of Bankruptcy Procedure, and pursuant to the cases decided by the Eleventh Circuit Court of Appeals, for **all** fees in the case. The application shall also be in compliance with Local Rule 2016-1. The Bankruptcy Administrator will be expected to review or be responsible for reviewing those applications.

If the attorney for the debtor(s) is awarded a fee pursuant to this Section I. of this Memorandum on Compensation in Chapter 13 Cases and thereafter seeks compensation in excess of that amount, the attorney shall file a detailed fee application as described in this Section III. and pursuant to Rule 2016(a) of the Federal Rules of Bankruptcy Procedure and Rule 2016-1 of the Local Rules of Bankruptcy Procedure for the Northern District of Alabama.

#### IV. Chapter 13 Trustee Review

The Chapter 13 Trustee shall make a recommendation on each fee request. That recommendation should be based on a review of the petition and schedules and the attorney's participation in all stages of the case and further consistent with the appropriate and relevant factors regarding awards of compensation including the attorney's skill and experience. The Chapter 13 Trustee should file a written review and recommendation in each case before entry of an order on confirmation. The Trustee may raise or file an objection to the requested fees or the proposed payment of fees if either or both appear to be unreasonable, excessive, or inconsistent with the Bankruptcy Code and Rules.

#### V. Attorney Fees on Dismissal or Conversion

In the event that no plan is confirmed and the case is dismissed or converted, the Court may award compensation.

#### VI. Court Review

The Court may review any and all fees requested. *Norman v. Housing Authority of Montgomery*, 836 F.2d 1292, 1303 (11<sup>th</sup> Cir. 1988).

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TAMARA O. MITCHELL  
Chief United States Bankruptcy Judge

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JAMES S. SLEDGE  
United States Bankruptcy Judge

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BENJAMIN COHEN  
United States Bankruptcy Judge

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JACK CADDELL  
United States Bankruptcy Judge

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THOMAS B. BENNETT  
United States Bankruptcy Judge

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C. MICHAEL STILSON  
United States Bankruptcy Judge