

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION**

In the Matter of:	}	
Administrative Order	}	Administrative Order No. 19-04
Regarding Chapter 13 Procedures and	}	Northern Division Only
Compensation for Debtors' Attorneys	}	
in Chapter 13 Cases	}	

**AMENDED ADMINISTRATIVE ORDER REGARDING  
CHAPTER 13 PROCEDURES AND COMPENSATION  
FOR DEBTORS' ATTORNEYS IN CHAPTER 13 CASES**

**IT IS HEREBY ORDERED**, effective January 1, 2020, as follows:

1. **Deadline to File Amended Chapter 13 Plan.** Where a hearing is required on an Objection to Confirmation or Motion to Dismiss brought by the Chapter 13 Trustee, an amended Chapter 13 plan filed in response to such pleading must be filed by **12:00 p.m., Noon, CDT**, no less than **two (2) business days** prior to the scheduled confirmation hearing.<sup>1</sup> If an amended Chapter 13 plan cannot be timely filed, then a request for continuance must be filed by the same deadline.
2. **Reduction of Compensation for Debtors' Attorneys for Failure to Timely File Amended Chapter 13 Plans and Reasonable Cause:**
  - i. If counsel for a debtor fails to comply with the deadline established herein for filing an amended Chapter 13 Plan or request for continuance when necessary to resolve the Chapter 13 Trustee's Objection to Confirmation or Motion to Dismiss, then pursuant to 11 U.S.C. § 329(b) and Local Rule 2016-1(l), the amount of compensation awarded to counsel shall be and is hereby reduced by \$250.00, per incident, per case, which reduction in compensation shall thereafter appear in any subsequent amended Chapter 13 plan and in the confirmation order.
  - ii. The Chapter 13 Trustee may request a further reduction in compensation awarded pursuant to Local Rule 2016-1(l), up to \$1,000.00, for reasonable cause. After notice and hearing, the Court will determine the appropriate amount of any fee reduction based upon the totality of the circumstances.
3. **Payment of Attorney's Fees upon Dismissal.** If dismissal of a Chapter 13 case occurs prior to confirmation and if counsel for a debtor has complied with the filing requirements of Administrative Order No. 18-01, then debtor's counsel is allowed an administrative expense in an amount not to exceed \$1,000.00 of any unpaid fee, and the Chapter 13 Trustee is hereby authorized to pay said amount as an administrative expense under 11 U.S.C. § 503(b)(2) prior to returning any undistributed funds to a debtor pursuant to 11 U.S.C. § 1326(a)(2). Any party

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<sup>1</sup> For example, for a Monday hearing date, the amended plan must be filed by noon the preceding Thursday. For a Wednesday hearing date, the amended plan must be filed by Noon Monday.

in interest, including the debtor and the Chapter 13 Trustee, shall have seven (7) days from the date of the order of dismissal to object to the allowance of such administrative expense. If the sum of undistributed funds held by the Chapter 13 Trustee as of the date of the order of dismissal is a de minimus amount of less than \$100.00, then an administrative expense to debtor's counsel under this part shall not be allowed. Nothing in this Administrative Order shall prohibit counsel for a debtor from seeking compensation by separate fee application filed with the Court.

**IT IS SO ORDERED** this the 19<sup>th</sup> day of December, 2019.

  
CLIFTON R. JESSUP, JR.  
United States Bankruptcy Judge