

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE
SOUTHERN DISTRICT OF GEORGIA**

GENERAL ORDER NUMBER 2017-2

Order on Compensation of Debtors' Attorneys in Chapter 13 Cases

To fulfill the requirements of 11 U.S.C. § 330(a), the Court periodically reviews the reasonableness of compensation awarded by the Court to counsel representing Chapter 13 debtors.

Having conducted such periodic review, IT IS THEREFORE ORDERED that:

- 1) General Order 2010-3, filed December 22, 2010, is vacated.
- 2) The Court has not reviewed the relevant factors regarding compensation of Chapter 13 debtors' counsel in over six years. On June 30, 2017, the judges in this district held an en banc hearing in the miscellaneous proceeding of *In the Matter of Attorney Compensation in Chapter 13 Cases*, Misc. Proc. No. 17-00201, in which evidence and arguments were presented. The evidence establishes that the prevailing hourly rate for counsel practicing in the Southern District of Georgia for attorneys of comparable skill, expertise, and reputation has increased a significant amount since the last time the no look fee was considered. The evidence further establishes that amendments to the Federal Rules of Bankruptcy Procedure and Bankruptcy Forms as well as changes to local procedures have increased the amount of time and expense attorneys must devote to represent Chapter 13 debtors in a professional manner.
- 3) As a result, effective in all Chapter 13 cases filed on or after July 24, 2017, a claim for attorney's fees for services rendered and expenses advanced to a Chapter 13 debtor will be deemed automatically approved by the Court, in the absence of an objection, so long as said claim does not exceed the sum of four thousand five hundred dollars (\$4,500.00) (commonly referred to as the no look fee). The fee is expected to provide for payment of costs and expenses (other than the initial case filing fee) and for all services rendered to the debtor from the filing of the petition to the closing of the case. The fee contemplates appearance by counsel of record for the debtor at the § 341 meeting and all hearings and contemplates the new responsibilities placed upon debtors' counsel with respect to the amendments to the Federal Rules of Bankruptcy Procedure taking effect December 1, 2017.
- 4) Debtors' attorneys are directed to file written statements pursuant to 11 U.S.C. § 329 and Federal Rule of Bankruptcy Procedure 2016(b) disclosing the fee arrangements with their clients. This Order does not establish a minimum fee for the representation of Chapter 13 debtors in this district. Debtors' attorneys may represent debtors for a lower fee, and

the Court urges attorneys to do so when circumstances indicate that the result will be a less substantial expenditure of the attorney's time and expense.

- 5) Pursuant 11 U.S.C. § 330 and Federal Rule of Bankruptcy Procedure 2016, in the event a debtor's attorney determines that an award of \$4,500.00 does not adequately compensate the attorney for legal services rendered, the attorney may petition for reasonable attorney's fees disclosing all time expended in such representation from the beginning of the case.
- 6) The Court also may reduce an attorney's fee for cause if the Court determines the work performed does not justify the amount of such fee. In addition, the Court may, for cause, sua sponte, or upon the recommendation of the Chapter 13 trustee, U.S. trustee, or other party in interest, revoke the no look fee privilege and require a formal fee application in all cases filed by an attorney and/or an attorney's firm.

Dated this 17th day of July, 2017.



SUSAN D. BARRETT
CHIEF UNITED STATES BANKRUPTCY JUDGE



EDWARD J. COLEMAN, III
UNITED STATES BANKRUPTCY JUDGE



MICHELE J. KIM
UNITED STATES BANKRUPTCY JUDGE