

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE

SOUTHERN DISTRICT OF GEORGIA

GENERAL ORDER NUMBER 2010-3

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 2007-6 filed March 1, 2007, is vacated.
- 2) The Court has not reviewed the relevant factors to support Chapter 13 fee awards in over three years. A hearing has been held and evidence presented in the case of In re McDonald, chap. 13 case no. 09-10284 (Bankr. S.D. Ga. Oct. 1, 2010). The evidence proves that the prevailing hourly rate for counsel practicing in the Southern District of Georgia for attorneys of comparable skill, expertise, and reputation has increased over that period of time in a significant amount.  
  
The evidence also establishes that the provisions of the Bankruptcy Abuse Prevention and Consumer Protection Act ("BAPCPA") amendments, effective October 17, 2005, have had a material effect on the amount of time attorneys must devote to the representation of a Chapter 13 debtor in a professional manner consistent with the standards of practice prevailing in this District.
- 3) Effective in all Chapter 13 cases filed on or after January 1, 2011, 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 three thousand dollars (\$3,000.00). The \$3,000.00 fee contemplates appearance by counsel of record for the debtor at the §341 meeting and all hearings.

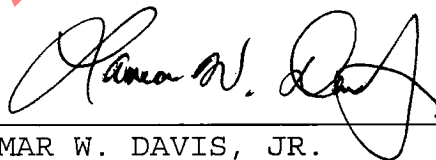
- 4) Debtors' counsel are directed to file written statements pursuant to Federal Rule of Bankruptcy Procedure 2016(b) disclosing the fee arrangement with their clients. Debtors' attorneys may represent debtors for a lesser amount in appropriate cases when the amount and nature of the debts or other relevant factors result in the expenditure of substantially less attorney time than a typical case.

In the event a debtor's attorney subsequently determines that an award of \$3,000.00 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 under the standards set forth in 11 U.S.C. §330 and Norman v. Housing Authority of the City of Montgomery, 836 F. 2d 1292 (11th Cir. 1988).

Dated this 22<sup>nd</sup> day of December, 2010.



SUSAN D. BARRETT  
CHIEF UNITED STATES BANKRUPTCY JUDGE



LAMAR W. DAVIS, JR.  
UNITED STATES BANKRUPTCY JUDGE



JOHN S. DALIS  
UNITED STATES BANKRUPTCY JUDGE