

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLORADO**

IN THE MATTER OF	)	AMENDED
PROCEDURES FOR FEE APPLICATIONS	)	GENERAL ORDER 2001-1
IN CHAPTER 13 CASES	)	

Upon the report of the Chapter 13 Fee Procedures Committee, issued August 7, 2000, and its own investigation, the Court determines that it is appropriate to institute a revised system for awarding attorneys fees and costs in Chapter 13 cases while insuring timely and competent representation of debtors, and continue the process of evaluating local procedures for administration of Chapter 13 cases, and particularly for allowance of fees and expenses to attorneys representing Chapter 13 debtors.

To establish and monitor a new system of case representation and fee awards, it is appropriate for the issuance of this General Order. To establish a system for monitoring and reviewing the efficacy of this system, there should be generation of reliable data with regard to the time spent and the fees charged in representation of debtors in Chapter 13 cases and study of such data by the Court, United States Trustee, Chapter 13 Trustee and representatives of the Bar prior to formulation of appropriate amendments to the Local Bankruptcy Rules.

To foster consistency among the divisions of this Court in Chapter 13 matters and to generate sufficient, reliable data for review and evaluation,

**IT IS HEREBY ORDERED** that:

1. The following fee allowance procedures shall be applicable in all Chapter 13 cases filed between January 1, 2001 and December 31, 2002. This Order shall supercede L.B.R. 216 and General Order 2001-1 to the extent such provisions are inconsistent.
2. For allowance of attorneys fees in Chapter 13 cases, attorneys shall provide the Basic Services specified in Exhibit A, as necessary, in a timely and competent manner.
3. All Applications for allowance of fees and reimbursement of expenses pursuant to 11 U.S.C. § 330 shall be made using Exhibit B. All Applications shall be filed within 15 days after the date of entry of the Order confirming the Chapter 13 plan and shall be served upon the Chapter 13 Trustee and the debtor(s) with a notice conforming to L.B.R. 202 and Fed. R. Bankr. P. 2002(a). The Chapter 13 Trustee and debtor(s) shall have 20 days from the date of service to file a response.
  - a. If the total fees charged for representation through confirmation of a plan do not exceed \$1,500.00, Applicant need not supplement Exhibit B, except upon express order by the Court. Absent objection or Order to supplement the Application or otherwise justify the fee, the requested fee and expenses will be allowed without a hearing.

- b. If the Applicant requests allowance of a fee in excess of \$1,500.00, the Application shall be made by using Exhibit B, which shall be supplemented by a detailed description of all services rendered, the time spent for each service, the charge for each service, and such other and further information as the Applicant believes is necessary to justify allowance of the fee pursuant to 11 U.S.C. § 330(a)(1), (3) and (4). The Chapter 13 Trustee shall file an objection or statement that there is no objection to each Application requesting a fee in excess of \$1,500.00. If there is no objection, the Court may allow the fee as requested, order further supplementation or set the Application for hearing. Any Order setting a hearing on an unopposed Application shall specify all inadequacies or deficiencies in the Application which may result in disallowance of the requested fees or expenses.
- c. If an objection is filed, the Application and objection promptly will be set for hearing.

4. On or about June 30, 2002, the Clerk of the Court will submit an analysis of the data generated with regard to fee applications filed in Chapter 13 cases between October 1, 2001 and June 30, 2002, for consideration by the Court and Bankruptcy Liaison Committee of the Federal Faculty of Advocates.

This General Order shall become effective January 1, 2002.

Dated: December 17, 2001

BY THE COURT:

Marcia S. Krieger, Chief Judge  
Donald E. Cordova, Judge  
Sidney B. Brooks, Judge  
A. Bruce Campbell, Judge  
Elizabeth E. Brown, Judge

## **BASIC SERVICES ANTICIPATED IN CHAPTER 13 CASES**

The following services are denominated Basic Services common to most Chapter 13 cases. Some cases will not require all of these services, but such services are considered essential to competent and effective representation of most debtors in Chapter 13.

1. Meet with the debtor(s) to review and analyze the debtor(s)' financial situation.
2. Counsel the debtor(s) on whether to file a Chapter 7 or Chapter 13 case and advise the debtor(s) as to their statutory obligations.
3. Evaluate the timing of the filing.
4. Evaluate conflict of interest issues.
5. Explain to the debtor(s) the nature and amount of fees and expenses to be charged to these basic services and any others that are required.
6. Prepare and file the schedules and statement of affairs. This includes obtaining and evaluating information supplied by the debtor(s), advising the debtor(s) on how to value assets, advising the debtor(s) as to exemptions, transfer issues and dischargeability of debts.
7. Assist the debtor(s) in formulating a budget and Chapter 13 plan.
8. Respond to creditor calls and correspondence and conduct negotiations with same.
9. Supply requested information to the Chapter 13 Trustee.
10. Advise the debtor(s) with regard to the automatic stay and prepare notices of automatic stay as are necessary.
11. Appear at and represent the debtor(s) at the §341 meeting of creditors.
12. Represent the debtor(s) in negotiations with the Chapter 13 Trustee.
13. Prepare and file any necessary amendments to schedules, statements and proposed plans.
14. Prepare and file motions for avoidance of liens.
15. Represent the debtor(s) at any Rule 2004 examination.
16. File proofs of claim, as necessary, to protect the debtor(s)' interest.
17. If appropriate, prepare and file responses to and appear at any hearings on motions for relief from automatic stay.
18. Advise the debtor(s) with regard to motions to dismiss/convert, and, if appropriate, file a response thereto and appear at any hearings on such motions.
19. Prepare and prosecute or timely withdraw motions to confirm proposed plans.
20. Prepare all proposed orders and give all notices as required by the Bankruptcy Rules and Local Bankruptcy Rules.

## **EXHIBIT A**

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLORADO**

In re: \_\_\_\_\_ )  
 ) Case No.  
 EIN/SSN \_\_\_\_\_ ) Chapter 13  
 Debtor(s). \_\_\_\_\_ )

**CHAPTER 13 FEE APPLICATION**

Applicant, \_\_\_\_\_, attorney for the Debtor(s) in this case, requests allowance of the following fees and reimbursement of the following out-of-pocket expenses pursuant to 11 U.S.C. § 330.

**SUMMARY**

- 1. Total fees (pre- and post-petition) incurred in case: \$ \_\_\_\_\_
- 2. Total expenses incurred in case (excluding filing fee): \_\_\_\_\_
- 3. Total sums paid to Applicant to date: \_\_\_\_\_
- 4. Total fees and expenses to be paid through the confirmed Chapter 13 plan: \_\_\_\_\_
- 5. Amount of fees and expenses provided for in the confirmed plan: \_\_\_\_\_

**DETAILED REQUEST**

Fee:

- 1. Fee and expenses disclosed in Applicant s Rule 2016(b) statement: \$ \_\_\_\_\_

This fee was:

- a) \_\_\_\_\_ a flat charge for all services in the case.
- b) \_\_\_\_\_ based upon hourly charges for time spent. The hourly rate to be charged is \$\_\_\_\_\_/hour for attorney services and \$\_\_\_\_\_/hour for paralegal services.
- c) \_\_\_\_\_ based upon \_\_\_\_\_.

- 2. The fee agreement between Applicant and Debtor(s) has changed since the filing of the Rule 2016(b) disclosure. The changes are as follows:
- 3. The Applicant has provided the Basic Services listed in Exhibit A to General Order 2001-1 (Basic Services). If the services provided in this case vary from the Basic Services (either exceeding or not including all Basic Services), describe the additional services provided and any Basic Services not provided.

**EXHIBIT B**

4. a) A flat fee was charged and no contemporaneous time records were kept. However, Applicant estimates \_\_\_\_\_ hours of attorney time and \_\_\_\_\_ hours of paralegal time were involved in representation of the Debtor(s) in this case, OR
- b) The fee was computed on an hourly basis. Applicant has spent \_\_\_\_ hours of attorney time at \$\_\_\_\_\_/hour and \_\_\_\_ hours of paralegal time at \$\_\_\_\_\_/hour in representation of the Debtor(s) in this case, OR
- c) The fee was computed on the following basis:
- Applicant has spent \_\_\_\_ hours of attorney time at \$\_\_\_\_\_/hour and \_\_\_\_ hours of paralegal time at \$\_\_\_\_\_/hour in representation of the Debtor(s) in this case.
5. The Applicant certifies that a) the contents of this Application are true and accurate; and b) Applicant has provided the legal services described above in a timely and competent manner.

Expenses:

The following expenses were incurred:

____ copies (at _____/copy)	=	_____
Postage		_____
Other (specify):		_____
	<b>Total:</b>	_____

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

**CERTIFICATE OF MAILING**

**EXHIBIT B**