

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

IN THE MATTER OF  
PROCEDURES FOR FEE APPLICATIONS  
IN CHAPTER 13 CASES

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GENERAL PROCEDURE ORDER NUMBER 2007-2

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Upon the report of representatives of the Chapter 13 Bar, and its own investigation, the Court determines that it is appropriate to update and revise in accordance with the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (“BAPCPA”) the system for awarding attorneys fees and costs in Chapter 13 to reflect the additional obligations imposed by the BAPCPA. In furtherance thereof,

**IT IS HEREBY ORDERED** that:

1. The following presumptively reasonable fee allowance (“PRF”) procedures will be applicable in all Chapter 13 cases filed on or after January 1, 2007. This Order shall supercede L.B.R. 216 and Second Amended General Order 2001-1. Cases filed prior to January 1, 2007 remain subject to the Second Amended General Order 2001-1.

2. In order to be eligible to use the PRF Procedure described in ¶4a below, applicants must:

- a. provide the “Basic Services” as specified in Exhibit A to this GPO (“Exhibit A”), as necessary and appropriate; and
- b. submit an affirmative declaration, in conjunction with filing the Fee Application, that:
  - (i) they are not excluding any of the Basic Services; and
  - (ii) that they have provided a copy of Exhibit A to their client with the engagement letter or fee agreement.

3. In the event that **any** Basic Services are excluded or if the total fees (not including expenses) exceed \$3000, the attorney **cannot** use the PRF procedure described in ¶4a, but must use that in ¶4b.

4. Applications for allowance of fees and reimbursement of expenses pursuant to the PRF procedure must be made using Exhibit B to this GPO (“Exhibit B”). Applications must be filed no sooner than the date of entry of the Order confirming the Chapter 13 plan and no later than 15 days

after the date of entry of the Order confirming the Chapter 13 plan. Applications must be served on the Chapter 13 Trustee, the debtor(s), and all Entries of Appearance with a notice conforming to Exhibit C. The Chapter 13 Trustee, the debtor(s) and all Entries of Appearance must have 20 days notice from the date of service to file an objection.

- a. If the total fees charged for representation of debtor(s) up to the date of the entry of the order confirming the Chapter 13 plan do not exceed \$3000, Applicant need not supplement Exhibit B, except upon formal objection, written request of the Chapter 13 Trustee, or express order by the Court.
- b. If the Applicant requests allowance of a fee in excess of \$3000 or Basic Services are excluded, the Application must be made by using Exhibit B, and the certificate contained in Exhibit B Supplement, **and** must be supplemented by
  - (i) a brief narrative discussing the results obtained or difficulties encountered,
  - (ii) detailed time records describing all individual services rendered in increments of tenths rendered,
    - (a) the time spent for **each** service,<sup>1</sup>
    - (b) the charge for each service,
    - (c) the Applicant's billing rate (and/or applicants associate's or paralegal's billing rate),
  - (iii) 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), and
  - (iv) if any of the Basic Services on Exhibit A are excluded, a copy of the engagement letter.

Copies of the Application as supplemented must be provided to the Chapter 13 Trustee, the debtor(s), and all Entries of Appearance. Notice of the Application must be mailed to the above parties and all other creditors, claimants, and parties in interest providing 20 days to object.

5. 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 will identify the inadequacies or deficiencies in the Application which may result in reduction or disallowance of the requested fees or expenses. If an objection is filed, the Application and objection will promptly be set for hearing.

6. The Attorney must submit a form of order in substantial conformity with Exhibit D to this

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<sup>1</sup> No lumping of time entries. Applicant must state specifically the amount of time for each task.

GPO except that the form of order shall include the specific amounts of fees and expenses requested and payable from plan payments. The form of order shall not be submitted in blank.

This General Order is effective *nunc pro tunc* January 1, 2007.

Dated: January 29, 2007

BY THE COURT:

Howard R. Tallman, Chief Judge  
Sidney B. Brooks, Judge  
A. Bruce Campbell, Judge  
Elizabeth E. Brown, Judge  
Michael E. Romero, Judge

Commentary

The PRF does not include services required for adversary proceedings.

When requesting fees using ¶ 4(a) of the PRF procedure, attorneys are not required to submit their engagement letter or other fee agreement, detailed time slips, or a narrative unless otherwise ordered by the Court, or requested by the Trustee or an objecting party. However, attorneys are advised that if their fees are questioned, it may be difficult, if not impossible, to prevail without the assistance of some or all of those items.

It is expected that the engagement will last through the earlier of consummation of the plan, entry of discharge, conversion or dismissal of the case. The PRF procedure is for requesting fees through the date of plan confirmation and is not intended to limit the scope of Chapter 13 engagements. The PRF process does not and should not limit the ability of debtors' attorneys to provide services post-confirmation. The court will entertain further fee applications, supported by time records, for post-confirmation work.

**EXHIBIT A**  
**BASIC SERVICES ANTICIPATED IN CHAPTER 13 CASES**

The following services are 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. By utilizing the Presumptively Reasonable Fee (“PRF”) procedure, the attorney for the debtor(s) agrees to perform these services as part of the chapter 13 case. If providing these services results in a fee in excess of the PRF, counsel must apply for fees in accordance with the Bankruptcy Code and Rules. The PRF procedure is intended to cover pre-confirmation fees. If necessary, counsel may file a fee application for fees incurred post-confirmation.

1. Meet with the debtor(s) to review and analyze the debtor(s)' financial situation.
2. Counsel the debtor(s) on whether the filing of a bankruptcy case is appropriate and necessary and, if so, whether to file a Chapter 7 or Chapter 13 case.
3. Advise the debtor(s) of their statutory obligations once a bankruptcy is filed, both pre- and post-confirmation.
4. Evaluate the timing of the filing.
5. Evaluate conflict of interest issues.
6. Explain to the debtor(s) the nature and amount of fees and expenses to be charged for the Basic Services. Provide the debtor(s) with a copy of this Exhibit A of Basic Services.
7. If required to e-file, e-file all documents on debtors behalf.
8. Analyze eligibility for discharge.
9. Prepare and file required documents, including, but not limited to, the schedules and statement of affairs and Form B22 C, Statement of Current Monthly Income, and other information required to be filed by section 521(a) of the Code.
10. Assist the debtor(s) in formulating a budget and Chapter 13 plan.
11. Respond to creditor inquires.
12. Timely supply requested information to the Chapter 13 Trustee.
13. Advise the debtor(s) with regard to the automatic stay.
14. Take appropriate action with respect to the automatic stay.
15. Appear at and represent the debtor(s) at the § 341 meeting of creditors.
16. Review claims filed by the final hearing on confirmation and account for them in the plan.
17. Represent the debtor(s) in negotiations with the Chapter 13 Trustee.
18. Prepare and file any necessary amendments to schedules, statements and proposed plans.
19. Where Debtor(s) own real estate or has lawsuits, obtain a lien search and if applicable, prepare and file motions for avoidance of liens.
20. Represent the debtor(s) at any Rule 2004 examination.
21. File or object to proofs of claim, as necessary.
22. If appropriate, prepare and file responses to motions and appear at any hearings.
23. Represent debtors in plan confirmation process and attend hearing if necessary on objections to confirmation.
24. Prepare all proposed orders and give all notices as required.
25. Comply with T.L.B.R. 1017 and 3015, 11 U.S.C. §§ 521 and 1308.

**EXHIBIT B**

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLORADO  
HONORABLE \_\_\_\_\_

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

**CHAPTER 13 FEE APPLICATION**

**SUMMARY**

Pursuant to 11 U.S.C. § 330, Applicant, \_\_\_\_\_, attorney for the Debtor(s), requests allowance of the following fees and reimbursement of out-of-pocket expenses incurred up to the date of confirmation as follows:

- 1. TOTAL FEES REQUESTED in this application..... \$ \_\_\_\_\_
- 2. TOTAL EXPENSES REQUESTED in this application..... + \$ \_\_\_\_\_
- (Total Fees and Expenses Requested) = \$ \_\_\_\_\_
- 3. AMOUNT PAID TO DATE (exclusive of the filing fee) - \$ \_\_\_\_\_
- 4. NET AMOUNT OF FEES AND EXPENSES TO BE PAID THROUGH CONFIRMED PLAN NOT TO EXCEED AMOUNT FUNDED BY THE PLAN = \$ \_\_\_\_\_

**DETAIL IN SUPPORT OF FEE REQUEST**

**FEES**

Amount of fee Applicant agreed to with Debtor(s) for performing services to represent the Debtor in this case: (amount disclosed in 2016(b) disclosure).....\$ \_\_\_\_\_  
(amount disclosed in amended 2016(b) disclosure).....\$ \_\_\_\_\_

- A. This agreed upon fee represents:
  - (1) \_\_\_ a flat fee for all basic services in the case
  - (2) \_\_\_ hourly charges based upon time spent.
  - (3) \_\_\_ other fee arrangement based upon \_\_\_\_\_.

B. Applicant's rate for attorney services is \$\_\_\_\_\_/hour; the rate for associate attorney services is \$\_\_\_\_\_/hour; and the rate for paralegal services is \$\_\_\_\_\_/hour.

**EXPENSES**

Amount of expenses incurred:

_____ copies (at _____/copy)	\$_____
Postage	\$_____
Other (specify)	
Facsimile	\$_____
Legal Research	\$_____
_____	\$_____
<b>Total:</b>	<b>\$_____</b>

**APPLICANT'S CERTIFICATIONS  
IN SUPPORT OF REQUEST FOR PRESUMPTIVELY REASONABLE FEE  
PURSUANT TO ¶ 4a OF G.P.O. 2007-2.**

**APPLICANT CERTIFIES/ATTESTS THAT:**

1. I have performed **ALL** of the Basic Services listed in Exhibit A to General Order 2007-2 (Basic Services) as necessary and appropriate to the Debtor(s)' case.
2. I provided a copy of Exhibit A, Basic Services, to General Order 2007-2 to my client(s).
3. The foregoing is true and accurate.

DATED: \_\_\_\_\_

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

\_\_\_\_\_  
Name of Applicant

**CERTIFICATE OF MAILING**

[Applicant must mail to the Chapter 13 Trustee, the Debtor(s) and the Entries of Appearance]

**EXHIBIT B SUPPLEMENT**

**APPLICANT'S CERTIFICATIONS  
IN SUPPORT OF SUPPLEMENTED REQUEST FOR FEES  
PURSUANT TO ¶ 4b OF G.P.O. 2007-2.**

**APPLICANT CERTIFIES/ATTESTS THAT:**

1. \_\_\_\_ I have not performed the following services listed on Exhibit A to General Order 2007-2 (Basic Services) for the fee requested and a copy of the Engagement Letter and/or Fee Agreement is attached hereto.

2. \_\_\_\_ I am requesting a fee for services which exceeds the presumptive fee amount.

3. Attached to this Application are:

- (a) A narrative description of services performed such as results achieved, difficulties encountered or any other unique aspects of the case and discussing the standards of §330(a);
- (b) Detailed time records which includes:
  - (i) the **TIME SPENT** for each service rendered, broken out in tenths of an hour;
  - (ii) the **HOURLY RATE** for each service rendered;
  - (iii) the **CHARGE** for each service so rendered; and
- (c) Such other information as I believe is necessary to support my request for fees.

DATED: \_\_\_\_\_

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

\_\_\_\_\_  
Name of Applicant

**CERTIFICATE OF MAILING**

[Applicant must mail Application to the Chapter 13 Trustee, the Debtor(s) and the Entries of Appearance. Applicant must mail the Notice (Exhibit C) to the above plus all creditors, claimants and parties in interest.]





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

In re:	)	
	)	
	)	Case No.
	)	Chapter 13
SSN	)	
Debtor.	)	
_____	)	

**ORDER ALLOWING AND APPROVING FEES**

\_\_\_\_\_, counsel for the Debtor, is allowed a fee for services herein of \$\_\_\_\_\_, and reimbursement of out-of-pocket expenses of \$\_\_\_\_\_, (or the prepayment of fees and expenses in the amount of \$\_\_\_\_\_ is approved) of which \$\_\_\_\_\_ is payable out of plan payments.

Dated:

**BY THE COURT:**

\_\_\_\_\_  
\_\_\_\_\_, Judge  
United States Bankruptcy Court