

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA AND FORT MYERS DIVISIONS**

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In re:

Debtor's Attorney's Fees in
Chapter 13 Cases

Miscellaneous Proceeding
No. 07-mp-00002-MGW

**SECOND AMENDED ORDER ESTABLISHING
PRESUMPTIVELY REASONABLE DEBTOR'S
ATTORNEY'S FEES IN CHAPTER 13 CASES
FOR TAMPA AND FORT MYERS DIVISIONS**

This order sets forth the procedures that generally will be followed by the judges of the Tampa and Fort Myers Divisions of the United States Bankruptcy Court for the Middle District of Florida ("Court") regarding the attorney's fees to be routinely allowed for attorneys representing chapter 13 debtors in cases in the Tampa and Fort Myers Divisions.

This order amends the *Amended Order Establishing Presumptively Reasonable Debtor's Attorney Fee in Chapter 13 Cases*¹ ("Amended Fee Order") entered on September 2, 2016, which applies in the Tampa and Fort Myers Divisions.

The purpose of this order is to increase the amount of the presumptively reasonable fee for representation of a chapter 13 debtor, to provide a presumptively reasonable fee for representation of a debtor in a mortgage modification mediation ordered by the Court, to provide for a monitoring fee for services provided after confirmation of the debtor's plan, and to abolish the practice of allowing additional fees

¹ Doc. No. 38; *see also* Doc. No. 31, 374 B.R. 903 (Bankr. M.D. Fla. 2007).

to be charged based on a list of “*a la carte*” matters set forth in the Amended Fee Order.

Accordingly, effective for cases filed on or after September 15, 2017, it is

ORDERED:

1. Attorneys representing chapter 13 debtors may receive a presumptively reasonable attorney’s fee without filing a fee application or maintaining contemporaneous time records, absent an objection or court order.²

2. Attorneys representing chapter 13 debtors may charge up to these amounts as a presumptively reasonable attorney’s fee:

- a. \$ 4,500 – For all bankruptcy-related matters required for the successful confirmation and completion of a debtor’s case.
- b. \$ 1,800 – For representation of a debtor in mortgage modification mediation ordered by the Bankruptcy Court. For more complex mortgage modification mediations, fees not to exceed \$2,500 may be requested. In either event, a request for a fee award shall be either by separate application or in a motion for approval of a mortgage modification. The fees for mortgage modification mediation shall cover payment for all related motions.
- c. Monitoring Fee – Attorneys may include an additional monthly monitoring fee up to \$50 per month, effective in the month following confirmation of the plan, to cover all post-petition legal services.

² *In re Newman*, 2003 WL 751327 (Bankr. M.D. Fla. 2003).

3. The foregoing fees are inclusive of reimbursement for routine copying and postage expenses. However, if an extraordinary copy or postage expense is incurred, the attorney may file an application for expense reimbursement.

4. If an attorney provides *extraordinary* services for a debtor in a chapter 13 case (including services in an adversary proceeding), the attorney may file a fee application with contemporaneous time records as to the specific *extraordinary* services for which additional fees or costs are requested.

5. The Court's establishment of a Presumptively Reasonable Fee does not mean that a chapter 13 debtor's attorney cannot agree to represent debtors for a lower fee. The Court urges attorneys to do so in appropriate cases when circumstances suggest that the result will be a less substantial expenditure of the attorney's time.

6. Attorneys may collect an additional amount from the debtor for the following expenses: any statutory filing fee, any fee for the debtor's most recent credit report, and any fee charged by a third-party provider for credit counseling and the education course required by 11 U.S.C § 109.

7. If a chapter 13 case is dismissed or converted to another chapter before the debtor's completion of all plan payments, any party in interest may request the Court to examine the fees paid to the attorney for the chapter 13 debtor and require disgorgement of any portion deemed excessive. To provide the debtor and other parties in interest notice of the right to seek an examination of the fees paid, the order

dismissing or converting the case shall include a provision informing them of that right.

Dated: August 21, 2017.

BY THE JUDGES OF THE TAMPA AND FORT MYERS DIVISIONS:



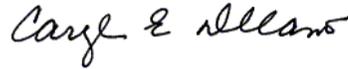
Michael G. Williamson
Chief United States Bankruptcy Judge



K. Rodney May
United States Bankruptcy Judge



Catherine Peek McEwen
United States Bankruptcy Judge



Caryl E. Delano
United States Bankruptcy Judge



Roberta A. Colton
United States Bankruptcy Judge