

**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. 8:07-mp-00002-CED

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

This amended order ("Order")¹ 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 provides presumptively reasonable fees for representation of a Chapter 13 debtor (a) in the Chapter 13 case; (b) in the Court's Mortgage Modification Mediation program ("MMM");² and (c) in the Court's Student Loan Management Program ("SLM").³

¹ This Order amends and supersedes this Court's prior orders establishing reasonably presumptive debtor's attorney's fees in Chapter 13 cases (Doc. Nos. 31, 33, 37, 38, and 40) in cases filed on or after August 11, 2023.

² See *Sixth Amended Administrative Order Prescribing Procedures for Mortgage Modification Mediation*, Administrative Order FLMB-2019-6.

³ See *Administrative Order Prescribing Procedures for Student Loan Management Program*, Administrative Order FLMB-2022-1.

Accordingly, effective in cases filed on or after August 11, 2023, 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.⁴

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

- a. \$5,000 – For all bankruptcy-related matters required for the successful confirmation and completion of a debtor's case. In addition, attorneys may include an additional monthly monitoring fee of up to \$50 per month, effective in the month following confirmation of the plan, to cover all routine postpetition legal services.
- b. \$1,800 – For representation of a debtor in the MMM program. For more complex mortgage modification mediations, attorneys may request fees not to exceed \$2,500. In either event, attorneys may request a fee award by separate application or in a motion for approval of a mortgage modification. If the attorney requests a fee in excess of \$1,800, the request must describe the complexity of the mortgage modification mediation. The fees for mortgage modification mediation shall cover payment for all related motions.

⁴ *In re Newman*, 2003 WL 751327 (Bankr. M.D. Fla. Feb. 18, 2003).

- c. \$1,500 – For representation of a debtor in SLM. If the Debtor obtains an Income Driven Repayment Plan (“IDR Plan”), the attorney may charge up to \$250 per year for services in connection with the recertification of the IDR Plan.

3. 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.

4. 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 case will require less substantial expenditure of the attorney’s time.

5. Attorneys may collect an additional amount from the debtor to cover costs and expenses for the following:

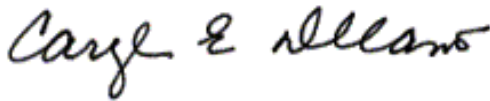
- a. statutory filing fees;
- b. the debtor’s most recent credit report;
- c. third-party providers’ fees for the credit briefing required by 11 U.S.C. § 109(h) and the personal financial management course required by 11 U.S.C. § 1328(g); and
- d. third-party providers’ fees in connection with portals and document preparation for MMM and SLM.

Routine copying and postage expenses are considered part of the attorney's overhead. However, if an extraordinary copy or postage expense is incurred, the attorney may file an application for expense reimbursement.

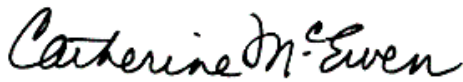
6. If a Chapter 13 case is dismissed or converted to another chapter before the debtor's completion of all plan payments, any party in interest may request the Court to examine the fees paid to the attorney for the Chapter 13 debtor and require disgorgement of any portion deemed excessive. To provide 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 11, 2023.

BY THE JUDGES OF THE TAMPA AND FORT MYERS DIVISIONS:



Caryl E. Delano
Chief United States Bankruptcy Judge



Catherine Peek McEwen
United States Bankruptcy Judge



Roberta A. Colton
United States Bankruptcy Judge