

Application for Compensation—Chapter 13

Docketing Event

Bankruptcy> Motions/Applications/Objections> Application for Compensation (incl. Quantum Meruit)

Negative Notice: If the application is for quantum meruit, negative notice procedures apply. If the application for compensation is filed by the Chapter 7 trustee's attorney, negative notice procedures apply.

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 326](#)

[11 U.S.C. § 327](#)

[11 U.S.C. § 328](#)

[11 U.S.C. § 329](#)

[11 U.S.C. § 330](#)

[11 U.S.C. § 331](#)

[Fed. R. Bankr. P. 2002\(a\)\(6\)](#)

[Fed. R. Bankr. P. 2016](#)

[Local Rule 2016-1](#)

[Administrative Order FLMB-2020-7](#)

[Amended Order 07-mp-00002-MGW](#)

[Second Amended Order 07-mp-00002-MGW](#)

[Expense Reimbursement Guidelines](#)

[Rule 2016\(b\) Disclosure Form](#)

Fee: N/A

Applicable Chapters: 13

Implemented: 10/26/17

Last Revision: 1/25/2021 9:49:59 AM

Description

The most common reasons for filing an application for compensation in a Chapter 13 case are:

Debtor's attorney compensation: Debtor's attorney must file a disclosure of compensation statement in all cases. In most instances, this is sufficient. In some circumstances, the attorney may file an application for compensation. Usually the application is filed because the amount of fees is not what is normal and customary for the division. Debtor's attorney's fees typically are approved and outlined in an attachment to the district's standard order confirming Chapter 13 plan.

Tampa/Fort Myers divisions: For cases filed before September 15, 2017, the Tampa and Fort Myers Divisions used a different a la carte attorney compensation system. For cases filed prior to September 15, 2017, older procedures apply.

Chapter 7 trustee and attorney for trustee: After a case converts from a Chapter 7 to a Chapter 13, the Chapter 7 trustee and sometimes the trustee's attorney may file applications for compensation to request compensation for Chapter 7 work. Chapter 7 trustee applications for compensation filed

in a Chapter 13 case are sometimes referred to as quantum meruit depending on the division or the trustee. These applications are on the Negative Notice List.

Special counsel compensation: Occasionally an attorney is employed specifically to handle a matter outside of the bankruptcy case. Those attorneys must file an application for compensation.

Note for debtor attorneys: Debtor attorneys must file a Disclosure of Compensation under Bankruptcy Rule 2016(b) using the official form posted on the uscourts.gov website ([Form](#)). Debtor attorneys must file the disclosure as a separate stand-alone document and report all compensation received “within one year before the filing of the petition in bankruptcy” and any additional compensation after a bankruptcy is filed. **Debtor attorneys promptly must file supplemental disclosures if any payments are received after the initial disclosure is made.**

Filing Checklist

Review the application to determine if it:

- Is signed;
- Has the applicant’s name and address complete and consistent with the applicant’s name and address in CM/ECF;
- Is properly served and includes a proper certificate of service;
- Is filed by the Chapter 7 trustee (quantum meruit) or the Chapter 7 trustee’s attorney, then it should be filed with negative notice that contains the correct language located on the first page.
 - ❖ **Note:** Response period is 21 days (plus three days for service if any party was served by U.S. Mail)