

Presumptively Reasonable Attorney Fees in Chapter 13 Cases

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

N/A

Fee: N/A

Applicable Chapters: 13

Implemented: 4/13/2018

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Description

Attorneys representing Chapter 13 debtors may receive a presumptively reasonable attorney fee without filing a fee application or maintaining contemporaneous time records, absent an objection or court order. *In re Newman*, Nos. 00-06154-8W3 and 01-12534-8W3, 2003 WL 751327 at *1 (Bankr. M.D. Fla. Feb. 18, 2003). In the Bankruptcy Courts throughout the Middle District of Florida, attorneys representing Chapter 13 debtors may charge up to these amounts as a presumptively reasonable attorney fee:

\$4,500.00 – For all bankruptcy related matters required for the successful confirmation and completion of a debtor’s case.

\$1,800.00 – Debtor representation in mortgage modification mediation ordered by the Bankruptcy Court. Fees not to exceed \$2,500.00 may be requested for more complex mortgage modification mediations. The fees for mortgage modification mediation shall cover payment for all related motions.

Monitoring Fee – An attorney may include a monthly monitoring fee, effective in the month following the Confirmation of the case, to cover all post-petition legal services.

Attorneys should include their fees in Section C(1) of the Chapter 13 Model Plan. If an attorney provides *extraordinary* services for a debtor in a Chapter 13 case, the attorney may file a fee application with contemporaneous time records to seek additional fees or costs.

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.

Related Procedures

[Application for Compensation – Chapter 13](#)

[Chapter 13 Model Plan](#)

Related Sample Forms

[Chapter 13 Model Plan \(Word\)](#)

[Chapter 13 Model Plan \(Non-Fillable Form\)](#)

[Chapter 13 Model Plan \(Fillable Form\)](#)