

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA

AMENDED STANDING ORDER REGARDING "NO-LOOK"
FEES IN CHAPTER 13 CASES

On March 5, 2010, the Bankruptcy Court in the Western District of Louisiana entered a Standing Order Regarding "No-Look" Fees and Addendums in Chapter 13 Cases, establishing a district-wide "no-look" fee for debtors' counsel in Chapter 13 cases. Since the entry of that Order, the Court has continued to monitor the appropriateness of the fees set forth in the Order in light of changes in the federal rules imposing additional obligations on counsel in Chapter 13 cases, changes in local practices in each division, trends in "no-look" fees awarded in other jurisdictions, and other factors bearing on the reasonableness of the "no-look" fee. The Court has determined that it is now appropriate to modify the "no-look" fee. Accordingly, the Court hereby revises and amends the March 5, 2010 Standing Order as follows:

- (1) "NO LOOK FEE" OPTIONS that will apply throughout the Western District of Louisiana for Chapter 13 cases, subject to the limitations and adjustments set forth below:
 - (A) STANDARD: For cases that do not fall within sections (1)(B) - (D) below, the "no-look" fee shall not exceed \$2,800.
 - (B) HOME MORTGAGE: In cases where the Debtor or Trustee makes regular disbursements for post-petition home mortgage payments and the plan provides for the payment of arrears under 11 U.S.C. §1322(b)(2)&(5) or *In re Mendoza*, 111 F.3d 1264 (5th Cir. 1997), the "no-look" fee shall not exceed \$3,200.
 - (C) BUSINESS CASES: In cases where the debtor is "engaged in business" as set forth in 11 U.S.C. §1304, and (1) the debtor's income from that business is more than 50% of the combined monthly average income reflected on Line 16 of Schedule I, and (2) the Chapter 13 Trustee requires regular profit and loss statements for the debtor's business, the "no-look" fee shall not exceed \$3,500.
 - (D) TAX CASES: In cases where the debtor, or one or both debtors in a joint case, has/have two(2) or more past tax year tax returns (federal, state or local) that were not filed with the appropriate

taxing authorities and copies furnished to the Trustee as of the date on which the §341(a) Meeting of the Creditors is first scheduled pursuant to 11 U.S.C. §1308(a)&(c), and it becomes necessary:

(I) under §1308(b) to "hold open" the meeting of creditors; and/or

(ii) to delay confirmation of debtor's plan due to issues under 11 U.S.C. §1325(a)(9), so that the required tax returns can be filed and the taxes determined and provided for in a Chapter 13 plan;

the "no look" fee shall not exceed \$3,200.

(2) Limitations applicable to all "No Look" Fee Options set forth herein are as follows:

(A) In cases where the monthly plan payments to the trustee are less than \$200 per month, the "no-look" fee will be reduced to the higher of:

(I) 10x the monthly plan payment paid to the Chapter 13 trustee; or

(ii) If the Plan provides for specific monthly disbursements to creditors/claimants by both the Trustee and the Debtor, then 10x the combined total of the monthly plan payment to the Chapter 13 Trustee and any authorized monthly disbursement(s) to such creditors/claimants by Debtor under the Plan.

"Disbursements" under this section shall not include payments for expenses covered by the expense categories in Schedule J other than home mortgage payments, payments on secured claims or payments on leased motor vehicles. Moreover, "disbursements" under this section shall not include residential or non-residential real property rental payments even if they may be categorized as payments on secured claims.

In no event shall this fee exceed the applicable fee in Paragraph (1) above.

(B) Any advances made by debtor's counsel for filing fees or expenses pre-confirmation will be considered included in the no-look fees set forth herein.

(C) The "no look" fees must be disclosed and expressly requested in the statement required by 11 U.S.C. §329 and F.R.B.P. 2016, in the form of such further statements or Attorney Addendums as the court may require and in all plans. All statements and addendums subsequent to the first order of confirmation shall reflect the total amount(s) previously approved for all services in connection with the case and any additional amount requested for the current modification. In the event of a conflict between any disclosure statement, addendum, or plan as to the amount of the compensation requested, the amount shown in the latest order of confirmation shall be controlling.

(D) The "No Look" fee encompasses the following services:

(i) all services required to prosecute the debtor's case through confirmation including, but not limited to, counseling provided to the debtor pertaining to the debtor's obligations under the Code, preparing and filing all schedules, plans, and pre-confirmation plan modifications, representation of a debtor at a 341 meeting, services provided in connection with plan confirmation, all pre-confirmation claims objections, any services provided in connection with a pre-confirmation motion to lift stay and the filing of a motion to extend the automatic stay and attendance at the hearing thereon(if applicable);

(ii) all services associated with consummation of debtor's plan and one post-confirmation amended or modified plan filed within 120 days after entry of the original order of confirmation; and

(iii) all pleadings necessary to obtain the discharge on completion of plan payments.

(3) The no-look fee does not include the representation of any debtor in an adversary proceeding.

(4) The no-look fees for post-confirmation services shall not exceed:

(A) \$500 for the defense of a motion for relief from stay, the defense of a motion to dismiss, or a plan modification;

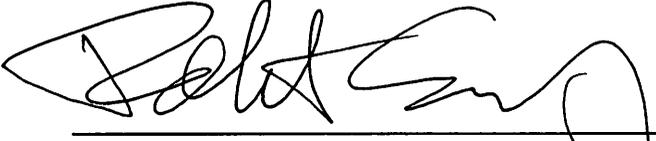
- (B) \$750 for the combined defense of a motion for relief from stay or motion to dismiss and a plan modification resulting from the defense of a motion for relief or motion to dismiss;
 - (C) \$350 for post-confirmation motions to sell, incur debt or "substitute collateral-use of cash collateral;" and
 - (D) \$250 for post-confirmation objections to claims.
- (5) No compensation provided for under the "no-look" fee procedure may be awarded pre-confirmation. In the event of the dismissal or conversion of any case prior to confirmation, counsel for debtor or the trustee may request that administrative expenses, including compensation for a "no-look" fee, not to exceed the sums set forth herein, be paid from funds held by the Chapter 13 Trustee in the debtor's case, if any.
- (6) Notwithstanding the foregoing, in any case, debtor(s) and counsel may elect not to seek compensation under the "no look" fee terms set forth herein, in which case, the "no look" fee shall not apply, and counsel must file a separate application for compensation and expenses pursuant to 11 U.S.C. §330, F.R.B.P. 2016, and LBR 2016-1, which must be noticed for a hearing. At the discretion of the presiding judge, such applications for compensation and expenses may be heard at the confirmation hearing subsequent to such hearing, but in no event shall any request for compensation or reimbursement of expenses be considered prior to the date a plan is actually confirmed, or the date the case is either converted or dismissed.

IT IS ORDERED THAT: Nothing in this Standing Order should be viewed as barring an objection to a presumptive fee request by any party in interest or the Court, *sua sponte*. In the event of such an objection, after notice and a hearing, the Court may determine the reasonableness and/or appropriateness of a particular fee. Moreover, the Court reserves the right to periodically review the fees in Chapter 13 cases on its own motion, or on the request of a standing chapter 13 trustee, or the United States Trustee.

IT IS FURTHER ORDERED that this District Wide Standing Order supersedes the District Wide **STANDING ORDER REGARDING "NO-LOOK" FEES AND ADDENDUMS IN CHAPTER 13 CASES** entered on March 5, 2010. The effective date of this Superseding Standing Order shall be **September 20, 2013:**

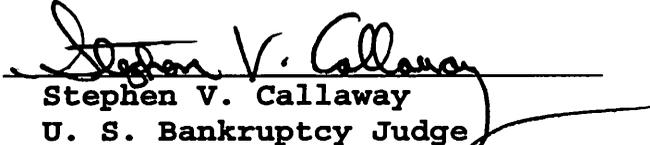
- (A) for all Chapter 13 cases filed on or after said effective date;
- (B) for all post confirmation pleadings filed in any Chapter 13 case pending at the time this Order is entered and filed in such case after said effective date.

THUS DONE AND SIGNED:



Robert R. Summerhays
Chief U. S. Bankruptcy Judge

September 6, 2013
Date



Stephen V. Callaway
U. S. Bankruptcy Judge

13 September 2013
Date



Henley A. Hunter
Bankruptcy Judge

Sept. 10, 2013
Date