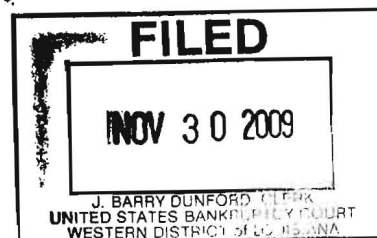


**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT and MONROE DIVISIONS**



**STANDING ORDER REGARDING UTILIZATION OF
A "NO LOOK FEE WITH SLIDING SCALE" FOR CHAPTER 13
CASES FILED IN THE SHREVEPORT and MONROE DIVISIONS
OF THE WESTERN DISTRICT OF LOUISIANA**

Chapter 13 cases filed nationwide have historically utilized a "No Look Fee" procedure for awarding compensation to Debtor's Counsel under the authority granted in 11 USC §330(a)(4) (B) and to meet "reasonable compensation" standards set forth in 11 USC §330(a)(3). The "No Look Fee" procedure eliminates the necessity of Bankruptcy Courts hearing formal fee applications and recognizes that standard procedures and processes are utilized to take a Chapter 13 Debtor from the point where he or she first enters counsel's office to the point that he or she has their first Plan of Repayment Confirmed. Bankruptcy Courts nationwide periodically update their "No Look Fee" procedures and revise the "No Look Fee" to adapt to or adjust to what is happening nationwide or locally. The Shreveport and Monroe Divisions of the Western District of Louisiana (WDLA) last adjusted its "No Look Fee" subsequent to BAPCPA going into effect on October 17, 2005, and through that adjustment allowed fees for services rendered by Debtor's counsel up and through confirmation of Debtor's Plan of Repayment on a "No Look Fee" basis of \$3000.00 for Debtors' cases where the Debtors were at or above "median" income, and \$2650.00 for Debtors' cases where the Debtors were below "median" income. This procedure has been utilized in the Shreveport and Monroe Divisions of the WDLA since early 2006, and has worked "well."

The "No Look Fee" apparently worked so "well" in the Shreveport and Monroe Divisions of the WDLA that some attorneys began to make significant amounts of money representing debtors in Chapter 13 bankruptcies. The amount of income that some of the attorneys were receiving exceeded the value of their services being performed using the guidelines set forth in 11 USC §330(a)(3), and some were viewed as "over compensated" by their fellow professionals. This abuse, perceived and in many instances real, sprang from the utilization of the "No Look Fee" and the fact that the amount of work required in a Chapter 13 case post BAPCPA was, over time, actually reduced subsequent to the "No Look Fee" being revised in early 2006. This reduction of time was accomplished through computer programs like "Best Case" that are utilized by many of the Chapter 13 attorneys, by the honing of skills, and by the fact that certain types of practice of law are amenable to "mass processing."

On October 6, 2009, clear instructions were given to the undersigned judge by the District Court of the WDLA that the fee abuse in Chapter 13 Bankruptcy cases must be addressed and such abuse must be eliminated. That in compliance with those instructions the undersigned judge has

attempted to maintain, but substantially revise the “No Look Fee.” The substantial revisions are accomplished through the utilization of a “sliding scale” that takes into consideration the fact that there are only so many “billable” hours in a week and that at some point it becomes impossible to bill for more hours than exist. The format for the new “**No Look Fee with Sliding Scale**” is set forth in **Exhibit “A”** attached to and made a part of this Order. That set forth in **Exhibit “A”** are Samples #1, #2, #3 and #4. That attached to this Order and made a part hereof are Divisional Fee Addendums to be utilized in the Shreveport and Monroe Divisions of the WDLA for Sample #1, **Exhibit “B”** and Sample #2, **Exhibit “C”**.

The foregoing considered:

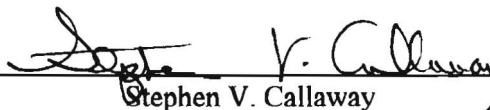
IT IS ORDERED that for all Chapter 13 cases filed on or after December 15, 2009, in the Shreveport and Monroe Divisions of the Western District of Louisiana the “**No Look Fee with Sliding Scale**” set forth in **Exhibit “A”** attached to and made a part of this Order will be utilized by Debtor’s counsel seeking compensation awards on a “No Look Fee” basis from the Court for services rendered to take Debtor’s case from initial interview through confirmation of Debtor’s first Plan of Repayment. That Fee Addendums presently utilized by the existing “No Look Fee” procedures will be replaced by Fee Addendums in a form that is in substance consistent with those form Fee Addendums set forth in **Exhibit “B”** and **Exhibit “C”** attached to and made a part of this Order. That the time period for the “Sliding Scale” Formula utilized for those cases filed on and after December 15, 2009, will be the preceding three (3) month period ending November 30, 2009, and thereafter the preceding three (3) month period utilized by the “Sliding Scale” Formula will be recalculated on an every month basis beginning the first day of the month and commencing on January 1, 2010.

IT IS FURTHER ORDERED that Debtor’s counsel may on any case, in lieu of utilizing the “**No Look Fee with Sliding Scale**”, keep accurate time records of time expended by attorneys and paralegals and seek compensation awards from the Court by Filing and Noticing, post confirmation, Formal Fee Applications seeking compensation from the bankruptcy estate or the debtor for actual services rendered from initial interview through confirmation provided such application meets all Statutory, Jurisprudential, Bankruptcy Rules, Local Rules and United States Trustee Guidelines.

IT IS FURTHER ORDERED that beginning January 1, 2010, the Monroe Chapter 13 cases will be divided between Judge Stephen Callaway and Judge Henley Hunter on an “even - odd” basis. Cases with docket numbers ending in even numbers will be assigned to Judge Callaway, and cases with docket numbers ending in odd numbers will be assigned to Judge Hunter. That the continuation of this “No Look Fee With Sliding Scale” after January 1, 2010, in cases filed in the Monroe Division with docket numbers ending in odd numbers shall be at the option of the presiding judge, Judge Henley A. Hunter. For the sake of consistency and to eliminate wholesale objections to “No Look Fee” applications, counsel for Debtors filing Chapter 13 cases in the Monroe Division after January 1, 2010, that are assigned docket numbers ending in odd numbers are encouraged to utilize

the “No Look Fee with Sliding Scale” in all cases filed on or after January 1, 2010, until Judge Hunter announces his intentions regarding same.

ORDER READ AND SIGNED in Chambers in Shreveport, Louisiana, on this 27th day of November, 2009.

A handwritten signature in black ink, appearing to read "Sgt. V. Callaway", is written over a horizontal line.

Stephen V. Callaway
United States Bankruptcy Court
Western District of Louisiana
Shreveport and Monroe Divisions

EXHIBIT "A"

**“NO LOOK” FEE FOR LEGAL SERVICES
THROUGH FIRST TIME CONFIRMATION
IN CHAPTER 13 CASES
FILED IN THE SHREVEPORT AND
MONROE DIVISIONS OF THE WDLA
UTILIZING A “SLIDING SCALE”**

A “No Look” fee procedure may be utilized by Chapter 13 debtor’s counsel in the Shreveport and Monroe Divisions of the Western District of Louisiana to comply with requirements of a noticed fee application required by 11 USC §330, Bankruptcy Rule 2016, Local Bankruptcy Rules, Guidelines set forth by the United States Trustee and controlling jurisprudence, **PROVIDED** same be set forth and calculated in the manner set forth below:

- (1) The “No Look” fee (**No Look Fee**) for legal services through first time confirmation in Chapter 13 cases filed in the Shreveport and Monroe Divisions of the Western District of Louisiana (WDLA) shall be capped at \$2,800.00 per case, and there shall be no distinction as to below, at or above median income status of debtor(s).
- (2) That debtor’s counsel shall utilize the “Uniform Plan” which contains sufficient information to constitute, in addition to a Plan of Repayment, a specific request for compensation for legal services rendered to take the debtor from initial interview through first time confirmation. The debtor’s plan of repayment with request for compensation shall be noticed as both a confirmation hearing and a compensation hearing.
- (3) That filed with or at the same time as Debtor’s Plan of Repayment With Request for Compensation shall be a “**Divisional Fee Addendum**” (**Divisional Fee Addendum**) wherein the Debtor’s counsel shall summarize by grouped tasks the services performed and the time expended by attorney(s) and paralegal(s) in each grouped task in taking the debtor and debtor’s case from the initial interview through confirmation of debtor’s Chapter 13 Plan of Repayment. The **Legal Hourly Rate (LHR)** and **Paralegal Hourly Rate (PHR)** shall be stated in each **Divisional Fee Addendum**. The rates that will be allowed for the

No Look Fee for legal services shall range from: \$175 per hour for newly admitted to the Bar lawyers; \$200 per hour for lawyers with 5 years or more experience in bankruptcy law; \$250 per hour for lawyers with 10 or more years experience in bankruptcy law; and \$275 per hour with lawyers with 10 or more years of experience in bankruptcy law and one or more bankruptcy law legal certification. The rate that will be allowed for the **No Look Fee** for Paralegal services will be \$70 per hour.

- (4) That contained in each **Divisional Fee Addendum** shall be a declaration of counsel for debtor of what the monthly average is of the Chapter 13 cases filed in the specific Division that the case is filed in by debtor's counsel or for the law firm that debtor's counsel is a member of for the three (3) month period preceding the month in which debtor's chapter 13 case is filed. Example: Smith & Jones, PLC, file a Chapter 13 case for Larry Brown on October 15, 2009, in the Shreveport Division. In the three (3) months preceding October 2009 (July, August and September of 2009) Smith & Jones, PLC filed the following number of Chapter 13 cases in the Shreveport Division: July 36 cases, August 32 cases and September 30 cases. The total cases filed in the Shreveport Division the preceding three (3) months would be 98 cases and the average would be 32.67 cases rounded off to 33 cases filed per month average for the preceding three (3) months. This three month division monthly average chapter 13 cases filed will be stated in the **Divisional Fee Addendum** as **Three Month Division Average (TMDA)** and would be disclosed as follow: **TMDA = 33**. Debtor's counsel **SHALL** update the **TMDA** on the 1st of each month based on filings the preceding three (3) months.
- (5) That contained in each **Divisional Fee Addendum** shall be a declaration of counsel for debtor of how many attorneys (as defined under 11 USC §101(4)) are employed by debtor's counsel or the firm that debtor's counsel is a member of, what rate of compensation each attorney is eligible for (see (3) above), and how many attorneys of each rated category worked full time (40 hours or more per week) performing chapter 13 pre- confirmation services for cases filed in the division in question for the three (3) month period preceding the month in which the debtor's chapter 13 case is filed. In order to be included as attorneys, the person must be authorized to sign, as counsel, bankruptcy pleadings,

and must have participated to the extent disclosed in the performance of the legal services disclosed. Example: Smith & Jones, PLC file a Chapter 13 case for Larry Brown on October 15, 2009, in the Shreveport Division. The Smith & Jones firm employs four (4) full time attorneys and two (2), Larry Alfred and Steve Smith, did bankruptcy work in Chapter 13 cases filed in the Shreveport Division during the preceding three (3) month period (July, August and September) . Larry Alfred is rated at \$200 per hour and he worked full time (all of his 40 plus hours per week) on performing pre-confirmation services on Chapter 13 cases filed in the Shreveport Division, and Steve Smith is rated at \$275 per hour and he worked approximately 50% of his full time (40 plus hours per week) performing pre-confirmation services on Chapter 13 cases filed in the Shreveport Division. This information shall be disclosed in the **Divisional Fee Addendum as Attorneys Used in Period (AUP)** and would be disclosed as follows: **AUP @ \$200 per hour = 1** and **AUP @ \$275 per hour = .5**. Debtor's counsel shall update the **AUP** on the 1st of each month based on attorney time expended in the preceding three (3) months performing pre-confirmation services on Chapter 13's filed in the specific Division.

- (6) That contained in each **Divisional Fee Addendum** shall be a declaration of counsel for debtor of how many paralegals (as defined in *2A Bankr. Service L. Ed. §16B:18*) are employed by debtor's counsel or the firm that debtor's counsel is a member of and how many of said paralegals worked full time (40 hours or more per week) performing chapter 13 pre-confirmation services for cases filed in the specific Division for the three (3) month period preceding the month in which the debtor's chapter 13 case is filed. Example: Smith & Jones, PLC file a Chapter 13 case for Larry Brown on October 15, 2009, in the Shreveport Division. The Smith & Jones firm employs eight (8) full time paralegals and four (4), Mary Horton, Sue Baker, Pat Walker and Ann Penrod, did bankruptcy work during the preceding three (3) month period (July, August and September). Mary Horton and Sue Baker worked full time (all of their 40 plus hours per week) on performing pre-confirmation Chapter 13 services for Shreveport Division cases, and Pat Walker and Ann Penrod worked approximately 50% of their full time (40 plus hours per week) performing pre-confirmation Chapter 13 services for Shreveport Division cases. The Smith & Jones firm had 3 paralegals working full

time (40 plus hours per week) performing pre-confirmation Chapter 13 services for Shreveport Division cases in the three (3) month period preceding the month in which the Harry Brown bankruptcy was filed. This information shall be disclosed in the **Divisional Fee Addendum as Paralegals Used in Period (PUP)** and would be disclosed as follows: **PUP = 3**. Debtor's counsel shall update the **PUP** on the 1st of each month based on paralegal time expended in the preceding three (3) months performing pre-confirmation services on Chapter 13's filed in the specific Division. .

- (7) That contained in each **Divisional Fee Addendum** shall be a stated **Sliding Scale Formula (Formula)** whereby the **No Look Fee** is calculated for the specific Division. The **Formula**, using the example set forth above (**SAMPLE #1**) is:

SHREVEPORT DIVISION:

AUP 1	X 40 hours	X 4.33 weeks	X \$200 LHR	= \$34,640
AUP .5	X 40 hours	X 4.33 weeks	X \$275 LHR	= \$23,815
PUP 3	X 40 hours	X 4.33 weeks	X \$70 PHR	= \$36,372
			TOTAL	\$94,827

TOTAL \$94,170 ÷ TMDA 33 = \$2,873.55

In this particular example the **Formula** yields a divisional sum that is in excess of the maximum **No Look Fee** stated in Paragraph (1) above and Debtor Counsel has the option of accepting the Maximum **No Look Fee** of \$2800 fee per case filed for the month in question, **OR** Debtor Counsel may file and notice in the Division a Formal Fee Application which meets all Statutory, Rule, Local Rule, Jurisprudence and U.S. Trustee Guidelines and any such hearing on same must be noticed and heard post confirmation for any case where the services performed are of the magnitude that the **No Look Fee with Sliding Scale** would be counter productive.

The **Formula** using a second example (**SAMPLE #2**):

AUP @ \$275= 1
AUP @ \$200= .5
PUP = 4.0

TMDA = 73
LHR = \$275 & \$200
PHR = \$70

SHREVEPORT DIVISION:

AUP 1 X 40 hours X 4.33 weeks X \$275 LHR = \$47,630
AUP .5 X 40 hours X 4.33 weeks X \$200 LHR = \$17,320
PUP 4.0 X 40 hours X 4.33 weeks X \$70 PHR = \$48,496
TOTAL = \$113,446

TOTAL \$113,446 ÷ TMDA 73 = \$1,554.05

In this particular example the **Formula** yields a divisional sum that is less than the maximum **No Look Fee** stated in Paragraph (1) above and Debtor Counsel has the option of accepting the **Formula No Look Fee** of \$1,543.29 pre-confirmation fee per case filed for the month in question, **OR** Debtor Counsel may file and notice in the Division a Formal Fee Application which meets all Statutory, Rule, Local Rule, Jurisprudence and U.S. Trustee Guidelines and any such hearing on same must be noticed and heard post confirmation for any case where the services performed are of the magnitude that the **No Look Fee with Sliding Scale** would be counter productive.

The **Formula** using a third example (**SAMPLE #3**):

AUP = 1.5
PUP = 7.0
TMDA = 120
LHR = \$250
PHR = \$70

SHREVEPORT DIVISION:

AUP 1.5 X 40 hours X 4.33 weeks X \$250 LHR = \$64,950
PUP 7.0 X 40 hours X 4.33 weeks X \$70 PHR = \$84,868
TOTAL = \$149,818

TOTAL \$149,818 ÷ TMDA 120 = \$1,248.48

In this particular example the **Formula** yields a divisional sum that is less than the maximum **No Look Fee** stated in Paragraph (1) above and Debtor Counsel has the option of accepting the **Formula No Look Fee** of \$1,248.48 pre-confirmation fee per case filed for the month in question, **OR** Debtor Counsel may file and notice in the Division a Formal Fee Application which meets all Statutory, Rule, Local Rule, Jurisprudence and U.S. Trustee Guidelines and any such hearing on same must be noticed and heard post confirmation for any case where the services performed are of the magnitude that the **No Look Fee with Sliding Scale** would be counter productive.

The **Formula** using a fourth example (**SAMPLE #4**):

Sample #4 is one that I do not want to see. In this sample the ratio of debtor counsel time to paralegal time for the specific Division has gotten so out of whack that debtor counsel is no longer practicing law, but is operating as a “bankruptcy petition preparer” as set forth in 11 USC §110 and shall comply with that statute.

- (8) That every **Divisional Fee Addendum** filed in each Division shall be dated, verified / signed by Debtor’s counsel and shall be considered by all parties in interest and the Court as a verified pleading.

Beginning January 1, 2010, the Monroe Chapter 13 cases will be divided between Judge Stephen Callaway and Judge Henley Hunter on an “even - odd” basis. Cases with docket numbers ending in even numbers will be assigned to Judge Callaway, and cases with docket numbers ending in odd numbers will be assigned to Judge Hunter. That the continuation of this “No Look Fee With Sliding Scale” after January 1, 2010, in cases filed in the Monroe Division with docket numbers ending in odd numbers shall be at the option of the presiding judge, Judge Henley A. Hunter.

EXHIBIT "B"

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

IN RE: Larry (NMI) Brown : Case No: 09-30000
Debtor : Chapter 13

**DIVISIONAL FEE ADDENDUM TO CHAPTER 13 PLAN
APPLICATION AND NOTICE FOR ATTORNEY'S FEES**

Debtor's counsel of record, Steve Smith of Smith & Jones, PLC, hereby requests Court approval of professionals' fees and expenses in the amount of **\$2,800.00**. The fees requested in this application include charges for attorneys' fees and paralegals' fees incurred in connection with this Chapter 13 proceeding. Debtor's attorney reserves the right to file a supplemental fee application for services exceeding the **\$2,800.00**.

The following reflects the estimated time and expenses likely to be expended in connection with this proceeding. Smith & Jones, PLC employs four (4) full time Attorneys and eight (8) full time Paralegals. The Attorneys' Hourly Rate (**LHR**) and Paralegals Hourly Rate (**PHR**) that is charged for their services that are employed at the Smith & Jones, PLC who performed Chapter 13 Pre-Confirmation services in the Shreveport Division during the month that this petition was filed are:

- (1) Attorneys: Steve Smith who has 30 years of bankruptcy experience and is a Board Certified Consumer Bankruptcy Specialist and Business Bankruptcy Specialist, and his hourly rate is \$275 per hour. Larry Alfred who has 8 years of bankruptcy experience and his hourly rate is \$200.00 per hour.
- (3) Paralegals: Mary Horton, Sue Baker, Pat Walker and Ann Penrod performed Paralegal services and are billed at \$70.00 per hour.

The Attorneys and Paralegals set forth above would have performed the below described services in filing and preparing the above set forth case for Chapter 13 Confirmation hearing(s):

Actual and Projected Tasks :

- | | | |
|----|---|------------------|
| A. | Conference with debtor(s) re: bankruptcy options. | Attorney |
| B. | Collected , copied, and retrieved debtor's initial information and documentation, conferences and phone calls with clients. | Paralegal |
| C. | Preparing drafts of schedules, plan, addendum and application for attorney fees, fee contract, tax transcript request, statements, etc., organize file. | Paralegal |
| D. | Review of payment advices and calculation of CMI Statement. | Paralegal |
| E. | Review and revise draft schedules and plan, review income information, and review and revise CMI statement. Instruction to legal asistant on revisions to drafted schedules and plan. | Attorney |

F.	Correct revised schedules and plan.	Paralegal
G.	Assisting debtor with completing credit counseling, pulling, printing and saving appropriate certificate(s).	Paralegal
H.	2 nd conference with debtor, review schedules and plan. Complete Chapter 13 plan, complete and sign plan and schedules.	Attorney
I.	Conference with debtor, review schedules and plan. Complete Chapter 13 plan, complete and sign plan and schedules.	Paralegal
J.	Make the approved corrections, reprint, electronically sign and file petition, schedules, plan, plan summary, addendum, payment advices and bankruptcy documents.	Paralegal
K.	Prepare letters. Input client information into firm computer system. Copy, organize and mail bankruptcy documents to client. Send letter with copies of most recent tax return to trustee. Fax tax transcript request. Send letter to attorneys and/or Clerks of Court in pending lawsuits, if any.	Paralegal
L.	Pull daily documents off of PACER as they are filed.	Paralegal
M.	Telephone conferences and correspondence with debtor(s), trustee and /or creditors.	Paralegal
N.	Correspondence and/or communications (direct or by phone) with trustee and/or creditor(s) regarding information relevant to the §341 meeting and confirmation of debtor's plan and consultation with legal assistant regarding same.	Attorney
O.	Enter relevant dates on attorney's calendar and in file and prepare file for §341 meeting of creditors.	Paralegal
P.	Preparation for §341 meeting of creditors and attending same with debtor(s).	Attorney
Q.	Review and organize file after §341 meeting and file necessary orders and send letter for continued dates, calendar continued dates.	Paralegal
R.	Review creditor/trustee objections, talk to client, talk to creditor(s) regarding information relevant to the §341 meeting and confirmation of debtor's plan. Answering questions of debtor and creditors both pre and post-confirmation and preparation and drafting of any pre-confirmation amended plans. Prepare file for Confirmation hearing, review payments made, pleadings filed can call debtor if needed.	Paralegal
S.	Preparation for Confirmation Hearing(s) and attending Confirmation Hearing(s) and representing debtor(s) at same.	Attorney
T.	Talk with Debtor(s), Trustee and/or Creditors regarding Agreements made regarding modifying Plan and drafting modified Plan.	Attorney
U.	Talk with Debtor(s), Trustee and/or Creditors and Attorney regarding Agreements made regarding modifying Plan and drafting, having signed and filed modified Plan sending same to Trustee/Creditors and Debtor(s) and obtaining hearing date and noticing same if material.	Paralegal
V.	Attending Hearing(s) on modified plans.	Attorney

Smith & Jones, PLC filed a total of 98 Chapter 13 cases in Shreveport Division in the three (3) month period preceding the filing of this Chapter 13 Case. The **Three Month Division Average (TMDA)** case filed per month for that period would be **33** cases. That based on a forty (40) hour work week the below listed Attorneys and Paralegals worked the following percent of their time on Chapter 13 Pre-confirmation Services on Shreveport Division cases filed during the preceding three month period prior to the filing of this case:

Attorney Steve Smith worked 50% (Attorney Used in Period = .5) of his billable time and Attorney Larry Alfred worked 100% (Attorney Used in Period = 1) of his billable time. Paralegals, Mary Horton and Sue Baker, worked 100% of their billable time (Paralegal Used in Period = 2), and Pat Walker and Ann Penrod, worked 50% of their billable time (Paralegal Used in Period = 1).

Utilizing the Court Ordered "Sliding Scale" method of determining the Pre-Confirmation Professional Fees without the necessity of a Formal Fee Application or what is commonly referred to as the "No Look Fee with Sliding Scale" the fees that can be charged by Steve Smith of Smith & Jones, PLC for Chapter 13 Pre-Confirmation services are:

SHREVEPORT DIVISION:

AUP 1	X	40 hours	X	4.33 weeks	X	\$200 LHR	=	\$34,640
AUP .5	X	40 hours	X	4.33 weeks	X	\$275 LHR	=	\$23,815
PUP 3	X	40 hours	X	4.33 weeks	X	\$70 PHR	=	<u>\$36,372</u>
TOTAL								\$94,827
TOTAL \$94,170 ÷ TMDA 33 =								\$2,873.55

"No Look" Fees for Chapter 13 Pre-Confirmation Services are capped in the United States Bankruptcy Court for the Western District of Louisiana at \$2,800.00, and the request made by this **Fee Addendum** is the cap amount of **\$2,800.00**.

The professional fees requested in this application do not include any charges for post-confirmation modification to the Chapter 13 Plan or any other post-confirmation services, **NOR** does this application include or seek reimbursement for any fees or expenses that may have been advanced by counsel on the behalf of Debtor(s). Counsel reserves the right to seek compensation or reimbursement from the Debtor(s) or the bankruptcy estate for any additional fees or for reimbursement of any fees or expenses that may be advanced by counsel on behalf of debtor(s) as they may arise for further services, or for actual fees or expenses advanced in connection with this Chapter 13 proceeding.

NOTICE IS HEREBY GIVEN that Steve Smith of Smith & Jones, PIC, attorney for the Debtor, requests attorney fees be paid in full, in priority, pursuant to 11 U.S.C. §507, in the amount of **\$2,800.00**. The attorney fees herein exceed \$1,000.00 and an application and hearing on said fees is required pursuant to Bankruptcy Rule 2002(c)(2). Hearing on said application shall be held in conjunction with, and at the date and time of, the confirmation hearing of the plan as set by this Court.

Objections to the foregoing application must be filed with the Clerk and served on the Trustee and Debtor's attorney at least seven (7) days prior to the date set for the hearing on confirmation of the Chapter 13 Plan.

DATED: December 16, 2009

BY: /s/ Steve Smith

Steve Smith, #99999
Attorney for the Debtor(s)

EXHIBIT "C"

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

IN RE: Larry (NMI) Brown : Case No: 09-30000
: :
Debtor : Chapter 13

**DIVISIONAL FEE ADDENDUM TO CHAPTER 13 PLAN
APPLICATION AND NOTICE FOR ATTORNEY'S FEES**

Debtor's counsel of record, Steve Smith of Smith & Jones, PLC, hereby requests Court approval of professionals' fees and expenses in the amount of **\$1,554.00**. The fees requested in this application include charges for attorneys' fees and paralegals' fees incurred in connection with this Chapter 13 proceeding. Debtor's attorney reserves the right to file and notice a Formal Supplemental fee application for services performed exceeding the **\$1,554.00**, provided same itemizes all time expended and meets all Formal Fee Application Requirements.

The following reflects the estimated time and expenses likely to be expended in connection with this proceeding. Smith & Jones, PLC employs four (4) full time Attorneys and eight (8) full time Paralegals. The Attorneys' Hourly Rate (**LHR**) and Paralegals Hourly Rate (**PHR**) that is charged for their services that are employed at the Smith & Jones, PLC who performed Chapter 13 Pre-Confirmation services in the Shreveport Division during the month that this petition was filed are:

- (1) Attorneys: Steve Smith who has 30 years of bankruptcy experience and is a Board Certified Consumer Bankruptcy Specialist and Business Bankruptcy Specialist, and his hourly rate is \$275 per hour. Larry Alfred who has 8 years of bankruptcy experience and his hourly rate is \$200.00 per hour.
- (3) Paralegals: Mary Horton, Sue Baker, Pat Walker and Ann Penrod performed Paralegal services and are billed at \$70.00 per hour.

The Attorneys and Paralegals set forth above would have performed the below described services in filing and preparing the above set forth case for Chapter 13 Confirmation hearing(s):

Actual and Projected Tasks :

- | | | |
|----|---|------------------|
| A. | Conference with debtor(s) re: bankruptcy options. | Attorney |
| B. | Collected , copied, and retrieved debtor's initial information and documentation, conferences and phone calls with clients. | Paralegal |
| C. | Preparing drafts of schedules, plan, addendum and application for attorney fees, fee contract, tax transcript request, statements, etc., organize file. | Paralegal |
| D. | Review of payment advices and calculation of CMI Statement. | Paralegal |
| E. | Review and revise draft schedules and plan, review income information, and review and revise CMI statement. Instruction to legal assistant on revisions | |

	to drafted schedules and plan.	Attorney
F.	Correct revised schedules and plan.	Paralegal
G.	Assisting debtor with completing credit counseling, pulling, printing and saving appropriate certificate(s).	Paralegal
H.	2 nd conference with debtor, review schedules and plan. Complete Chapter 13 plan, complete and sign plan and schedules.	Attorney
I.	Conference with debtor, review schedules and plan. Complete Chapter 13 plan, complete and sign plan and schedules.	Paralegal
J.	Make the approved corrections, reprint, electronically sign and file petition, schedules, plan, plan summary, addendum, payment advices and bankruptcy documents.	Paralegal
K.	Prepare letters. Input client information into firm computer system. Copy, organize and mail bankruptcy documents to client. Send letter with copies of most recent tax return to trustee. Fax tax transcript request. Send letter to attorneys and/or Clerks of Court in pending lawsuits, if any.	Paralegal
L.	Pull daily documents off of PACER as they are filed.	Paralegal
M.	Telephone conferences and correspondence with debtor(s), trustee and /or creditors.	Paralegal
N.	Correspondence and/or communications (direct or by phone) with trustee and/or creditor(s) regarding information relevant to the §341 meeting and confirmation of debtor's plan and consultation with legal assistant regarding same.	Attorney
O.	Enter relevant dates on attorney's calendar and in file and prepare file for §341 meeting of creditors.	Paralegal
P.	Preparation for §341 meeting of creditors and attending same with debtor(s).	Attorney
Q.	Review and organize file after §341 meeting and file necessary orders and send letter for continued dates, calendar continued dates.	Paralegal
R.	Review creditor/trustee objections, talk to client, talk to creditor(s) regarding information relevant to the §341 meeting and confirmation of debtor's plan. Answering questions of debtor and creditors both pre and post-confirmation and preparation and drafting of any pre-confirmation amended plans. Prepare file for Confirmation hearing, review payments made, pleadings filed can call debtor if needed.	Paralegal
S.	Preparation for Confirmation Hearing(s) and attending Confirmation Hearing(s) and representing debtor(s) at same.	Attorney
T.	Talk with Debtor(s), Trustee and/or Creditors regarding Agreements made regarding modifying Plan and drafting modified Plan.	Attorney
U.	Talk with Debtor(s), Trustee and/or Creditors and Attorney regarding Agreements made regarding modifying Plan and drafting, having signed and filed modified Plan sending same to Trustee/Creditors and Debtor(s) and obtaining hearing date and noticing same if material.	Paralegal
V.	Attending Hearing(s) on modified plans.	Attorney

Smith & Jones, PLC filed a total of 219 Chapter 13 cases in Shreveport Division in the three (3) month period preceding the filing of this Chapter 13 Case. The Three Month Division Average (TMDA) case filed per month for that period would be 73 cases. That based on a forty (40) hour work week the below listed Attorneys and Paralegals worked the following percent of their time on Chapter 13 Pre-confirmation Services on Shreveport Division cases filed during the preceding three month period prior to the filing of this case:

Attorney Steve Smith worked 100% (Attorney Used in Period = 1) of his billable time and Attorney Larry Alfred worked 50% (Attorney Used in Period = .5) of his billable time. Paralegals, Mary Horton and Sue Baker, Pat Walker and Ann Penrod, worked 100% of their billable time (Paralegal Used in Period = 4) . .

Utilizing the Court Ordered "Sliding Scale" method of determining the Pre-Confirmation Professional Fees without the necessity of a Formal Fee Application or what is commonly referred to as the "No Look Fee with Sliding Scale" the fees that can be charged by Steve Smith of Smith & Jones, PLC for Chapter 13 Pre-Confirmation services are:

SHREVEPORT DIVISION:

AUP 1 X 40 hours X 4.33 weeks X \$275 LHR = \$47,630

AUP .5 X 40 hours X 4.33 weeks X \$200 LHR = \$17,320

PUP 4 X 40 hours X 4.33 weeks X \$70 PHR = \$48,496

TOTAL \$113,446

TOTAL \$113,446 ÷ TMDA 73 = \$1,554.05

"No Look" Fees for Chapter 13 Pre-Confirmation Services are capped in the United States Bankruptcy Court for the Western District of Louisiana at \$2,800.00, and the request made by this **Fee Addendum** is the "Sliding Scale" amount of **\$1,554.00**.

The professional fees requested in this application do not include any charges for post-confirmation modification to the Chapter 13 Plan or any other post-confirmation services, **NOR** does this application include or seek reimbursement for any fees or expenses that may have been advanced by counsel on the behalf of Debtor(s). Counsel reserves the right to seek compensation or reimbursement from the Debtor(s) or the bankruptcy estate for any additional fees or for reimbursement of any fees or expenses that may be advanced by counsel on behalf of debtor(s) as they may arise for further services, or for actual fees or expenses advanced in connection with this Chapter 13 proceeding.

NOTICE IS HEREBY GIVEN that Steve Smith of Smith & Jones, PIC, attorney for the Debtor, requests attorney fees be paid in full, in priority, pursuant to 11 U.S.C. §507, in the amount of **\$1,554.00**. The attorney fees herein exceed \$1,000.00 and an application and hearing on said fees is required pursuant to Bankruptcy Rule 2002(c)(2). Hearing on said application shall be held in conjunction with, and at the date and time of, the confirmation hearing of the plan as set by this Court.

Objections to the foregoing application must be filed with the Clerk and served on the Trustee and Debtor's attorney at least seven (7) days prior to the date set for the hearing on confirmation of the Chapter 13 Plan.

DATED: December 16, 2009

BY: /s/ Steve Smith

Steve Smith, #99999
Attorney for the Debtor(s)