

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

**AMENDED AND RESTATED STANDING ORDER  
ADOPTING MANDATORY FORM CHAPTER 13 PLAN**

**BACKGROUND**

- A. Fed. R. Bankr. P. 3015(c) requires the use of an Official Form Plan by all debtors in Chapter 13 cases filed on or after December 1, 2017, “unless a local form has been adopted in compliance with Rule 3015.1.” Fed. R. Bankr. P. 3015(c).
- B. In accordance with Fed. R. Bankr. P. 3015.1, this District developed a local form to be used in all Divisions of this District (the “Local Form Plan”); the Local Form Plan was subjected to public notice and comment as required by Fed. R. Bankr. P. 3015(a).
- C. By Standing Order Adopting Mandatory Form Chapter 13 Plan Effective December 1, 2017 (the “Original Order”), the Bankruptcy Judges for this District officially adopted the Local Form Plan and mandated its use in all Chapter 13 cases filed on or after December 1, 2017.
- D. Under the terms of the Original Order, the attorney for the debtor is required to serve the Local Form Plan in each case as provided by Fed. R. Bankr. P. 3015(d). The Original Order also authorizes the attorney for the debtor to file an administrative claim as allowed under 11 U.S.C. § 503(b) for the actual cost of noticing the Local Form Plan, and the Chapter 13 trustee is authorized to pay the claim in addition to the no-look attorney fee authorized in this District.
- E. The purpose of this Amended and Restated Standing Order Adopting Mandatory Form Chapter 13 Plan is to establish a flat fee of \$250, which may be charged by the attorney for the debtor for initially serving the Local Form Plan, and to establish that this flat fee is to be inclusive of any and all costs and expenses which a debtor’s attorney may incur in serving any and all amendments and modifications of the Local Form Plan from inception of the debtor’s Chapter 13 case until the case is closed, dismissed, or converted.

**ORDER**

**THEREFORE, IT IS ORDERED** that:

1. The Local Form Plan is hereby adopted for use by all Chapter 13 debtors in all cases filed in this district on or after December 1, 2017 (a copy of the Local Form Plan is attached to this Standing Order as Exhibit “A”). The Local Form Plan must be used by debtors for all original plans, plan amendments and plan modifications. No other form is authorized for use in this district, and, unless otherwise ordered or allowed by the Court, debtors are prohibited from altering the Local Form Plan.
2. All amended or modified plans must clearly be designated as such; further, amended or modified plans must identify the section or sections of the Local Form Plan that are being changed, and provide the reasons for such changes in the designated area on the first page of the Plan.
3. The attorney for the debtor must serve the Local Form Plan, including any amendment or modification (whether pre- or post-confirmation), as provided by Fed. R. Bankr. P. 3015(d). The

attorney for the debtor must also file a certificate of service indicating service on the trustee and, unless otherwise ordered by the court, all creditors and parties requesting notice.

4. Unless otherwise ordered by the Court, for all cases filed on or after December 1, 2017 through April 30, 2018, the attorney for the debtor may file an administrative claim as allowed under 11 U.S.C. § 503(b) for the actual cost of initially noticing the Chapter 13 Plan, and the Chapter 13 Trustee is authorized to pay this claim in addition to the no-look attorney fee (if such fee is elected by the debtor's attorney), or any attorney fee award made by the Court.

5. For all cases filed on or after May 1, 2018, a Chapter 13 debtor's attorney electing to be paid a no-look attorney fee under this district's Standing Order Regarding "No-Look" Fees in Chapter 13 Cases (Effective for cases filed on or after February 1, 2017), may recover a onetime administrative expense of \$250 to reimburse the attorney for the costs of serving the Local Form Plan, and to cover the costs of serving any and all amendments or modifications to the plan from inception of the debtor's Chapter 13 case until the case is closed, dismissed, or converted. It is provided, however, that in lieu of accepting the onetime \$250 fee and the no-look attorney fee allowed in this district, a debtor's attorney may file a formal fee application seeking compensation and reimbursement of expenses under 11 U.S.C. § 330(a) and Fed. R. Bankr. P. 2016 for representing a Chapter 13 debtor.

6. Notwithstanding Paragraph 4.B. of this district's Standing Order Regarding "No-Look" Fees in Chapter 13 Cases (Effective for cases filed on or after February 1, 2017), an attorney electing to be paid a no-look fee for representing a debtor may no longer seek reimbursement of actual out-of-pocket postage costs for service of a motion to modify a plan; any and all such costs are now included in the \$250 flat fee allowed under this order.

7. This Standing Order is effective as of December 1, 2017, and shall remain in effect until further order of the Court. This Standing Order abrogates all prior orders in this District adopting a form plan or plans. Further, to the extent there is any standing order effective in this district which would vary any provision of the Local Form Plan, such standing order is hereby vacated.

Dated: May 4, 2018

  
Chief Judge John W. Kolwe  
United States Bankruptcy Court

Dated: May 8, 2018

  
Judge Robert S. Summerhays  
United States Bankruptcy Court

Dated: May 29, 2018

  
Judge Jeffrey P. Norman  
United States Bankruptcy Court