

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS**

GENERAL ORDER 08-1

ATTORNEY'S FEES IN CHAPTER 13 CASES

In recognition that the amounts paid to attorneys for debtors in Chapter 13 cases as currently established under Local Rule of Bankruptcy Procedure (“LBR”) 2016(h) should be increased and that such increase should take effect immediately without regard to the effective date of any revisions to the Local Rules of Bankruptcy Procedure contemplated by the Court,

IT IS THEREFORE ORDERED that, for all Chapter 13 cases filed on or after January 1, 2008, an attorney for a Chapter 13 debtor must file an application for compensation and reimbursement in compliance with LBR 2016 (a) and (b) except in the following circumstances:

- (A) If the attorney has not rendered legal services pertaining to automatic stay litigation occurring in the case, a formal fee application is not required so long as the attorney requests \$3,000 or less for pre-petition and post-petition services and expenses rendered or incurred prior to the earlier of: (1) the first successful post-confirmation modification of a Chapter 13 plan which occurs subsequent to the filing of the Trustee’s Recommendation Concerning Claims; or (2) the filing of a certification by the Chapter 13 Trustee that all proofs of claim have been reconciled with the terms of the confirmed plan without the necessity of a plan modification. The \$3,000 shall include all pre-petition payments received by such attorney. This threshold amount may be increased by \$500 in a case involving a debtor engaged in business when so certified by the Chapter 13 Trustee in the Trustee’s confirmation report.

- (B) If the attorney has rendered legal services pertaining to automatic stay litigation occurring in the case, a formal fee application is not required so long as the attorney requests \$3,500 or less for pre-petition and post-petition services and expenses rendered or incurred prior to the earlier of: (1) the first successful post-confirmation modification of a Chapter 13 plan which occurs subsequent to the filing of the Trustee’s Recommendation Concerning Claims; or (2) the filing of a certification by the Chapter 13 Trustee that all proofs of claim have been reconciled with the terms of the confirmed plan

without the necessity of a plan modification. The \$3,500 shall include all pre-petition payments received by such attorney. This threshold amount may be increased by \$500 in a case involving a debtor engaged in business when so certified by the Chapter 13 Trustee in the Trustee's confirmation report.

This General Order shall remain in effect pending the further order of the Court.

Executed and entered on behalf of all divisions of the Court.

Signed on 01/01/2008

A handwritten signature in cursive script, appearing to read "Bill Parker".

THE HONORABLE BILL PARKER
CHIEF UNITED STATES BANKRUPTCY JUDGE