

D.N.J. LBR 2016-5. Application for Compensation of Debtor's Attorney in a Chapter 13 Case

(a) Disclosure of compensation. The attorney must file with the petition, Local Form *Chapter 13 Disclosure of Debtor's Attorney Compensation*. The attorney must select a compensation method as set forth in subsection (b) or (c).

(b) Standard fee.

(1) An attorney who charges a fee of \$4,750 or less is not required to file an application for compensation. The standard fee includes all services and expenses required to confirm a plan, including administrative services required subsequent to confirmation. The debtor's attorney may file an application for compensation in accordance with Local Rule 2016-1 for the following services which are excluded from the standard fee:

- (A) representation of the debtor(s) in an adversary proceeding;
- (B) representation of the debtor(s) in loss mitigation/loan modification efforts;
- (C) representation of the debtor(s) in a post confirmation contested matter.

(2) An attorney who elects to be compensated under subsection (b)(1), and subsequently determines that circumstances in the case warrant additional fees, must, prior to the debtor incurring additional fees, file and serve an application, on the debtor and Standing Chapter 13 Trustee, requesting the court's authorization to convert to hourly billing or to seek an additional flat fee.

(c) Hourly billing. A debtor's attorney who elects hourly billing as the method of compensation must file and serve on the Standing Chapter 13 Trustee and the debtor an application for compensation and reimbursement of expenses under Local Bankruptcy Rule 2016-1 not later than 7 days before the confirmation hearing.

(d) Request for compensation for \$10,000 or more. An application for compensation, for \$10,000 or more, must be accompanied by Local Form, *Chapter 13 Debtor's Attorney Fee Application Cover Sheet* and comply with Local Rule 2016-1.

2018 Comment

This Rule has been amended to increase the standard fee and to eliminate the practice of submitting supplemental fee applications. The standard fee in subsection (b)(1) is the maximum amount an attorney may charge the debtor, unless the exceptions enumerated in subsection (b)(1)(A), (B), or (C) apply or the court enters an order approving conversion to hourly billing or an additional fixed rate. This comment supersedes the 2015 comment to the Rule.

2015 Comment

This Rule was formerly Local Bankruptcy Rule 2016-1(j).

Taking the steps necessary to discharge liens modified under the plan under subdivision (a)(1)(G) includes the filing of Local Forms *Application to Cancel and Discharge Mortgage/Lien* and *Chapter 13 Order Authorizing Cancellation, Voiding and/or Discharge of Record of Mortgage/Lien*.

The calculation of the fee amounts in this Rule is exclusive of the filing fee and expenses.