

## **D.N.J. LBR 2016-5. Compensation of Debtor’s Attorney in a Chapter 13 Case**

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

**(b) Standard fee.** 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 reimbursable necessary expenses required to confirm a plan, including administrative services required subsequent to confirmation. The attorney may file an application for compensation and reimbursement of necessary expenses under Local Bankruptcy Rule 2016-1 for the following services which are excluded from the standard fee:

- (1) representation of the debtor in an adversary proceeding;
- (2) representation of the debtor in loss mitigation/loan modification efforts;
- (3) representation of the debtor in postconfirmation filings and matters brought before the court.

**(c) Hourly billing.** An attorney who elects hourly billing must file and serve on the debtor and the chapter 13 standing trustee an application for compensation and reimbursement of necessary expenses under Local Bankruptcy Rule 2016-1 not later than 7 days after the date of the order confirming the chapter 13 plan.

**(d) Application for additional preconfirmation fees and expenses.** An attorney who elected a standard fee under subdivision (b) may seek additional compensation and reimbursement of necessary expenses by filing an application under Local Bankruptcy Rule 2016-1 on notice to the debtor and chapter 13 standing trustee. The applicant must demonstrate that the additional services were unforeseeable at the time of the filing of the disclosure required under subdivision (a).

**(e) Chapter 13 Debtor’s Attorney Fee Application Cover Sheet.** An attorney seeking compensation and reimbursement of necessary expenses in any amount must file with the application Local Form *Chapter 13 Debtor’s Attorney Fee Application Cover Sheet* and comply with Local Bankruptcy Rule 2016-1. A request for compensation totaling under \$1,000 does not require completion of Sections I – III of the *Chapter 13 Debtor’s Attorney Fee Application Cover Sheet*.

**(f) Service.** The attorney must serve the application and cover sheet on the debtor and Chapter 13 standing trustee.

### 2019 Comment

This Rule is amended to require the use of a fee application cover sheet any time the debtor’s attorney files a fee application, not just for fee applications of \$10,000 or more.

The fee application cover sheet has been modified to reflect any differential in distribution caused by the fee.

### 2018 Comment

This Rule is amended to increase the standard fee. For cases filed or converted to Chapter 13 on or after the effective date of this Rule, the Court will no longer accept Local Forms, *Certification of Debtor's Counsel Supporting Supplemental Chapter 13 Fee* and *Order Granting Supplemental Chapter 13 Fees*. In those cases, all fees requested under this Rule must be filed in compliance with Local Bankruptcy Rule 2016-1.

Examples of administrative services under subdivision (b) include preparation and filing of a Certification in Support of Discharge, preparation and filing of a Certification About a Financial Management Course, and providing documentation requested by the chapter 13 standing trustee.

Subdivision (c) does not preclude an attorney who elects hourly billing from submitting fee applications after the initial fee request.

### 2015 Comment [Abrogated]

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.