

**APPENDIX “K”**  
**CHAPTER 13 FEE REQUESTS**  
Revised 9/24/2014

1. Attorney Fees. In all Chapter 13 cases, except for the narrowly construed exceptions set forth in paragraph 4 below, attorney fees for counsel for the debtor shall only be allowed pursuant to the provisions of the “NO-LOOK” Compensation Plan (“NLCP”). The NLCP shall consist of:
  - a. Standard Allowable Amount (“SAA”); and
  - b. A La Carte (“ALC”) fees for additional services rendered during the Chapter 13 proceeding.
2. Standard Allowable Amount (“SAA”).
  - a. For Chapter 13 cases, counsel for the debtor, without filing a fee application, shall be awarded a SAA not to exceed \$3,900.00 (\$3,700.00 fees and \$200.00 expenses). The fees and expenses shall be deemed allowed upon confirmation of the plan.
  - b. Services included in the SAA are **ALL** services typically performed when representing a Chapter 13 debtor, including:
    1. Meet with the debtor to review the debtor’s debts, assets, liabilities, income, and expenses. Counsel the debtor regarding the advisability of filing either a Chapter 7 or Chapter 13 case. Discuss both procedures with the debtor and answer the debtor’s questions. Explain what payments will be made directly by the debtor and what payments will be made through the debtor’s Chapter 13 plan, with particular attention to mortgage loan payments, as well as any other claims which accrue interest.
    2. Explain to the debtor how, when, and where to make the Chapter 13 plan payments. Explain to the debtor that the first plan payment must be made to the trustee within 30 days of the date the petition is filed.
    3. Advise the debtor of the requirement to attend the § 341 meeting of creditors, and instruct the debtor as to the date, time, and place of the meeting. Provide appropriate representation at the § 341 meeting of creditors for the debtor.
    4. Advise the debtor of the necessity of maintaining liability, collision, and comprehensive insurance on vehicles securing loans or leases.
    5. Verify six months of pay stubs and timely submit to the Court. Verify two years of complete tax returns including W-2s and submit as required by the

rules. Verify and review six months of bank statements. Review relevant documents as necessary, including, but not limited to insurance policies, relevant additional bank statements, proof of driver's license and Social Security card, electric/gas/water bills, domestic child support order, copies of summons of judgments, and copies of all purchase agreements. Complete and file [Appendix "H,"](#) the "Certification by Debtor in Support of Confirmation." Complete and file the B22C Form.

6. Timely prepare and file the debtor's petition, plan, statements, and schedules. Respond to objections to plan confirmation and, where necessary, prepare an amended plan.
7. Prepare, file, and serve necessary pre-confirmation modifications to the plan. Prepare, file, and serve necessary pre-confirmation amended statements and schedules, in accordance with information provided by the debtor.
8. Represent the debtor concerning confirmation hearings. (Participation in affidavit hearings for confirmation is not considered providing an extraordinary service which justifies additional fees.)
9. Complete and file [Appendix "L"](#) "Certification by Debtor in Support of Discharge." Aid the debtor in obtaining pre-petition credit counseling and post-petition financial education.
10. Prepare, file, and serve necessary post-confirmation amended statements and schedules, in accordance with information provided by the debtor.
11. Address trustee's first notice of default in a Chapter 13 proceeding resulting in an agreed stipulation without an amended plan.
12. Represent the debtor in connection with the first motion for relief from the automatic stay.
13. All communication and other services typical for representation of Chapter 13 debtors through the end of the case.

3. ALC (a la carte) Fees and Process.

- a. ALC fee request implementation: Upon meeting the requirements entitling the award of ALC fees, debtor's counsel must file a "Certification of ALC Fees" along with providing Notice pursuant to [Neb. R. Bankr. P. 9013-1.](#) The Chapter 13 trustee, the United States Trustee, and attorneys having appeared in the case will receive electronic notice through the Court's CM/ECF system. Therefore, the debtor's

counsel shall only be required to serve a paper copy of the Certification and Notice on the debtor and on any party requesting notice (if such party does not receive electronic notice). If no objection is filed by the resistance deadline, then the ALC fees will be granted automatically without a hearing. Debtor's counsel must use the standard "Certification of ALC Fees" form found at [Appendix "N"](#) in order to be awarded ALC fees.

- b. ALC qualified services and applicable rates are set forth in [Appendix "N."](#)
- c. Actual expenses incurred under the qualified ALC actions shall be allowed in addition to the ALC fee. The actual expenses shall be itemized and included in the "Certification of ALC Fees" request as set forth in paragraph 3(a) above.
- d. ALC Limitations.
  - 1. ALC fee requests shall not be stacked if the service or services provided essentially involve one larger transaction, regardless of the number of motions.
  - 2. ALC fees shall only be requested for substantive services that are described in the chart listed in [Appendix "N."](#) Debtor's counsel shall not request ALC fees when the services rendered were due to oversight, inexperience, or inefficiency of counsel.
  - 3. ALC fees shall not be requested for cursory, generic, routine or non-substantive motions, objections or resistances that are later withdrawn or denied for failure to comply with local rules. Debtor's counsel may only request fees for motions, resistances, responses and objections that include specific factual and legal basis as required under [Neb. R. Bankr. P. 9013-1\(C\)](#).
- 4. Exceptions to the "NO-LOOK" Compensation Plan ("NLCP"). Subject to the close scrutiny by the Chapter 13 trustee and the Court, counsel for the debtor may file a fee application in the following type of cases or situations:
  - a. Business related cases.
  - b. Extraordinary, atypical, or complex non-business or consumer cases that require an unusual and exceptional amount of legal representation of the debtor.
  - c. Cases that require a confirmation Trial, adversary proceedings and/or trials originating from contested matters. Note: Affidavit hearings are not considered an extraordinary service.

- d. In the event that the Chapter 13 proceeding is dismissed prior to confirmation of the initial plan, counsel for the debtor may file a fee application within seven days after dismissal for actual fees and expenses incurred to date not to exceed the allowable amount under the NLCP.
- e. Successor law firms/attorneys. In the event that the debtor elects to retain a new law firm and/or attorney during a Chapter 13 proceeding, the successor law firm and/or attorney for the debtor shall file a fee application. If the debtor retains a new law firm and/or attorney before plan confirmation, the SAA shall not apply nor be paid and both the original law firm and/or attorney of record and the successor law firm and/or attorney of record shall instead file a fee application. Post-confirmation, the successor law firm and/or attorney may participate in the ALC fees or file a fee application.

5. Effective Dates and Limitations.

- a. All Chapter 13 cases, including those that are not confirmed, regardless of the filing date, are subject to the provisions of this [Appendix "K,"](#) effective December 1, 2013, subject to the limitations in 5(b) and (c). Upon the effective date of this rule, a certain number of Chapter 13 cases will have unconfirmed plans. In the absence of the various qualifying exceptions set forth in paragraph 4 above, all previous requests for compensation made through an unconfirmed Chapter 13 plan pursuant to the options set forth in [Appendix "K"](#) shall be deemed automatically converted to the SAA as of the effective date of this rule. Of course, in all such cases counsel may elect to be paid a NO-LOOK fee of less than the SAA by filing an attorney fee election prior to confirmation. In all cases that are unconfirmed as of the effective date of this [Appendix "K,"](#) counsel for debtor shall verify that the proposed plan is properly funded and shall file any necessary plan amendments to address funding issues.
- b. No ALC fees are allowable at any time to debtor's counsel if a full NO-LOOK fee was previously elected in confirmed cases filed prior to December 1, 2013.
- c. All pending fee applications filed before the effective date of this [Appendix "K"](#) shall not be affected by the rules herein.

6. Miscellaneous Provisions.

- a. Upon the filing of an ALC request for fees, the Chapter 13 trustee shall, within seven business days, earmark and reserve available funds on hand up to 60 days in anticipation of final approval by the Court. However, all required adequate protection payments shall continue to be made by the trustee and said payments shall have priority over ALC fee requests.

- b. The Court shall periodically review and adjust the SAA and individual ALC items as it deems reasonable and appropriate. The Clerk of the Court shall refresh [Appendix “K”](#) with the then adjusted fees and expenses when such changes become operable by this rule.
  
- c. The debtor’s counsel may receive a pre-petition retainer directly from the debtor. The post-petition fees shall be paid through the plan, except for Court costs to add creditors post-petition, costs to process the financial management certificate, fees to dismiss or convert the case to another chapter or as otherwise ordered by the Court.