

Appendix B

Chapter 13 Fee Requests

A. **Services.** Unless otherwise agreed by the debtor in writing, and approved by the court, the attorney for the debtor in a Chapter 13 case receiving a fee for services must provide all services typical through the end of the case, including:

1. Meet with the debtor to review the debtor's debts, assets, liabilities, income, and expenses, counsel the debtor on the available bankruptcy chapters.
2. Review, verify, and if required file all required documents, including 6 months of pay stubs, 2 years of complete tax returns, W-2s, 6 months of bank statements, insurance policies, driver's licenses, Social Security cards, electric/gas/water bills, domestic child support orders, judgments, and purchase agreements.
3. Prepare and timely file all required documents including the debtor's petition, plan, statements, and schedules, and any amendments thereto.
4. Help the debtor obtain pre-petition credit counseling and post-petition financial education.
5. Prepare the debtor for the § 341 meeting of creditors and represent the debtor at the meeting.
6. Advise the debtor regarding appropriate insurance on vehicles securing loans or leases.
7. Represent the debtor at confirmation hearings, respond to objections to plan confirmation and, when necessary, prepare an amended plan.
8. Advise the debtor how, when, and where to make Chapter 13 plan payments and explain which payments the debtor must pay directly and which payments the debtor must pay through the plan.
9. Prepare and timely file post-confirmation amended statements and schedules.
10. Address the trustee's first notice of default which results in a stipulation without an amended plan.
11. Represent the debtor in connection with the first motion for relief from the automatic stay.
12. Complete and file the certification by debtor in support of discharge in official bankruptcy form B2830.

B. **Fee Application with Plan.** The debtor's attorney may file a fee application as part of the Chapter 13 plan if the services to be provided include all services in Paragraph A

and the total fees and costs do not exceed \$5,000 (\$4,800 for fees and \$200 for expenses). The fees will be approved as part of the plan.

C. Fee Application by Motion. Except as provided in Section B, above, a fee application must be filed by separate motion (Local Form NEB 2016-1 App B1). A fee application under this section should be requested sparingly and in the following extraordinary situations.

1. A business-related case or complex case that requires significantly more legal work than a typical Chapter 13 case.

2. A case requiring a confirmation trial, adversary proceedings, or a trial of a contested matter with live witness testimony.

3. A case dismissed before the initial plan is confirmed, which the debtor's attorney must file within 7 days after dismissal for actual fees and expenses incurred.

4. In a case where the debtor retains a new attorney the new attorney must file a fee application. If the new attorney is retained before the initial plan is confirmed, the original attorney and new attorney must each file a fee application. Post-confirmation, the new attorney may request ALC fees.

D. ALC (à la carte) Fees. A debtor's attorney may seek additional compensation using by certification (Local Form 2016-1 App B2). The certification is a motion under Local Rule 9013-1. After the certification is filed, the Chapter 13 trustee must, within 7 business days, reserve available funds for up to 60 days in anticipation the request will be approved. The trustee must continue to pay adequate protection payments, which have priority over ALC fee requests.