2013-01

U.S. BANKRUPTCY COURT
SOUTHERN DISTRICT OF MS
2013 SEP 27 PM 3:44
DANNY L. MILLER
CLERK
BY DW DEPUTY

UNITED STATES BANKRUPTCY COURT
NORTHERN AND SOUTHERN DISTRICTS OF MISSISSIPPI

AMENDED STANDING ORDER REGARDING USE OF "NO-LOOK" FEE IN AWARDING REASONABLE COMPENSATION AND REIMBURSABLE EXPENSES TO ATTORNEYS OF DEBTORS IN CHAPTER 13 CASES

If there is no objection raised by a party in interest, in chapter 13 cases filed on or after October 1, 2013, the attorney for the debtor may comply with the requirements of 11 U.S.C. § 330 and Rule 2016 of the Federal Rules of Bankruptcy Procedure ("Rule 2016") by charging the debtor a presumptively reasonable fee up to $3,000.00 (the "No-Look Fee"). An attorney who chooses to use the No-Look Fee may not seek or collect additional payment from the debtor without prior Court approval, except as expressly allowed in this Order.

The services encompassed by the No-Look Fee include the representation of the debtor during the pre-confirmation and post-confirmation stages of a chapter 13 case but do not include the representation of the debtor in any adversary proceeding. An attorney who represents a debtor in an adversary proceeding must submit an appropriate itemized application for compensation that complies with Rule 2016.

The No-Look Fee shall be deemed full compensation for all legal services rendered by the debtor's attorney, and all actual and necessary expenses incurred in connection with those services, except for the following expenses: (1) the statutory filing fee, 28 U.S.C. § 1930(a)(1)(B) and (b); (2) any charge incurred for a credit report from a credit reporting agency; and (3) the credit counseling fee, 11 U.S.C. § 109(h)(1). An attorney may seek reimbursement for any of these expenses from the debtor if the attorney actually incurred that

expense in connection with the debtor's bankruptcy case and if the debtor actually agreed to reimburse the attorney for that expense.

The No-Look Fee may be adjusted by the Court if appropriate in the case. For example, if a contested matter arises that requires the expenditure of an extraordinary amount of time or that involves an expense of an unusual nature or amount, an attorney may request an enhancement of the No-Look Fee by filing an appropriate itemized application that complies with Rule 2016. Conversely, the Court may order a reduction of the No-Look Fee if warranted by the circumstances in the case.

This Order does not preclude an attorney from exercising the alternative option of forgoing the No-Look Fee and instead filing an application that establishes the attorney's entitlement to compensation under the lodestar method and reimbursement of expenses. In such event, the debtor's application must include contemporaneous hourly time records for all work performed in the case as required by Rule 2016.

This Order amends all previous standing orders regarding attorney's fees in chapter 13 cases.

SO ORDERED. Effective October 1, 2013.

Edward Ellington
United States Bankruptcy Judge

Katharine M. Samson
United States Bankruptcy Judge

Neil P. Olack
United States Bankruptcy Judge

Jason D. Woodard
United States Bankruptcy Judge