

**United States Bankruptcy Court
Northern District of California
San Francisco Division**

**GUIDELINES FOR PAYMENT OF ATTORNEY'S FEES
IN CHAPTER 13 CASES**

The following guidelines determine presumptively reasonable fees for Chapter 13 cases, describe simplified procedures for seeking such fees, and determine the manner in which the Chapter 13 Trustee will disburse approved fees.

This court has issued guidelines regarding the "Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys." Parts I and II of those guidelines describe certain legal services that an attorney agrees to perform for the attorney's clients (the Basic Services). Through these fee guidelines, the court determines the fees that an attorney may recover for performing the Basic Services (the Guideline Fees) and sets forth a simplified procedure for applying for Guideline Fees.

A. Fee Applications.

1. Counsel may receive an order approving fees and costs up to the amounts set forth in Paragraph 2 without filing a detailed application if:

a. Counsel has filed and served the Chapter 13 Trustee with an executed copy of the "Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys," copies of which are available on the Court's website;

b. Counsel has accepted no more than \$750 as a retainer in a consumer case or \$1500 as a retainer in a business case;

c. No objection to the requested fees has been raised.

2. The maximum fee that can be approved through the procedure described in Paragraph 1 is:

\$1800 for the basic case; and an additional

\$ 850 if the case involves real property claims;

\$ 500 for each additional parcel of real property with an encumbrance of at least \$10,000;

\$ 700 if the case involves unfiled tax returns or objections to claims of taxing agencies;

\$ 300 if the case involves vehicle loans or leases;

\$1500 if the case involves an operating business;

\$ 300 if the case involves support arrears claims;

\$ 300 if the case involves student loans.

3. Additional flat fees for services rendered will be

filed application is denied shall refund only the excess amount, and shall not be paid any additional fees until such excess has been refunded to the Chapter 13 trustee.

7. If debtor's counsel seeks fees for Basic Services in excess of the Guideline Fees, seeks fees for services other than Basic Services, chooses not to utilize these fee procedures, or if the simplified procedures are not available because of either of the conditions described in Paragraph 5: (a) all fees including the retainer must be approved by the court following a hearing and proper application, whether or not the fees are payable through the Chapter 13 Trustee's Office and whether or not fees are paid for services in connection with the Chapter 13 case, (b) counsel must comply with Rules 2002 and 2016 of the Federal Rules of Bankruptcy Procedure, as well as the "Guidelines for Compensation and Expense Reimbursement of Professionals" adopted by the Bankruptcy Judges of the Northern District of California.

8. Counsel may request reimbursement of out-of-pocket court filing fees advanced, even if counsel elects to receive the automatic fees available in accordance with Paragraph 2.

9. On its own motion or the motion of any party in interest, the court may order a hearing to review any fee, whether paid or unpaid.

B. Distribution of Funds in Chapter 13 Cases.

Payments shall be disbursed in the following order:

1. \$750 toward attorney's fees, less any amount received pre-filing as a retainer, provided, however, that counsel who has taken a larger-than-guideline retainer without filing a timely application for court approval shall not be paid any sum under this Paragraph B.1, but shall be paid along with secured creditors under Paragraph B.2, below;

2. To secured creditors and the balance of attorney's fees. Those secured creditors that are specified in the plan to receive fixed monthly payments will be paid the amount specified. Except to the extent the plan provides otherwise, the amount of the plan payment that will be disbursed toward attorney's fees, after the initial attorney's payment, will be a rate of 40% of the monthly plan payment, not to exceed \$250.00 per month, until all attorney's fees have been paid in full. If fixed monthly payments are not specified in the plan for all secured creditors, secured claims without fixed monthly payments will be pro-rated;

3. To priority creditors in the order prescribed by the Bankruptcy Code;

4. To unsecured creditors.