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Wednesday, November 30, 2016

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

GUIDELINES FOR PAYMENT
OF ATTORNEYS' FEES IN [CHAPTER 13](#)  CASES – OAKLAND DIVISION

The following are guidelines for the circumstances under which a detailed fee application need not be filed in Chapter 13 cases and the manner in which the Chapter 13 [Trustee](#)  will disburse fees which are approved.

A. FEE APPLICATIONS.

1. Counsel may receive an order approving fees up to the amounts set forth in **Paragraph 2** without filing a detailed application if:
 - a. Counsel has filed an executed copy of the "**Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys**," copies of which are available in the **Clerk's Office** and in the **Office of the Chapter 13 Trustee**; and
 - a. No objection to the requested fees has been raised.
1. The maximum fee which can be approved through the procedure described in **Paragraph 1** is: \$4,800 in nonbusiness cases and \$6000 in business cases. Retainers of more than \$2,000 will be closely scrutinized by both the Chapter 13 Trustee and the Court. An additional flat fee of \$1,500 for Motions or Adversary proceedings to strip liens pursuant to 11 USC §506 requires an ex parte application signed off by the Chapter 13 Trustee and order.

Attorneys for [Debtor](#) shall be permitted to charge attorney's fees not to exceed \$2,500 and costs not to exceed \$100 for participation in the MMM Program. These fees and costs are in addition to those fees and costs incurred in the representation of Debtor in the Chapter 13 case. Debtor's attorney shall file an ex parte application signed off by the Chapter 13 Trustee and order. The application and order may only be filed after completion of the MMM Program.

1. If an executed copy of the "**Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys**" is not filed, or there is an objection, an order will not be entered automatically pursuant to these Guidelines. In such cases, counsel must apply for all fees, and shall comply with **Bankruptcy Rules 2002** and **2016** as well as the "**Guidelines for Compensation and Expense Reimbursement of Professionals**" adopted by the Bankruptcy Judges of the Northern District of California.
1. If counsel has filed an executed copy of the "**Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys**," but the initial fee is not sufficient to fully compensate counsel for the legal services rendered in the case, the attorney may apply for additional fees. The form application attached hereto may be used in place of the procedures set forth in the "**Guidelines for Compensation and Expense Reimbursement for Professionals**." The necessity for a hearing on the application shall be governed by **Bankruptcy Rule 2002(a)(6)** and **Local Bankruptcy Rule 9014-1(b)(I)(B)**.
1. Any fees owed after payment of the retainer shall be paid through the [plan](#) unless otherwise ordered. The Chapter 13 Trustee shall pay counsel pro-rata with the secured claims. If there are no secured claims, counsel shall be paid in full prior to payment of [priority](#) and unsecured claims.
1. On its own motion or the motion of any [party in interest](#), the Court may order a hearing to review any fee paid.

File Attachment:

 [Guidelines for Payment of Attorney Fees in Chapter 13 Cases - Oakland Division - 11.30.16.pdf](#)

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