

CHAPTER 13 ATTORNEY FEE SURVEY

To establish fair guidelines for Chapter 13 attorney fees and compensation, the Court seeks your assistance in completing this survey. The “Guideline Fee” is meant to cover the costs of typical representation. Attorneys may always file full fee applications in cases that warrant fees above the guideline. We have broken out the fees into categories for you to record estimates of task, time, and position performing the work and cost. Please complete the survey by applying these elements to current Chapter 13 cases (if you can at least one consumer and one business case) in which you are actively representing a Chapter 13 debtor(s). Specifically, please fill-out the fee estimate tables below by providing an estimate of the amount of time and the fees required to perform the duties as noted in the Chapter 13 Debtors Rights and Responsibilities under Summary Table #1 (Based upon the hourly rate of the individual performing the task). Also, for business cases please complete box #6 in Summary Table #1. In addition, please include any additional duties as identified in Summary Table #2. Please be careful to apply a specific time estimate for each section by identifying the type of position (i.e. attorney, paralegal, etc.) performing the specific tasks associated with the duty and the hourly rate in which that specific individual is paid. We are interested in gathering as much data as possible, however, please feel free to leave blank any specific categories or questions which do not apply to your case(s). In addition, please review and answer the survey questions which follow the summary tables. Thank you for your assistance with this data collection effort.

For example:

Rights & Responsibilities Duties/Tasks For Case Number - #07 - 12345 - PB13

<i>2) R&R Duties #10 - #11 - Timely prepare, file and serve the debtor’s petition, plan, schedules, statement of current monthly income, statement of financial affairs, and any necessary amendments thereto, which may be required and provide an executed copy of the Rights and Responsibilities of Chapter 13 Debtors and their Attorneys and a copy of the Court’s Guidelines regarding Chapter 13 Attorney Fees to the debtor.</i>				
<i>Position (i.e. Attorney(s), Paralegal Staff)</i>	<i>Detail Description</i>	<i>Time Estimate</i>	<i>Hourly Rates</i>	<i>Subtotal Amounts</i>
<i>Attorney (A)</i>	<i>List specific tasks performed by the attorney(s) and paralegal staff within the scope of duties specified above. Please feel free to provide attachments if additional space is needed.</i>	<i>x Hours</i>	<i>(x Hourly Rate)</i>	<i>\$(Subtotals)</i>
<i>Attorney (B)</i>		<i>y Hours</i>	<i>(y Hourly Rate)</i>	<i>\$(Subtotals)</i>
<i>Paralegal Staff</i>		<i>z Hours</i>	<i>(z Hourly Rate)</i>	<i>\$(Subtotals)</i>
		<i>_____</i>	<i>_____</i>	<i>_____</i>
		<i>Total Hours</i>		

Table Summary #1 - For Routine Consumer/Business Cases

Please provide time and fee estimates by position for a Chapter 13 case(s) in which you are currently representing a Chapter 13 debtor(s) for the “initial parameters” of the rights and responsibilities duties/tasks.

Rights & Responsibilities Duties/Tasks For Case Number - # 07 - _____

1) R&R Duties #1 - #9 - Perform all of the duties specifically described in the Chapter 13 Rights and Responsibilities items #1 through #9 as listed under the parameters for “initial fees.”				
Position (i.e. Attorney(s), Paralegal Staff)	Detail Description	Time Estimate	Hourly Rates	Subtotal Amount
2) R&R Duties #10 - #11 - Timely prepare, file and serve the debtor’s petition, plan, schedules, statement of current monthly income, statement of financial affairs, and any necessary amendments thereto, which may be required and provide an executed copy of the Rights and Responsibilities of Chapter 13 Debtors and their Attorneys and a copy of the Court’s Guidelines regarding Chapter 13 Attorney Fees to the debtor.				
Position (i.e. Attorney(s), Paralegal Staff)	Detail Description	Time Estimate	Hourly Rates	Subtotal Amounts

3) R&R Duty #12 - Appear and represent the debtor at the § 341(a) Meeting of Creditors, the confirmation hearing, and any adjourned hearing thereof.

Position (i.e. Attorney(s), Paralegal Staff)	Detail Description	Time Estimate	Hourly Rates	Subtotal Amounts

4) R&R Duty #13 - Respond to the objections to plan confirmation, and where necessary, prepare, file and serve an amended plan.

Position (i.e. Attorney(s), Paralegal Staff)	Detail Description	Time Estimate	Hourly Rates	Subtotal Amounts

5) R&R Duty #14 - Provide such other legal services as are necessary for the administration of the case before the Bankruptcy Court, which include, but are not limited to, a continuing obligation to assist the debtor by returning telephone calls, answering questions and reviewing and sending correspondence.

Position (i.e. Attorney(s), Paralegal Staff)	Detail Description	Time Estimate	Hourly Rates	Subtotal Amounts

6) Business Cases Only (R&R Business Case Duties #11, #12, #13 & #17) - Prepare a Questionnaire for Chapter 13 Business Owners; Provide documents and information requested by the Chapter 13 Trustee and the Court, including, but not limited to, an itemized list of all business assets and a profit and loss statement for each of the three months prior to the filing; Attend on-site inspections of business at the Chapter 13 Trustee's request; Assist the Debtor in performing duties pursuant to 11 U.S.C. § 1304, including but not limited to, the filing of periodic operating reports.

Position (i.e. Attorney(s), Paralegal Staff)	Detail Description	Time Estimate	Hourly Rates	Subtotal Amounts

Additional services may be required, but are not included in the above fee estimates. If necessary and when appropriate, the attorney, at the debtor's request and only with the debtor's cooperation, shall provide the following services for "additional fees" described below. Please provide time and fee estimates for the additional services required during your representation of a Chapter 13 debtor(s) as noted in the table summary below.

Table Summary #2 - For Additional Services

R&R Additional Services Duties/Tasks For Case Number - # 07-

1) Modified Plan (Post Confirmation) - For services rendered post-confirmation for preparing, filing, noticing, and attending hearings in regard to a debtor's modified plan under section 1329 of the Bankruptcy Code (including the preparation of amended income and expenses statements and providing proof of income).

Position (i.e. Attorney(s), Paralegal Staff)	Detail Description	Time Estimate	Hourly Rates	Subtotal Amounts

2) Oppositions to Motions for Relief from Stay (Personal Property) - For fees and expenses of all services rendered in opposition to motions to modify or vacate the automatic stay.

Position (i.e. Attorney(s), Paralegal Staff)	Detail Description	Time Estimate	Hourly Rates	Subtotal Amounts

3) Oppositions to Motions for Relief from Stay (Real Property) - For fees and expenses of all services rendered in opposition to motions to modify or vacate the automatic stay.

Position (i.e. Attorney(s), Paralegal Staff)	Detail Description	Time Estimate	Hourly Rates	Subtotal Amounts

4) Obtaining Orders re: Sale or Refinance of Real Property - For all services rendered for obtaining an order authorizing the sale or refinancing of real estate (By stipulation or noticed hearing).

Position (i.e. Attorney(s), Paralegal Staff)	Detail Description	Time Estimate	Hourly Rates	Subtotal Amounts

5) Objections To Claim (Uncontested objections without a hearing) - For all services rendered for preparing, filing, and noticing objections to a claim.

Position (i.e. Attorney(s), Paralegal Staff)	Detail Description	Time Estimate	Hourly Rates	Subtotal Amounts

6) Objections To Claim (Contested objections with a hearing) - For all services rendered for preparing, filing, and noticing objections to a claim.

Position (i.e. Attorney(s), Paralegal Staff)	Detail Description	Time Estimate	Hourly Rates	Subtotal Amounts

7) Opposition to Dismissal/Motion to Avoid Lien/Other Routine Pleadings - For all services rendered for preparing, filing, noticing, and attending hearings in opposition to a motion to dismiss the case, for motions to avoid lien and other routine pleadings (such as motions to convert or reconvert).

Position (i.e. Attorney(s), Paralegal Staff)	Detail Description	Time Estimate	Hourly Rates	Subtotal Amounts

8) BAPCPA Related Issues & Pleadings - Including Motions to Impose or Extend the Automatic Stay; opposition pleadings related to Objections To Discharge; Certification of Eligibility For Discharge (relating to BK Code Section 1328); etc. Also, include time to account for BK Code Section 707(b)(4)(c) to conduct a “reasonable investigation” that the information contained in the schedules and required documentation is correct.

Position (i.e. Attorney(s), Paralegal Staff)	Detail Description	Time Estimate	Hourly Rates	Subtotal Amounts

Please provide the following details regarding the above case(s):

1) Does the case(s) above involve real property claims? Yes ___ No ___

If yes, how many real property claims are involved and what are their approximate value? (Please Describe):

Is there a Notice(s) of Default? Yes ___ No ___

If yes, please provide dates:

Is there a Notice(s) of Trustee Sale? Yes ___ No ___

If yes, please provide dates:

2) Does the case involve unfiled tax returns or objections to claims involving taxing agencies? Yes ___ No ___

Comments:

3) Does the case involve vehicle loans or leases? Yes ___ No ___

Comments:

4) How many creditors does the case currently involve?

a) ___ Less than ten (10).

b) ___ Between ten (10) and twenty (20) .

c) ___ More than twenty (20) .

5) Does the case involve Domestic Support Obligations? Yes ___ No ___ N/A ___

6) Does the case involve Student Loans? Yes ___ No ___ N/A ___

I hereby certify under penalty of perjury that the information I have provided for the above cases is true and correct.

ATTORNEY NAME: _____.

STATE BAR I.D. NUMBER: _____.

Please answer the following general survey questions:

1) What impact has the BAPCPA had on your duties/tasks in representing Chapter 13 Debtors?

(Please Describe):

2) Are there any additional BAPCPA requirements which you would like to mention that were not captured in the above time/fee estimates and in the additional survey questions?

(Please Describe):

3) Prior to BAPCPA the Chapter 13 attorney presumptive fees were set at \$2,100.00 for consumer cases and \$2,500.00 for business cases. On October 17, 2006 these fees were adjusted upward to \$2,800.00 for consumer cases and \$3,300.00 for business cases. Do you feel that \$2,800.00 for consumer cases and \$3,300.00 for business cases is an adequate amount of presumptive attorney fees for the basic rights and responsibilities duties/tasks for representing Chapter 13 Debtors?

Yes ___ No ___

If you have answered that the current presumptive fees are inadequate, should the presumptive fees for initial services be higher?

(Please Describe):

4) In terms of the presumptive fee guideline amounts for additional duties as noted below, do you feel that these fees are adequate at their current levels?

Yes ___ No ___

If not, at what amount should these fees be set in terms of the fee guidelines? (Please complete next page.)

(Note: Please feel free to attach any relevant documents/exhibits to support your comments).

<u>Additional R&R Duty/Task</u>	<u>Pre - BAPCPA Interim Guideline</u>	<u>Post - BAPCPA Interim Guideline</u>	<u>Should Be</u>
a) Modified Plan (Post-Confirmation)	\$550	\$550	_____
Comments:			
b) Opposition to Motions for Relief from Stay (Personal Property)	\$400	\$450	_____
(Real Property)	\$450	\$575	_____
Comments:			
c) Obtaining Orders re: Sale or Refinance of Real Property (By stipulation)	\$375	\$425	_____
(By noticed hearing)	\$400	\$450	_____
Comments:			
d) Objections To Claim (Uncontested Objections without hearing)	\$200	\$250	_____
(Contested Objections with a hearing)	\$300	\$350	_____
Comments:			
e) Oppositions to Dismissal/Motions to Avoid Lien/Other Routine Pleadings	\$375	\$425	_____
Comments:			

f) Motions to Impose/Extend Automatic Stay N/A \$575 _____

Comments:

For additional duties in which you believe the fee guidelines should be higher, please provide more details and explain why:

Thank you for taking time out of your busy daily schedule to complete this survey. The Court appreciates your feedback regarding Chapter 13 attorney fees.