

FILED
February 27, 2007
Barry K. Lander, Clerk
U.S. Bankruptcy Court

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA

In re))) AMENDMENT OF LOCAL BANKRUPTCY) RULE 2016-2(d) and PROCESS FOR) CHAPTER 13 FEE APPLICATIONS) _____)	BANKRUPTCY GENERAL ORDER NO. 171
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The United States Trustee has advised the Court of his intent to disband the Chapter 13 Guideline Fee process currently operated by his office. For many years it has been the practice in this district for the United States Trustee to periodically meet with the Chapter 13 practitioners and develop fee guidelines at or below which attorneys do not need to prepare and file detailed fee applications. This practice has been adopted by the Court in LBR 2016-2(d). Since the enactment of BAPCPA, there has been substantial urging to adjust the guideline fees upwards, in recognition, at least in part, of the additional requirements, and risks, created by the legislation.

This Court has researched nationally the establishment and use of guideline fees, attempting to ascertain what methodologies were used to establish such fees. After having reviewed the research and analysis, the Court has concluded that there is no adequate empirical data, and certainly no professional time study, on which we could rely in setting presumptive fee guidelines in the present environment.

The Court proposes to start collecting the information necessary to establish fee guidelines for the performance of the duties required of a bankruptcy attorney in Chapter 13 consumer and business cases. Therefore, **effective April 9, 2007**, the Court will discontinue use of the October 10, 2006 Chapter 13 Fee Guidelines in all cases filed after that date. In routine consumer cases, counsel may file simplified fee applications, briefly explaining the nature of the services in the narrative and appending, as an exhibit, detailed time records. Business Chapter 13 cases and fee requests in more complex Chapter 13 cases shall contain the detail and specificity required by the Office of the United States Trustee for attorneys' fee applications in all other chapters under the Code. Procedures are being developed for the resolution of these fee applications. They will be posted on the Court's website and available from the Clerk's Office and the courtroom deputies.

Accordingly, IT IS ORDERED that Local Bankruptcy Rule 2016-2(d) will be amended on to read as follows:

Local Bankruptcy Rule 2016-2(d):

~~(d) Local Bankruptcy Rule 2016(b) shall not apply to application for professional fees in a chapter 13 case unless the amount of fees sought is in excess of fees set forth in the most current guidelines governing chapter 13 attorney fees issued by the Office of the United States Trustee for Region XV in effect at the time of the application.~~

(d) In routine chapter 13 consumer cases, counsel shall file simplified fee applications, briefly explaining the nature of the services in narrative and appending, as an exhibit, detailed time records. Business chapter 13 cases and fee requests in more complex chapter 13 cases shall contain the detail and specificity required by the Office of the United States Trustee for attorneys' fee applications in all other chapters under the Code.

IT IS FURTHER ORDERED that the period of comment shall be now until MARCH 30, 2007. Absent any further order of the Court. the effective date of this amended rule will be APRIL 9, 2007. Any comments should be submitted to the Clerk of Court at 325 West "F" Street, San Diego, California 92101-6991. Please note on the envelope: "In re: LOCAL RULES."

DATED: February 27, 2007

s/Peter W. Bowie
PETER W. BOWIE
Chief Judge, U.S. Bankruptcy Court

s/James W. Meyers
JAMES W. MEYERS
Judge, U.S. Bankruptcy Court

s/Louise DeCarl Adler
LOUISE DeCARL ADLER
Judge, U.S. Bankruptcy Court

s/John J. Hargrove
JOHN J. HARGROVE
Judge, U.S. Bankruptcy Court