

**Rule 2016-2** *Compensation of Debtors' Attorneys in Chapter 13 Cases.*

- (a) *General Rule.* This rule applies to compensation of Debtors' Attorneys in all chapter 13 cases. Attorneys may be compensated in one of two ways: (i) hourly billing (the "Lodestar" method) (L.B.R. 2016-2(b)); or (ii) accepting the "Presumptively Reasonable Fee" (L.B.R. 2016-2(c)). The attorney for the debtor must indicate in the district plan ([L.B.F. 3015-1](#)) whether the debtor and counsel have agreed that the attorney will be compensated under either the Lodestar fee or the Presumptively Reasonable Fee. After the petition is filed, an attorney may not receive payment of fees except through the chapter 13 plan, unless payment is otherwise approved by the Court.
- (b) *Lodestar fee applications.* A Lodestar fee application must comply with L.B.R. 2016-1 but may exclude the information required under L.B.R. 2016-1(a)(2) and (a)(8). A model Lodestar fee application form is set forth in [L.B.F. 2016-2\(b\)](#).
- (c) *Presumptively Reasonable Fee.*
  - (1) Except as otherwise provided in this subsection, an attorney may charge a Presumptively Reasonable Fee not to exceed \$4,500.00 that includes all legal services rendered by the attorney through the conclusion of the case.
  - (2) If the chapter 13 trustee requires the debtor to file a business report or if the debtor holds a controlling interest in a corporation or LLC operating a business, an attorney may receive additional compensation in the maximum amount of \$1,000.00.
  - (3) An attorney representing a consumer debtor who proposes to make mortgage payments through a chapter 13 plan ("conduit plan") may receive additional compensation in the maximum amount of \$500.00.
  - (4) An attorney may receive additional compensation in the maximum amount of \$500.00 for each post-confirmation plan modification that is approved or upon a showing of good cause.
  - (5) An attorney may seek fees in addition to those set forth in this subsection only upon a showing of good cause.
- (d) *Payment of Fees Through Plan.* An attorney who has agreed to be paid through a proposed plan must file a Request for Payment of Chapter 13 Compensation and Expenses ([L.B.F. 2016-2\(c\)](#)) ("Request for Payment") no later than seven (7) days before the confirmation hearing on the plan. Failure to timely file a Request for Payment may result in a delay of confirmation of the Chapter 13 plan. In the event the confirmation hearing is continued, the Request for Payment is not required to be refiled if no additional fees are requested. When additional fees are requested, a

new Request for Payment must be filed no later than seven (7) days before the continued confirmation hearing.

***COMMENTS: L.B.R. 2016-2 was amended effective May 1, 2022 and applies to Chapter 13 cases filed on or after May 1, 2022.***