

FILED

U.S. Bankruptcy Court

AUG 17 2007

Bankruptcy Clerk  
Atlanta, Georgia

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA**

**AMENDED ADMINISTRATIVE ORDER**

In recognition of the high volume of Chapter 13 cases filed in this District and acknowledging that many of these cases require the same or very similar legal services to each debtor, the Court enters the following Administrative Order to promote the efficient management of applications for compensation by debtors' attorneys, to provide fair and equitable treatment of debtors and their attorneys, and to avoid undue additional financial burdens on debtors. This Order is intended to establish certain procedures allowing payment of attorneys fees without separate fee applications and hearings in cases where the attorney and the debtor agree that the fee for representation in a Chapter 13 case will be \$2,500.00 or less. Attorneys are prohibited from advising clients or the public that the Court requires any minimum or maximum fee be charged for a Chapter 13 case. This Order does *not* seek to set any fee in any Chapter 13 case, and it does not and is not intended to set any minimum or maximum fee in any Chapter 13 case filed in this District.

Attorneys representing debtors in Chapter 13 cases are required to represent the debtor in all matters relating to the case affecting the debtor's(s') interests unless the attorney is permitted to withdraw by order of the Court. L.B.R. 2091-1. For their services, attorneys are entitled to a reasonable fee, determined in accordance with the ethical requirements of the State Bar of Georgia. **GEORGIA RULES OF PROF'L CONDUCT R. 1.5.** Pursuant to 11 U.S.C. § 329(b), the Court may require the return of

excessive fees. Accordingly, it is hereby

ORDERED that, effective as to cases filed on or after August 1, 2006, an attorney for a Chapter 13 debtor or joint debtors (hereinafter, "Debtor") need not file an initial fee application if the fee sought to be paid per case is \$2,500.00 or less; provided, however, that:

(a) Upon confirmation of Debtor's Chapter 13 plan and in the first distribution thereunder, the Chapter 13 Trustee (hereinafter, "Trustee") shall be authorized to disburse to Debtor's attorney the lesser of \$1,500.00 or six (6) times the monthly plan payment, less any attorneys fees paid prior to confirmation. Disbursement of fees shall begin with the first distribution under the confirmed plan and shall continue monthly thereafter until the sum authorized by this paragraph is paid. Such disbursements shall be made from proceeds available or paid to the trustee by the Debtor, or on Debtor's behalf, after the deduction of any current house payment in the plan, any unpaid filing fees, and payment of Trustee's fees and expenses.

(b) After completion of disbursements to the Debtor's attorney as authorized in (a) above, the Trustee is authorized to disburse the balance of any remaining attorneys fees under Debtor's plan in an amount not to exceed the lesser of \$125.00 or 40% (percent) of the monthly plan payment excluding any current house payment in the plan; and

(c) If no plan is confirmed and the Chapter 13 case is dismissed or converted to Chapter 7, unless otherwise ordered, Trustee is authorized to disburse to Debtor's attorney compensation not to exceed the sum of \$700.00, less any sums previously

received by Debtor's attorney, after deduction of any unpaid filing fees and payment of Trustee's fees and expenses, and it is

ORDERED that after the filing of a Chapter 13 case, the attorney for Debtor shall collect no compensation other than that allowed by this Order without prior court approval based upon an appropriate application and order; and it is

ORDERED that nothing herein shall prohibit Debtor's attorney in any case from seeking compensation pursuant to the requirements of 11 U.S.C. § 330; and it is

ORDERED that any fee allowed and paid in accordance with the procedures specified in this Order shall be interim in nature and, as such, subject to review, disallowance, and disgorgement, upon request of Trustee or on the Court's own motion.

IT IS SO ORDERED this 17 day of August 2007.



ROBERT F. HERSHNER, JR.  
Chief Judge  
United States Bankruptcy Court



JOHN T. LANEY, III  
Judge  
United States Bankruptcy Court



JAMES D. WALKER, JR.  
Judge  
United States Bankruptcy Court