

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK**

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**DEBTOR COUNSEL FEES IN CHAPTER 13 CASES  
FILED IN THE UTICA DIVISION**

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Administrative Order - 09-07

WHEREAS, a need exists to be certain that debtors understand (1) their rights and responsibilities to the Court, to the Trustee, and to creditors of their estate, (2) the importance of honest and continual communication with their attorney to make their case successful, (3) the fees being charged for their case by their attorney, and (4) the services to be provided in connection with those fees; and

WHEREAS, a need exists to be certain that debtors' attorneys understand what legal services they are expected to provide when a Chapter 13 case is filed in the Utica Division of the Northern District of New York.

NOW, after due deliberation, it is hereby,

ORDERED, as follows:

Chapter 13 debtor attorneys shall set forth the amount of the legal fee to be charged for services rendered to the debtor both in the 2016(b) Statement and chapter 13 plan filed with the Court. The fee requested shall constitute a flat fee (the "Flat Fee") for all services rendered and to be rendered in connection with the case in accordance with the attachment to the Albany Division Administrative Order 08-01 titled *Rights and Responsibilities of Chapter 13 Debtors and their Attorneys*. Except as otherwise ordered by the Court, after a hearing held on notice to all parties in interest, the Flat Fee, whether paid through the chapter 13 plan or directly by the debtor, shall not be more than \$3,700,\* nor more than 50% of the amount to be funded through the chapter 13 plan.

The Rights and Responsibilities Agreement shall apply regardless of whether the debtor and debtor's attorney select the Flat Fee option or an hourly fee option in a given case. In those instances where the attorney opts for an hourly fee, counsel shall request approval by filing and serving an appropriate Application for Compensation pursuant to 11 U.S.C. § 331. All such applications shall be accompanied by the appropriate narrative of services rendered, contemporaneous time records and a summary of all fees previously paid to the attorney of record to date in the case.

Nothing contained herein is meant to limit the rights of the Trustee or an interested party to object to the fees or to the method of payment sought by debtor's attorneys.

This Order shall be effective with respect to all Chapter 13 cases filed with the Utica Division on or after September 1, 2009.

Dated: 8/11/09

  
Hon. Diane Davis  
United States Bankruptcy Judge

\* Subject to a possible adjustment at three year intervals.