

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

ADMINISTRATIVE ORDER 24-02

**FEEES FOR DEBTOR'S COUNSEL IN CHAPTER 12 CASES
FILED IN THE NORTHERN DISTRICT OF NEW YORK**

The Court has determined that adoption of the procedures and guidelines specified in this order will facilitate and provide for uniformity in the consideration of compensation for debtor's counsel in Chapter 12 cases across the district. This order sets forth options available to debtor's attorney and the procedures that will generally be followed by the Court with respect to attorney's fees and costs that will be allowed without a fee application and supporting time records.

NOW, therefore, it is hereby **ORDERED**, as follows:

FLAT FEE STRUCTURE

Chapter 12 debtors' attorneys shall set forth the amount of the legal fee to be charged for services rendered to the debtor, including any amount paid prepetition, in both the statement required by Federal Rule of Bankruptcy Procedure 2016(b) (the "2016(b) Statement") and the debtor's Chapter 12 plan. The attorney fee requested shall constitute a flat fee for all services that would reasonably be expected to obtain confirmation of a plan and ultimately a discharge (the "Flat Fee") unless otherwise specified in the 2016(b) Statement.

Except as otherwise ordered by the court, after a hearing held on notice to all parties in interest, a Flat Fee of up to \$10,000, considering the complexity of the case, shall be deemed presumptively reasonable under 11 U.S.C. § 330(a) and eliminates the necessity for a hearing or filing of a fee application. The Chapter 12 plan and 2016(b) Statement will be treated as the application required by Federal Rule of Bankruptcy Procedure 2016(a), and the order confirming the Chapter 12 plan will be treated as an order approving compensation. Unless otherwise ordered, the Flat Fee shall be paid by the Chapter 12 trustee to the attorney from the debtor's plan payments.

LEGAL SERVICES RENDERED POST CONFIRMATION

To the extent that the debtor requires legal services after the Plan is confirmed and prior to completion of the Plan and issuance of a discharge, debtor's attorney may be entitled to an additional legal fee ("Additional Fee"). Debtor's attorney may include a request for an Additional Fee in an affirmative or responsive pleading, and the order resolving the matter may include disposition of the matter and the approved Additional Fee. The fee request shall include (1) a description of the services rendered, (2) the Additional Fee sought, (3) the Flat Fee approved in the Confirmation Order and any Additional Fee(s) previously awarded, and (4) fees paid to the attorney to date. Unless otherwise ordered, the Additional Fee(s) shall be paid by the Chapter 12 trustee to the attorney from the debtor's plan payments.

COSTS

The Flat Fee and Additional Fee shall be inclusive of costs except for Clerk's Office filing fees, county recording fees, actual and reasonable fees charged by third-party providers for lien searches, credit counseling, appraisals, and actual and necessary costs of service by regular mail, certified mail, or overnight delivery service.

HOURLY FEE STRUCTURE

Alternatively, at the time of retention, debtor's counsel may elect to represent the debtor on an hourly basis for the entirety of the Chapter 12 case. If the 2016(b) Statement provides that the attorney is representing the debtor on an hourly fee basis rather than the Flat Fee option, no fee or costs shall be awarded absent entry of a separate order approving compensation and costs. In those instances, the debtor's attorney shall request approval by filing and serving an appropriate Application for Compensation pursuant to 11 U.S.C. §§ 330 and/or 331. Such an application shall be accompanied by a narrative of services rendered and contemporaneous time records.

NOTWITHSTANDING THE PROVISIONS OF THIS ORDER, NOTHING CONTAINED HEREIN IS MEANT TO PRECLUDE THE COURT, CHAPTER 12 TRUSTEE, UNITED STATES TRUSTEE, DEBTOR, OR ANY INTERESTED PARTY FROM OBJECTING IN WHOLE OR IN PART TO THE REASONABLENESS OF THE FEE REQUESTED OR METHOD OF PAYMENT SOUGHT BY DEBTOR'S ATTORNEY.

This Administrative Order shall be effective with respect to all Chapter 12 cases filed in the Northern District of New York on or after April 1, 2024.

Dated: March 15, 2024
Syracuse, New York


Wendy A. Kinsella
Chief United States Bankruptcy Judge