

SIGNED this 13 day of June, 2006.



  
Larry E. Kelly  
Chief United States Bankruptcy Judge

  
Leif M. Clark  
United States Bankruptcy Judge

  
Ronald B. King  
United States Bankruptcy Judge

  
Frank R. Monroe  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

**Standing Order Relating to Attorneys Fees in  
Chapter 13 Cases in the San Antonio Division**

This Standing Order modifies the Amended Standing Order Relating to Chapter 13 Practices in the San Antonio Division, entered by the court on November 7, 2005 (referred to in this order as “Amended Standing Order”), which remains in effect except as modified herein.

Paragraph 16 of the Amended Standing Order is modified as follows:

a. The court may determine and maintain a standard benchmark fee for routine business and non-business chapter 13 cases. The benchmark fee for routine non-business chapter 13 cases confirmed on or after the entry date of this order shall be \$3,200.

b. In a routine non-business chapter 13 case, the following services are presumed included in the benchmark fee:

- (1) all pre-confirmation conferences with the debtor(s);
- (2) preparation of the petition and its associated forms, schedules, statement of affairs, plan, and amendments to all such documents;
- (3) attendance at all § 341 meetings (including reset meetings);
- (4) attendance at confirmation and discharge hearings (including any reset hearings);
- (5) preparation of routine motions, presumed to include the following:
  - (A) motions to waive pay order

- (B) motions to pay filing fees in installments
- (C) motions to avoid liens
- (D) requests for trustee-approved moratoriums
- (E) motions for waiver of credit counseling
- (F) compliance with the requirements of § 521
- (G) assistance with completion of the questionnaire attached as Exhibit D to the Amended Standing Order
- (H) motions for continuation of the stay under § 362(c)(3)(B)

c. An attorney may, for cause shown, request additional fees for routine services as set out in subparagraph (b) above. Any such request must be made by motion, on notice and hearing.

d. An attorney may request and obtain an award for fees for additional services rendered, on motion, notice and hearing. A request for fees in relation to representing the debtor in responding to a motion for relief from stay (and including, where appropriate, services relating to a motion to modify plan to incorporate post-petition arrearages in the plan) must be made by separate motion. A request for fees may otherwise be included in the motion which constitutes the additional services. Any request for fees shall set forth, in the caption of the pleading, in the body of the motion, and in the form of order submitted to approve the award of such fees the ordinal number of the request for additional fees. The body of the motion addressing the fee request shall state the total of fees requested to date (including the base fee and any other additional fee awards), and the specific basis for the fee request. Additional fees, if awarded, shall be paid at the rate of not more than \$100 per month, or in the amount necessary to complete payment within the remaining term of the plan. An attorney may request payment at a different rate only upon a showing of unusual circumstances.

e. The trustee shall make distribution of the base fee awarded in the confirmation order equal to one month's plan payment for up to the first four months of the term of the plan. Payments to all other creditors under the term of the plan shall commence in the fifth month of the plan. The remainder of the base fee due the attorney (if any) shall be paid at the rate of \$100 a month until paid in full.

f. Notwithstanding the foregoing paragraph, an attorney may receive all available funds (after trustee expenses) in payment of any outstanding unpaid fee award if no secured creditors or priority creditors remain unpaid.

Paragraph 11 is modified in the following respect only:

The trustee is, by this order, authorized to approve a one-time moratorium of plan payment for a period of not more than 60 days. The request shall be submitted directly to the chapter 13 trustee, and need not be filed with the court or served on creditors (other than any secured creditor with an agreed order of adequate protection). No separate order is required for such a moratorium. If the trustee denies the request, then the debtor may file a motion to modify. The attorney for the debtor may not recover fees for filing such a motion unless the motion states that a request was made of the trustee and that the trustee denied the request.

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