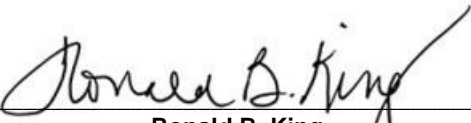



SIGNED this 17th day of February, 2009.



  
\_\_\_\_\_  
Ronald B. King  
United States Chief Bankruptcy Judge

  
\_\_\_\_\_  
Leif M. Clark  
United States Bankruptcy Judge

  
\_\_\_\_\_  
Frank R. Monroe  
United States Bankruptcy Judge

  
\_\_\_\_\_  
Craig A. Gargotta  
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

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**AMENDED STANDING ORDER RELATING TO ATTORNEY FEES IN  
CHAPTER 13 CASES IN THE AUSTIN DIVISION**

This Standing Order modifies the *Standing Order for Chapter 13 Case Administration for Austin Division*, entered by the court on November 24, 2008 (referenced herein as “Standing Order”), which remains in effect except as modified herein.

Paragraph 12 of the Standing Order is modified as follows:

**12. ATTORNEYS’ DUTIES AND COMPENSATION:**

**An attorney representing a debtor under chapter 13 shall be the attorney of record in the bankruptcy case from the filing of the petition for relief under chapter 13, if signed by the attorney, or from the filing of a notice of appearance until the close or dismissal of the case (including disposition of motions to reinstate), unless**

**relieved from representation by order of the Court obtained pursuant to Motion and notice under Local Rules 2014(e) and 9013.**

The Bankruptcy Court for the Western District of Texas may determine and maintain a standard benchmark fee for routine non-business chapter 13 cases. The benchmark fee for routine non-business chapter 13 cases commenced after the entry date of this order shall be \$3,200. If the bankruptcy case is successfully confirmed on the first confirmation setting, the benchmark fee awarded shall be \$3,500 and the base shall be increased accordingly.

Attorney's fees will be disbursed according to the provisions of the plan. The plan must specifically state the monthly amount to be disbursed in attorney's fees. Unless specifically ordered otherwise by the Court upon motion, notice and opportunity for hearing, such monthly amount shall not exceed \$750 in the first monthly disbursement following confirmation, and then up to \$250 per month thereafter until paid in full. Attorney fees paid shall be payable from available funds after payment of administrative expenses, adequate protection payments, and/or other court ordered payments.

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

- A. all conferences with the debtor(s);
- B. preparation of the petition and its associated forms, schedules, statement of financial affairs, plan, and amendments to all such documents;
- C. attendance at all 341 meetings (including reset meetings);
- D. attendance at confirmation and discharge hearings (including any reset hearings);
- E. preparation of routine motions, which shall be deemed to include the following:
  1. motions to waive pay order;
  2. motions to pay filing fees in installments;
  3. objections to claim, and motions to value or avoid lien.

F. Notwithstanding the foregoing subparagraph E, an attorney may, for cause shown, request additional fees for the services listed. If so, the attorney must make the request for additional fees as set out below. Counsel shall not condition representation upon payment of an additional fee.

An attorney in a Chapter 13 case may only request and obtain an award of fees for additional services beyond those specified above by court order, on motion, notice, and opportunity for hearing. Such request may be by separate application following the conclusion of the matter for which fees are requested, or in the motion which constitutes the additional services. Any such request for additional fees shall be set forth in the caption of the pleading (and in the form of order submitted), shall number the request in the caption and in the body of the motion, shall set forth the total fees requested to date (including the benchmark fee awarded and any additional fees previously awarded or pending), the basis for the request, and shall be served on all parties in the case. No request for fees for filing a responsive pleading for the debtor may be contained in such responsive pleading. A separate Motion for fees is required. Furthermore, the debtor's attorney may not demand or receive fees from the debtor for such representation without a separate Motion and Order. Additional fees, if awarded, shall be paid at the rate of not more than \$200 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.

Presumptively reasonable fees for post-confirmation contested matters include:

- (1) Defending a Motion for Relief from Stay - \$300.00
- (2) Defending a Motion To Dismiss - \$275.00
- (3) Motions to Sell Property - \$400.00 (additional \$200.00 with expedited hearing)
- (4) Post-confirmation plan modifications - \$450.00

- (5) Applications to Incur Debt - \$200.00
- (6) Applications for Tax refund - \$250.00
- (7) Motions for Moratorium - \$200.00
- (8) Motion to Reinstate Case - \$375.00 to be paid direct