

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA**

**PUBLIC NOTICE**

**COURT ENTRY OF STANDING ORDER NO 14-4  
EFFECTIVE AUGUST 1, 2014**

**ORDER ON FEES FOR DEBTOR'S COUNSEL IN CHAPTER 13 CASES**

Effective August 1, 2014, the Court has promulgated new Eastern District of Virginia Local Bankruptcy Rule 2016-1(C), which shall apply to all chapter 13 cases filed on or after that date. Standing Order No. 14-4 and its accompanying new Local Bankruptcy Rule 2016-1(C), with its accompanying new Exhibits 9 and 10 (10-A and 10-B) provide further information.

William C. Redden  
Clerk of Court

July 16, 2014

Attachments

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA

In re:

Compensation of Debtor's )  
Counsel in Chapter 13 Cases ) Standing Order No. 14-4  
)  
)

ORDER ON FEES FOR DEBTOR'S COUNSEL IN CHAPTER 13 CASES

The Court has determined that adoption of a new Eastern District of Virginia Bankruptcy Rule 2016-1(C) will facilitate and provide for uniformity in the consideration of compensation for debtor's counsel in Chapter 13 cases.

NOW, IT IS THEREFORE ORDERED that:

1. Standing Order No 08-1 is rescinded as to the cases and proceedings described at paragraph (C)(3) of new Local Bankruptcy Rule 2016-1(C).
2. Exhibit 9, Standing Order No. 08-1, as referenced in new Local Bankruptcy Rule 2016-1(C), is added as a new exhibit to the Court's Local Bankruptcy Rules.
3. Exhibits 10-A and 10-B, as referenced in new Local Bankruptcy Rule 2016-1(C), are added as new exhibits to the Court's Local Bankruptcy Rules.
4. The Clerk of Court is directed to modify Form B203, USBC, Eastern District of Virginia, "DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR" to conform to new Local Bankruptcy Rule 2016-1(C) and this order.
5. This order shall take effect on August 1, 2014, and shall govern all Chapter 13 cases in this district filed on or after that date. Standing Order No. 08-1 applies to all Chapter 13 cases pending or closed prior to the effective date of this order.

Dated: July 16, 2014

FOR THE COURT:

/s/ Stephen C. St. John  
STEPHEN C. ST. JOHN  
Chief Judge, United States Bankruptcy Court

**UNITED STATES BANKRUPTCY COURT**

**for the**

**EASTERN DISTRICT OF VIRGINIA**

**NEW LOCAL BANKRUPTCY RULE 2016-1(C)**

**AND**

**NEW EXHIBITS 9 AND 10 (10-A and 10-B)**



**Effective August 1, 2014**

**(Version 07/14/14)**

## RULE 2016-1 COMPENSATION OF PROFESSIONALS

### (C) For Debtor's(s) Attorney in Chapter 13 Cases [Repealed]

#### (1) Generally

(a) The Court may award fees and expenses to the attorney for the debtor(s) in a chapter 13 case, without a hearing, at the Court's direction, in an amount not to exceed \$5,000, as set forth in paragraph (C)(3) of this Local Bankruptcy Rule, and subject to periodic adjustment, as provided for in subparagraph (C)(3)(e) of this Local Bankruptcy Rule.

(b)(i) An application for an initial request for compensation in excess of the amount authorized under subparagraphs (C)(1)(a) and (C)(3)(a) must conform to Federal Rule of Bankruptcy Procedure 2016 and this Local Bankruptcy Rule.

(ii) An application for a supplemental fee, as authorized under subparagraph (C)(3)(d), regardless of the amount sought, must conform to Federal Rule of Bankruptcy Procedure 2016 and this Local Bankruptcy Rule.

(iii) An application, as prescribed in subparagraph (C)(1)(b)(i) or (ii) of this Local Bankruptcy Rule, must conform to the requirements set forth in subparagraphs (C)(3)(d)(i) and (ii) of this Local Bankruptcy Rule.

(c) At the commencement of the chapter 13 case, the attorney for the debtor(s) must elect and declare the manner with which to request compensation in the case, either:

(i) as set forth in subparagraphs (C)(1)(a) and (C)(3)(a) of this Local Bankruptcy Rule, or

(ii) by filing an application for compensation and reimbursement of expenses in the manner set forth in subparagraphs (C)(3)(d)(i) and (ii) of this Local Bankruptcy Rule.

(d) An attorney requesting compensation by application in accordance with subparagraph (C)(1)(c)(ii) of this Local Bankruptcy Rule, shall file with the Clerk a properly completed form substantially in compliance with the Application for Compensation of Attorney for Debtor(s) approved by the Court (Exhibit 10-A to these Local Bankruptcy Rules) and available from the Clerk upon request or from the Court's Internet web site, [www.vaeb.uscourts.gov](http://www.vaeb.uscourts.gov). A proposed order allowing compensation shall include the summary (and accompanying table), as set forth at paragraph 4 of Exhibit 10-A.

(2) Fees Requested Not in Excess of \$3,000 [For All Cases and Proceedings Filed Prior to August 1, 2014]: Exhibit 9 to these Local Bankruptcy Rules, with respect

to the time periods specified therein, for all cases and proceedings filed prior to August 1, 2014, shall govern fee and actual and necessary expense reimbursement requests.

**(3) Fees Requested Not in Excess of \$5,000 [For all Cases and Proceedings (Absent Specified Exceptions) Filed on or After August 1, 2014]**

(a) If the initial fee charged to a debtor(s) for services in a chapter 13 case, filed on or after August 1, 2014, does not exceed \$5,000 (other than the initial filing fee) a formal application for approval and payment of the unpaid amount through the chapter 13 plan will not be required if the total fee and the unpaid portion clearly is set forth in the chapter 13 plan, and the fee is consistent with the disclosure of compensation statement filed under Federal Rule of Bankruptcy Procedure 2016 at the commencement of the case. An election under this subparagraph must be made at the commencement of the case; otherwise, it shall be deemed waived and compensation and reimbursement of expenses shall be requested in the manner set forth in subparagraph (C)(3)(d)(i) and (ii) of this Local Bankruptcy Rule.

(i) The chapter 13 plan and Rule 2016 disclosure of compensation statement will be treated as the application required by Rule 2016(b), and the order confirming the plan will be treated as an order approving compensation.

(ii) The attorney for the debtor(s) shall serve a copy of the chapter 13 plan and Rule 2016 disclosure of compensation statement on the debtor(s), the chapter 13 trustee and the United States trustee. With the Rule 2016 disclosure of compensation statement, the attorney for the debtor(s) shall file a proof of service evidencing proper service, as set forth herein.

(iii) Any objection to allowance and payment of compensation in the amount stated in the chapter 13 plan must be filed no later than the last day for filing objections to confirmation of the plan. If no objection is filed, the Court may approve the disclosed compensation and confirm the plan without holding a hearing.

(iv) The attorney for the debtor(s) should not send a bill directly to the debtor(s). If the debtor(s) receive(s) a bill from the debtor's(s') attorney, the debtor(s) should send a copy of the bill to the chapter 13 trustee.

(v) Notwithstanding the provisions of subparagraph (C)(3)(a)(iii) of this Local Bankruptcy Rule, nothing will prevent or prohibit the United States trustee or the chapter 13 trustee from filing pleadings or otherwise challenging fees awarded under this rule to the attorney for the debtor(s) after confirmation of the debtor's(s) plan, should circumstances warrant

such a challenge. Any such challenge shall be determined by the Court after notice and a hearing. In addition, the Court, sua sponte, may suspend the application of this rule to the debtor's(s') attorney. In such case, the attorney for the debtor(s) may request a hearing within 14 days of the Court's ruling.

(b) Exhibit 9 to these Local Bankruptcy Rules does not apply to the aforesaid cases and proceedings under paragraph (C)(3) of this Local Bankruptcy Rule.

(c) Except as set forth at subparagraph (C)(3)(d) of this Local Bankruptcy Rule, if the attorney for the debtor(s) elect(s), and declare(s), at the commencement of the case, to request compensation not to exceed the amount set forth in subparagraphs (C)(1)(a) and (C)(3)(a), that attorney shall not unbundle legal services in the case and must cover, at a minimum, all services required during the pendency of the case including, but not limited to, those that reasonably would be expected to obtain confirmation of a plan, and, ultimately, completion of the plan and, if available, a discharge.

(d) Should a debtor(s) need to commence or defend an adversary proceeding under Part 7 of the Federal Rules of Bankruptcy Procedure, or an appeal, the attorney for the debtor(s) may request leave to withdraw as attorney or seek additional compensation in connection with the adversary proceeding or appeal. The representation of a debtor(s) in connection with any such adversary proceeding or appeal would be treated as a separate billing matter, for which the Court may allow additional compensation, after notice and a hearing, on a time-and-effort basis, subject to the supplemental fee application process set forth below.

(i) The supplemental fee application must be supported by detailed, contemporaneous time and expense records showing, for each discrete activity, the date and time expended, identity of the attorney or paralegal providing the service and amount requested. For the purpose of this provision, a "contemporaneous" time and expense record is one made at or near the time of the activity being recorded or the expense being incurred, but in any event no later than the next business day. Any time entry that has been reconstructed because contemporaneous records were not made, or, if made, are not available, must be identified clearly, and an explanation provided for the absence of a contemporaneous record. The application for supplemental compensation shall state the period covered by the application. Time entries should be shown to the nearest tenth of an hour (i.e., the nearest 6 minutes), and travel time should be shown separately from any court appearance or other out-of-court activity to which it relates. The application shall affirmatively state the amount, if

any, of posted time and charges written off in the exercise of billing discretion.

(ii) An attorney requesting supplemental compensation by application in accordance with subparagraph (C)(3)(d)(i) of this Local Bankruptcy Rule, shall file with the Clerk a properly completed form substantially in compliance with the Application for Supplemental Compensation of Attorney for Debtor(s) approved by the Court (Exhibit 10-B to these Local Bankruptcy Rules) and available from the Clerk upon request or from the Court's Internet web site, [www.vaeb.uscourts.gov](http://www.vaeb.uscourts.gov). A proposed order allowing compensation shall include the summary (and accompanying table), as set forth at paragraph 4 of Exhibit 10-B.

(iii) At the Court's discretion, in addition to the supplemental fee application described in subparagraph (C)(3)(d)(i) above, a hearing on the application need not be held upon the consent of the chapter 13 trustee as evidenced by that individual's endorsement on a proposed order approving the application.

(iv) In lieu of the procedure set forth in subparagraph (C)(3)(d)(i) of this Local Bankruptcy Rule, the attorney for the debtor(s) may elect to disclose a fee of \$500 plus any out-of-pocket expenses (e.g., the filing fee, title search fees or appraisal fees) to represent the debtor(s) in such an action, the disclosure of which must be made at the commencement of the adversary proceeding, appeal, or motion initiating the action to determine the extent, validity, priority or enforceability of a lien secured by the debtor's(s') principal residence.

(e) The level of compensation set forth at subparagraphs (C)(1)(a) and (C)(3)(a) of this Local Bankruptcy Rule will be adjusted on a periodic basis to apply to the cases commenced after the adjusted level becomes effective by:

(i) the percentage of adjustment to the rate of pay prescribed in the General Schedule for statutorily affected federal civilian employees;

(ii) an increase in the filing fee for a case commenced under chapter 13 of title 11, United States Code.

### **Comments**

2016-1(C) Standing Order No. 08-1 is rescinded effective as to chapter 13 cases filed on or after the effective date of this paragraph's implementation. That standing order remains in effect, however, for previously filed chapter 13 cases. This paragraph includes procedures governing all chapter 13 cases filed on or after the effective date of this paragraph's implementation. [New Rule effective 08/01/14.]

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA

In re:

Compensation of Debtor's	)	
Counsel in Chapter 13 Cases;	)	Standing Order No. 08-1
Guidelines and Procedures for	)	
Chapter 13 Fee Applications	)	

ORDER ON FEES FOR DEBTOR'S COUNSEL IN CHAPTER 13 CASES; ADOPTION OF GUIDELINES FOR FEE APPLICATIONS IN CHAPTER 13 CASES FILED ON OR AFTER OCTOBER 17, 2005; AND PROCEDURES GOVERNING FEES FOR DEBTOR'S COUNSEL IN CHAPTER 13 CASES FILED BEFORE OCTOBER 17, 2005

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 13 cases.

NOW, IT IS THEREFORE ORDERED that:

1. Local Bankruptcy Rule 2016-1(C) and Interim Procedure 2016-1(C) are hereby repealed.
2. The Guidelines for Fee Applications in Chapter 13 Cases Filed on or After October 17, 2005, ("Guidelines"), attached as Exhibit 1 to this Order, are hereby adopted by the Court.
3. If the initial fee charged to a debtor for routine, expected services in a Chapter 13 case filed on or after October 17, 2005, does not exceed \$3,000 plus actual and necessary expenses that do not exceed \$300 (other than the filing fee, and charge for credit counseling, and personal financial management, if advanced by the attorney) a formal application for approval and payment of the unpaid amount through the Chapter 13 plan will not be required if (a) the total fee and the unpaid portion is clearly set forth in the Chapter 13 plan, and (b) the fee is consistent with the disclosure of compensation filed under Federal Rule of Bankruptcy Procedure 2016. The Chapter 13 plan and Rule 2016 statement will be treated as the application required by Rule 2016(b), and the order confirming the plan will be treated as an order approving compensation. Any objection to allowance and payment of compensation in the amount stated in the Chapter 13 plan must be filed no later than the last day for filing objections to confirmation of the plan. If no objection is filed, the Court may approve the fee and confirm the plan without holding a hearing.
4. A. The Court expects the initial fee charged in the case to cover, at a minimum, all services that would reasonably be expected in order to obtain confirmation of a plan, and, ultimately, a discharge, including:
  - (1) conferences to review the debtor's financial circumstances;

- (2) preparation and filing of the petition and all required schedules, lists, and statements;
  - (3) preparation and filing of a plan;
  - (4) routine telephone calls and correspondence with the debtor, Chapter 13 trustee, and creditors;
  - (5) representation at the meeting of creditors;
  - (6) appearance, if required, at the confirmation hearing;
  - (7) review of the claims register; and
  - (8) assistance to the debtor in filing any certifications required to obtain a discharge after plan payments are completed.
- B. The Court expects the initial fee to normally cover routine motions to vacate a pre-confirmation dismissal of the case and routine pre-confirmation plan modifications needed to address such issues as classification of claims, valuations of collateral, interest rates to be paid on secured claims, arrearage amounts, or amounts to be paid by the debtor.
- C. The Court expects the expenses for which reimbursement is requested must be actual and necessary and supported by documentation as appropriate. A detailed itemization of all such expenses identified by type and the month incurred must be presented to the Chapter 13 trustee and disclosed pursuant to Federal Rule of Bankruptcy Procedure 2016.
5. Any application for an initial fee in excess of \$3,000 or for supplemental fees, regardless of the amount, must conform to Rule 2016(b) and the Guidelines adopted by the Court. The Guidelines include both procedural requirements as well as policy statements.
  6. The attorney shall not send a bill directly to the debtor. Should the debtor receive a bill from that person's attorney, the debtor should send a copy of such bill to the standing trustee.
  7. Requests for fees and reimbursement of expenses in Chapter 13 cases filed before October 17, 2005, shall be governed by the procedural requirements set forth in Procedures Governing Fees for Debtor's Counsel in Chapter 13 Cases Filed Before October 17, 2005, ("Procedures"), attached as Exhibit 2 to this Order, which are hereby adopted by the Court.
  8. This order shall take effect on March 17, 2008, and shall govern all Chapter 13 cases in this district except those assigned to the Honorable Robert G. Mayer.

Dated: March 14, 2008

/s/ Douglas O. Tice, Jr.  
DOUGLAS O. TICE, JR.  
Chief United States Bankruptcy Judge

/s/ Stephen S. Mitchell  
STEPHEN S. MITCHELL  
United States Bankruptcy Judge

/s/ Stephen C. St. John  
STEPHEN C. ST. JOHN  
United States Bankruptcy Judge

/s/ Kevin R. Huennekens  
KEVIN R. HUENNEKENS  
United States Bankruptcy Judge

/s/ Frank J. Santoro  
FRANK J. SANTORO  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIAGUIDELINES FOR FEE APPLICATIONS IN CHAPTER 13 CASES FILED ON OR AFTER  
OCTOBER 17, 20051. Purpose

The Guidelines for Fee Applications in Chapter 13 Cases Filed on or After October 17, 2005, (“Guidelines”) have been adopted by the Court to specify the format and procedures for submission of fee applications by attorneys representing the debtor in a Chapter 13 case and to set forth the policies and standards that will normally be followed by the Court in evaluating such applications. Compliance by applicants with the procedural requirements is mandatory, but applicants are free to apply for a fee at variance with the policy statements provided the application clearly identifies any such variance.

2. Procedural Requirements

- a. Initial fee applications for amounts in excess of \$3,000.00, and all supplemental fee applications, must be supported by detailed, contemporaneous time and expense records from the beginning of the case showing, for each discrete activity, the date, time expended, identity of the attorney or paralegal providing the service, and amount requested. If a prior fee application has included time records and from the beginning of the case, a subsequent application need include only time and expense records covering the period subsequent to the earlier application provided the current application identifies (by date and docket entry number) the earlier application.
- b. For the purpose of these Guidelines, a “contemporaneous” time or expense record is one made at or near the time of the activity being recorded or the expense being incurred, but in any event no later than the next business day. Any time entry that has been reconstructed because contemporaneous records were not made, or, if made, are not available, must be clearly identified, and an explanation provided for the absence of a contemporaneous record.
- c. Every application for compensation, whether initial or supplemental, shall state the period covered by the application. Time entries should be shown to the nearest tenth of an hour (*i.e.*, the nearest 6 minutes), and travel time should be shown separately from any court appearance or other out-of-office activity to which it relates. Expenses such as postage, long-distance, PACER charges, and on-line research costs must be billed at actual cost and without markup. Copying performed using a commercial copy service must be billed at actual cost and without markup. The Court will accept a maximum \$0.15 per page as the actual cost (paper and consumables such as toner, etc.) for in-house copying and incoming facsimile transmissions unless the applicant can demonstrate that the actual cost is higher; no charge will normally be allowed for outgoing facsimile transmissions except for associated long-distance charges billed at actual cost.

- d. An exception to the requirement for contemporaneous time and expense records is allowed where the requested application is solely for one or more of the following services, and the amount requested does not exceed the amount shown:

<u>Description</u>	<u>Amount</u>
Defense of motion for relief from automatic stay (settled)	\$250
Defense of motion for relief from automatic stay (contested hearing)	\$575
Defense of motion to dismiss (settled)	\$150
defense of motion to dismiss (contested hearing)	\$500
Post-confirmation plan modifications (uncontested)	\$250
Post-confirmation plan modification (contested hearing)	\$500
Motion to approve sale or refinance of real property	\$500
Application to incur debt	\$300
Motion to vacate dismissal	\$250
Objection to claim (uncontested)	\$100
Objection to claim (contested hearing)	\$500

- e. For each attorney or paralegal providing services, the application shall state the person's name, status (attorney or paralegal), years admitted to practice (if an attorney), hourly rate, total hours, and requested compensation.
- f. The application shall affirmatively state the amount, if any, of posted time and charges written off in the exercise of billing discretion.
- g. The application shall state whether approval will reduce the dividend being paid on unsecured claims, and, if so, whether the debtor consents to an extension of the plan term or an increase in plan payments, or both, to allow payment of the fees without reducing the dividend.
- h. An attorney requesting compensation by application in accordance with these Guidelines shall file with the Clerk a properly completed form substantially in compliance with the Application for Supplemental Compensation of Attorney for Debtor(s) appended to these Guidelines. The Clerk shall provide the form to an attorney upon request. The form is accessible in .PDF-fillable format on the Court's Internet web site <http://www.vaeb.uscourts.gov/> and can be accessed by clicking the "Bankruptcy Forms" button on the Court's Internet home page.

### 3. Policy Statements

The Court will not approve charges for time expended for work that is secretarial or administrative in nature (e.g., sending facsimile transmissions, making copies, taking telephone messages, and the like) even if performed by an attorney or paralegal.

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
\_\_\_\_\_ Division

In re:

Case No. \_\_\_\_\_  
Chapter 13 \_\_\_\_\_

Debtor(s)

**APPLICATION FOR SUPPLEMENTAL COMPENSATION  
OF ATTORNEY FOR DEBTOR(S)**

\_\_\_\_\_ applies for approval and payment of supplemental compensation (including reimbursement of expenses) as attorney for the debtor in the amount of \$ \_\_\_\_\_.

1. The period covered by this application is from \_\_\_\_\_ through \_\_\_\_\_.
2. Fees in the amount of \$ \_\_\_\_\_ having previously been paid by the debtor(s) or approved for payment through the plan.
3. The attorneys and paralegals who provided services for which compensation is requested are as follows:

Name of Attorney or Paralegal	Attorney ? (y/n)	Years in Practice	Hourly Rate	Hours	Total Fees

4. A summary of the services for which compensation is requested is as follows:

Description of Services Rendered	Attorney hours	Paralegal hours	Total fees

5. Fees and costs in the amount of \$ \_\_\_\_\_ have been written off in the exercise of billing discretion

6. Charges \_\_\_\_\_ (have/have not) been included for preparation and noticing of the fee application and any court appearances related to the application. (If included, the amount requested is \$ \_\_\_\_\_.)

7. The requested fee \_\_\_\_\_ (can/cannot) be paid without reducing the dividend on unsecured claims. If applicable, the debtor \_\_\_\_\_ (does/does not) consent to an increase of the plan term to \_\_\_\_\_ months or an increase in the plan payment to \_\_\_\_\_ to allow for payment of the compensation without reducing the dividend.

8. Detailed time and expense records are attached as Exhibit A.

\_\_\_\_\_  
Signature of applicant

Name, address, and telephone number:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Certificate of Service

I certify that I have this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, transmitted a true copy of the foregoing application electronically through the Court's CM/ECF system or by mail to the Debtor(s), Chapter 13 trustee, the United States trustee if other than by the electronic means provided for at Local Bankruptcy Rule 2002-1(d)(3), and to all creditors and parties in interest on the mailing matrix maintained by the clerk of court, a copy of which is attached.

\_\_\_\_\_

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA

PROCEDURES GOVERNING FEES FOR DEBTOR'S COUNSEL IN CHAPTER 13  
CASES FILED BEFORE OCTOBER 17, 2005

1. Generally

- a. The Procedures Governing Fees for Debtor's Counsel in Chapter 13 Cases Filed before October 17, 2005, ("Procedures"), adapted from former Local Bankruptcy Rule 2016-1(C)(1)-(6), inclusive, have been adopted by the Court.
- b. For Chapter 13 cases filed before October 17, 2005, the Court may award fees to the attorney for a debtor in a Chapter 13 case with or without a hearing, at the Court's discretion. Any application for compensation filed under this provision must include the applicant's statement that the Chapter 13 plan provides sufficient reserves or may be extended in time so that the payment(s) requested may be made without prejudice to any creditor, or that any prejudice to any creditor as the result of an award of additional attorney's fees shall be completely, fully and adequately disclosed to all creditors and parties in interest in the case.

2. For All Chapter 13 Cases Filed Before January 1, 2003

- a. Where the application for compensation does not exceed \$1,250, the Court may award compensation in such amount or less, plus reimbursement of actual and necessary expenses, with or without a hearing, upon the following notice:
  - (1) Notice: The debtor's attorney shall serve a copy of the application on the debtor and the standing trustee, along with notice that they have ten (10) days in which to file any objection.
  - (2) Proof of Service: With the application for compensation, the debtor's attorney shall file a proof of service evidencing proper service under Subparagraph 2a(1) these Procedures.
- b. Where the application for compensation does exceed \$1,250, the Court may award compensation in such amount or less, plus reimbursement of actual and necessary expenses, with or without a hearing, upon the following notice:
  - (1) Notice: The debtor's attorney shall serve a copy of the application on the debtor, the standing trustee and all creditors, along with notice that they have ten (10) days in which to file any objection.

- (2) Proof of Service: With the application for compensation, the debtor's attorney shall file proof of service evidencing proper service under Subparagraph 2b(1) of these Procedures.
  - c. Any fee in excess of the maximum established in these Procedures will require an application for allowance of compensation and reimbursement of expenses by separate and distinct pleading. Any such application shall comply with 11 U.S.C. § 330, FRBP 2016 and the other provisions of these Procedures. Service and notice of the application shall be given in accordance with Subparagraph 2a or 2b of these Procedures.
3. For All Chapter 13 Cases Filed January 1, 2003, to October 16, 2005, Inclusive
- a. Where the Rule 2016-1 disclosure of compensation does not exceed \$1,500, the Court may award compensation in such amount or less, plus reimbursement of actual and necessary expenses, with or without a hearing, upon the following:
    - (1) Notice: The debtor's attorney shall serve a copy of the Rule 2016-1 disclosure of compensation and Chapter 13 Plan and Related Motions on the debtor and the standing trustee, along with notice that they have ten (10) business days from the meeting of creditors in which to file an objection to the fees requested in the Rule 2016-1 disclosure of compensation opposing said fees in their entirety, or in a specific amount. Counsel for the debtor may file a request for hearing with the Court and notice of same shall be served upon the debtor(s), the standing trustee, and the United States trustee. At any such hearing, each of the parties shall have the burden of proof established in 11 U.S.C. §§328, 329 and 330. In the absence of notification of objection by the debtor or the standing trustee, the fees will be allowed as disclosed.
    - (2) Proof of Service: With the Rule 2016-1 disclosure of compensation, the debtor's attorney shall file a proof of service evidencing proper service under Subparagraph 3a(1) of these Procedures.
  - b. Any fee in excess of the maximum established in the rule will require an application for allowance of compensation and reimbursement of expenses by separate and distinct pleading. Any such application shall comply with 11 U.S.C. §330, FRBP 2016 and the other provisions of these Procedures. Service and notice of the application shall be given in accordance with Paragraph 3a(1)-(2) of these Procedures.

UNITED STATES BANKRUPTCY COURT  
 EASTERN DISTRICT OF VIRGINIA  
 \_\_\_\_\_ Division

In re:

Case No. \_\_\_\_\_  
 Chapter 13

Debtor(s)

**APPLICATION FOR COMPENSATION  
 OF ATTORNEY FOR DEBTOR(S)**

\_\_\_\_\_ applies for approval and payment of compensation (including reimbursement of expenses) as attorney for the debtor in the amount of \$ \_\_\_\_\_.

1. The period covered by this application is from \_\_\_\_\_ through \_\_\_\_\_.
2. Fees in the amount of \$ \_\_\_\_\_ having previously been paid by the debtor(s) or approved for payment through the plan.
3. The attorneys and paralegals who provided services for which compensation is requested are as follows:

Name of Attorney or Paralegal	Attorney ? (y/n)	Years in Practice	Hourly Rate	Hours	Total Fees

4. A summary of the services for which compensation is requested is as follows:

Description of Services Rendered	Date of Service	Attorney hours	Paralegal hours	Total fees

5. Fees and costs in the amount of \$ \_\_\_\_\_ have been written off in the exercise of billing discretion

6. Charges \_\_\_\_\_ (have/have not) been included for preparation and noticing of the fee application and any court appearances related to the application. (If included, the amount requested is \$\_\_\_\_\_.)

7. Detailed time records and records of actual and necessary expenses are attached as Exhibit A.

\_\_\_\_\_  
Signature of applicant

Name, address, and telephone number:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Certificate of Service

I certify that I have this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, transmitted a true copy of the foregoing application electronically through the Court's CM/ECF system or by mail to the Debtor(s), Chapter 13 trustee, the United States trustee if other than by the electronic means, and to all creditors and parties in interest on the mailing matrix maintained by the clerk of court, a copy of which is attached.

\_\_\_\_\_

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
\_\_\_\_\_ Division

In re:

Case No. \_\_\_\_\_  
Chapter 13

Debtor(s)

**APPLICATION FOR SUPPLEMENTAL COMPENSATION  
OF ATTORNEY FOR DEBTOR(S)**

\_\_\_\_\_ applies for approval and payment of supplemental compensation (including reimbursement of expenses) as attorney for the debtor in the amount of \$\_\_\_\_\_.

- 1. The period covered by this application is from \_\_\_\_\_ through \_\_\_\_\_.
- 2. Fees in the amount of \$\_\_\_\_\_ having previously been paid by the debtor(s) or approved for payment through the plan.
- 3. The attorneys and paralegals who provided services for which compensation is requested are as follows:

Name of Attorney or Paralegal	Attorney ? (y/n)	Years in Practice	Hourly Rate	Hours	Total Fees

- 4. A summary of the services for which compensation is requested is as follows:

Description of Services Rendered	Date of Service	Attorney hours	Paralegal hours	Total fees

- 5. Fees and costs in the amount of \$\_\_\_\_\_ have been written off in the exercise of billing discretion

6. Charges \_\_\_\_\_ (have/have not) been included for preparation and noticing of the fee application and any court appearances related to the application. (If included, the amount requested is \$ \_\_\_\_\_.)

7. Detailed time records and records of actual and necessary expenses are attached as Exhibit A.

\_\_\_\_\_  
Signature of applicant

Name, address, and telephone number:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Certificate of Service

I certify that I have this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, transmitted a true copy of the foregoing application electronically through the Court's CM/ECF system or by mail to the Debtor(s), Chapter 13 trustee, the United States trustee if other than by the electronic means, and to all creditors and parties in interest on the mailing matrix maintained by the clerk of court, a copy of which is attached.

\_\_\_\_\_

<b>UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF VIRGINIA</b>
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In re

Case Number:

Debtor(s)

**DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR**

1. Pursuant to 11 U.S.C. § 329(a) and Bankruptcy Rule 2016(b), I certify that I am the attorney for the above-named debtor(s) and that compensation paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept..... \$ \_\_\_\_\_

Prior to the filing of this statement I have received.....\$ \_\_\_\_\_

Balance Due.....\$ \_\_\_\_\_

2. The source of the compensation paid to me was:

- Debtor
- Other (*specify*)

3. The source of compensation to be paid to me is:

- Debtor
- Other (*specify*)

4.  I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation, is attached.

5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- a. Analysis of the debtor’s financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
- c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
- d. Representation of the debtor in adversary proceedings and other contested bankruptcy matters;
- e. [Other provisions as needed]

6. By agreement with the debtor(s), the above-disclosed fee does not include the following services:

**CERTIFICATION**

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of Attorney*

\_\_\_\_\_  
*Name of Law Firm*

***For use in Chapter 13 Cases where Fees Requested Not in Excess of \$5,000***  
***(For all Cases Filed on or after 08/01/2014)***

**NOTICE TO DEBTOR(S), STANDING CHAPTER 13 TRUSTEE AND UNITED STATES TRUSTEE  
PURSUANT TO LOCAL BANKRUPTCY RULE 2016-1(C) AND CLERK’S CM/ECF POLICY 9**

Notice is hereby given that pursuant to Local Bankruptcy Rule 2016-1(C), you must file an objection with the court to the fees requested in this disclosure of compensation opposing said fees in their entirety, or in a specific amount, no later than the last day for filing objections to confirmation of the chapter 13 plan.

**PROOF OF SERVICE**

The undersigned hereby certifies that on this date the foregoing Notice was served upon the debtor(s), the standing Chapter 13 trustee, and U. S. trustee pursuant to Local Bankruptcy Rule 2016-1(C) and the Clerk’s CM/ECF Policy 9, either electronically or in paper form (first class mail).

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of Attorney*