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CLERK U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION – CLEVELAND

In Re:)	Third Amended Administrative
)	Order 25-01
ADMINISTRATION OF)	
CHAPTER 13 CASES IN)	Chief Judge Jessica Price Smith
THE CLEVELAND COURT)	Judge Suzana Krstevski Koch
)	

**ORDER GOVERNING PROCEDURE FOR ALLOWANCE
OF ATTORNEY’S FEES IN CHAPTER 13 CASES
FILED ON OR AFTER MARCH 1, 2025**

In order to secure the just, speedy, and inexpensive determination of Chapter 13 cases and proceedings, the undersigned judges issue this Third Amended Administrative Order concerning the allowance of attorney’s fees in Chapter 13 cases. Unless otherwise ordered by the Court, this Administrative Order governs the compensation of attorneys in cases filed in the Cleveland Bankruptcy Court on and after March 1, 2025. This Order supersedes Administrative Order No. 07-2 to that extent.

IT IS ORDERED THAT:


1. The debtor’s attorney in a Chapter 13 case may accept, in lieu of an itemized application for compensation compliant with the requirements of the Local Rules and Fee Application Guidelines – a presumptively reasonable fee in an amount up to and including \$4,500.00, provided a Plan is confirmed. The fees stated in the Rights and Responsibilities will be allowed by the order confirming the debtor’s plan of repayment provided that:

- a) Debtor and counsel for debtor agree to and execute, prior to the filing of the Chapter 13 case, the Rights and Responsibilities agreement (Exhibit A to this Administrative Order); and
 - b) No party in interest has objected to the proposed fee,
 - c) If debtor's case is dismissed prior to confirmation, and to the extent that funds are available, the trustee shall pay debtor's attorney \$450.00, as a priority administrative claim.
 - d) Debtor's counsel may accept up to \$1,000.00, plus the filing fee, prior to the filing of the Chapter 13 case.
2. If the Rights and Responsibilities agreement is not agreed to and executed prior to the filing of the Chapter 13 case, debtor's attorney may accept a presumptively reasonable fee in an amount up to and including \$2,500.00, provided
 - a) Debtor's counsel filed a Motion or Application for approval of the fee and uploads a proposed Order allowing such compensation.
 3. Debtor's attorneys may charge less than the maximum presumptively reasonable fees described herein and shall not communicate to clients or potential clients that charging \$4,500.00 or any other amount for a Chapter 13 case, is required by the court. Debtor's attorney may also file an itemized application for compensation compliant with the requirements of the Local Rules and Fee Application Guidelines.
 4. With respect to (a) novel, complex, or non-routine matters or (b) representation in connection with an evidentiary hearing or adversary proceeding, counsel may file a fee application in compliance with Bankruptcy Rule 2016(a) and in accordance with the Guidelines, with notice and a hearing, setting forth, at a minimum: (a) documentation that services rendered in the case exceed the fee previously approved by the Court, (b) as to each activity for which an additional fee is requested, the identity of the person performing such services, the billing rate for such person, the services performed, the dates of the services, and (c) the debtor's recent written consent to the specific amount of the fees sought.
 5. Debtor's fees shall be paid through the plan by the Chapter 13 Trustee in monthly installments within the first 18 months after confirmation to the extent that funds are available (with conduit mortgage payments to take precedence over the payment of attorney's fees).
 6. Notwithstanding any other provision of this Order, for certain matters not within the guidelines for the standard fee, to encourage uniformity and consistency, and to minimize time and expense of the fee application process, the Court may approve fees using the "Application for Post-Confirmation Fees" (a copy of which is attached to this Order as Exhibit A).

7. The Court contemplates that all services listed in the Rights and Responsibilities will be included in the fee allowed under paragraph 1.

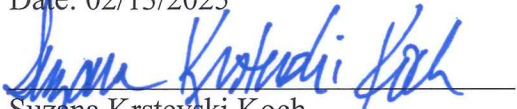
8. This Order does not limit the rights of debtors, the Chapter 13 Trustee, the United States Trustee, or any creditor to object to any fee request, even if the amount sought falls within the fee schedules listed, and even if the debtor had previously consented in writing to pay requested fees.

IT IS SO ORDERED



Jessica Price Smith
United States Bankruptcy Judge

Date: 02/13/2025



Suzana Krstevski Koch
United States Bankruptcy Judge

Date: 2/13/25

EXHIBIT A TO ADMINISTRATIVE ORDER 25-01

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO**

In Re:) Chapter 13 Case No.
))
) Bankruptcy Judge
Debtor(s))

**RIGHTS AND RESPONSIBILITIES OF
CHAPTER 13 DEBTORS AND THEIR ATTORNEYS**

Chapter 13 gives debtors important rights, such as the right to keep property that could otherwise be lost through repossession or foreclosure – but Chapter 13 also places responsibilities on debtors, such as the responsibility to make a complete and truthful disclosure of their financial situation. It is important for debtors who file a bankruptcy case under Chapter 13 to understand their rights and responsibilities. It is also important that the debtors know what their attorney’s responsibilities are and understand the importance of communicating with their attorney to make the case successful. Debtors should also know that they may expect certain services to be performed by their attorney. It is also important for debtors to know the costs of attorney’s fees through the life of the plan. To ensure that debtors and their attorney understand their rights and responsibilities in the bankruptcy process, the debtors and their counsel hereby agree to the following guidelines provided by the United States Bankruptcy Court for the Northern District of Ohio at Cleveland:

A. BEFORE THE CASE IS FILED, THE DEBTOR AGREES TO:

1. Provide the attorney with accurate, and, to the best of the debtor’s ability, complete financial information.
2. Discuss with the attorney the debtor’s objectives in filing the case.
3. Keep all scheduled meetings and/or appointments, both with the attorney and with other parties to the case.
4. Respond to all attorney requests as soon as possible.
5. Provide the attorney with a working telephone number or other form of communication.

6. Obtain credit counseling from an approved nonprofit budget credit counseling agency during the 180-day period preceding the date of the petition or provide the attorney with accurate information to prepare a certificate of exigent circumstances, as required by 11 U.S.C. § 109(h).
7. Inform the attorney about any pending lawsuits brought by or against the debtor and any claims the debtor may have against third parties.
8. Provide tangible documentation of the debtor's identity and social security number (such as drivers' license, state ID card, social security card, etc.).
9. Provide the most recent federal income tax return to the attorney, as well as any other income tax return requested by the attorney.

B. BEFORE THE CASE IS FILED, THE ATTORNEY AGREES TO:

1. Personally meet with the debtor to review the debtor's assets, liabilities, income, and expenses.
2. Counsel the debtor regarding the advisability of filing either a Chapter 7 or Chapter 13 case, discuss both procedures with the debtor, answer the debtor's questions, and, before filing, ensure that the debtor is eligible for a Chapter 13 case.
3. Analyzing the debtor's financial situation, assisting the debtor in understanding the debtor's rights and obligations throughout the pendency of the case, and assessing potential issues in the particular bankruptcy, including but without limitation, exemptions, automatic stays, and dischargeability and avoidance matters.
4. Explain what payments will be made directly by the debtor to a creditor, such as mortgages, adequate protection, and vehicle lease payments, and what payments will be made through the Chapter 13 plan.
5. Explain to the debtor how, when, and where to make the required Chapter 13 plan payments and that the first month's plan payment must be made to the Trustee within thirty (30) days of the date the case is filed with the Court (even if the funds are not withheld pursuant to a wage order).
6. Explain to the debtor how the attorney's fees and Trustee's fees are paid and provide an executed copy of the fee agreement to the debtor.
7. Ensure that the debtor complies with the credit counseling requirements of 11 U.S.C. §109(h).

8. Advise the debtor of the requirement to attend the § 341 Meeting of Creditors as well as the date, time, and location of the meeting, review the necessary technology and devices required to attend the meeting, and to provide, prior to the meeting, a valid, unexpired picture identification and proof of social security number.
9. Advise the debtor of the necessity of maintaining liability, collision, and comprehensive insurance on vehicles owned or leased by the debtor.
10. Advise the debtor of the necessity of maintaining insurance on any real property that the debtor may own, and maintaining business liability insurance if the debtor is engaged in any business activities.
11. Timely prepare and file the debtor's petition, plan, statements, schedules, Form B22C, and all documents required by 11 U.S.C. § 521, as well as any required amendments thereto.
12. Advise the debtor as to their eligibility for a bankruptcy discharge and if any particular debt of the debtor cannot be discharged.
13. Maintain professional liability (malpractice) insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate, pursuant to Rule 1.4 of the Ohio Rules of Professional Conduct and Northern District of Ohio Local Civil Rule 83.5.

C. AFTER THE CASE IS FILED, THE DEBTOR AGREES TO:

1. Keep the Trustee and the attorney informed as to debtor's current address, telephone number, and email address.
2. Comply with all provisions of the plan, including (but not limited to) making plan payments and turning over required tax refunds to the Chapter 13 Trustee.
3. Timely make all post-petition payments to the mortgage company and any other creditors that the debtor has agreed to pay directly, and, if appropriate, maintain proper insurance coverage and timely pay post-petition tax obligations.
4. Cooperate with the attorney in preparing all pleadings and attending all hearings as required.
5. Prepare and file all delinquent federal, state, and local tax returns within 30 days, and thereafter file all required tax returns in a timely manner and provide copies of said documents to the attorney.
6. Promptly inform the attorney of any wage garnishments or attachments of assets which occur or continue to occur after the filing of the case.

7. Let the attorney know if the debtor is sued at any time during the case.
8. Contact the attorney regarding any changes in employment, increases or decreases in income, or any other financial problems or changes.
9. Promptly inform the attorney of any gambling winnings, bonuses, inheritances, settlements, lawsuits, or other financial windfalls.
10. Cooperate with the attorney and the Trustee in timely producing any financial or supporting documents, including tax returns, and Declaration of Income, requested by the attorney or the Trustee.
11. Contact the attorney to find out what approvals are required before buying, refinancing, or selling real property, or before borrowing money (which includes but is not limited to, financing a vehicle purchase, payday loans, co-signing for someone, etc.).
12. Complete an instruction course concerning personal financial management, as required by 11 U.S.C. § 1328(g).

D. AFTER THE CASE IS FILED, THE ATTORNEY AGREES TO:

1. Continue to represent the debtor through the conclusion of the case, whether by dismissal or discharge, unless removed as counsel by order of the Court.
2. Instruct the debtor as to the date, time, and location of the §341 Meeting of Creditors, ensure debtor has technology available to attend via Zoom, provide either written or telephonic reminders to the debtor in advance of the meeting of creditors, and appear at the §341 Meeting of Creditors with the debtor.
3. Negotiation and communication with priority and secured creditors, including the Internal Revenue Service.
4. Preparation of documents and notices, including the filing of suggestion of bankruptcy, voluntary dismissals, and all case related correspondence.
5. With the debtor's permission, prepare, file, and serve necessary plan modifications which may include suspending, decreasing, or increasing plan payments, and inform the debtor of any changes in their responsibilities arising from the modified plan.
6. Prepare, file, and serve amended statements and schedules in accordance with information provided by the debtor.
7. Prepare, file, and serve motions to incur debt, or to buy, sell, or refinance real property when appropriate.

8. Object to improper or invalid claims.
9. Be available to respond to the debtor's questions throughout the life of the plan, and promptly respond to any phone calls or other communication from the debtor.
10. Represent the debtor in motions for relief from stay concerning the debtor's residence and one concerning a vehicle.
11. Provide such other legal services as are necessary to the administration of the case before the Bankruptcy Court, which include, but are not limited to, when necessary, meeting with the debtor, presenting appropriate legal pleadings, making necessary court appearances, and taking all appropriate legal steps to avoid liens, represent the debtor in motions to dismiss or convert, a motion to reinstate stay and a motion to reinstate case.
12. Timely forward tax returns and Declarations of Income received from the debtor to the Trustee.
13. File an executed copy of this document with the Court and provide an executed copy of it to the debtor.
14. Advise the debtor in writing if the attorney at any time fails to maintain professional liability (malpractice) insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate, pursuant to Rule 1.4 of the Ohio Rules of Professional Conduct and Northern District of Ohio Local Civil Rule 83.5.

E. ATTORNEY FEES:

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

Prior to the filing of this Chapter 13, I have received..... \$ _____

Balance due to be paid by the Chapter 13 Trustee after
confirmation of the Chapter 13 plan..... \$ _____

The attorney may not demand or receive any additional fees directly from the debtor, other than the initial retainer, unless the Court orders otherwise.

If the initial fee charged to the debtor and ordered by the Court is not sufficient to compensate the attorney for legal services rendered in the case, and if the attorney has documented that services rendered in the case exceed, under the traditional lodestar analysis, the fee approved in the confirmation order, the attorney agrees to apply to the Court for approval of additional fees. The

following legal services are not covered by the initial fee charged debtor, and the attorney may apply to the Court for payment in the amount specified,

**Additional Fee, If Any,
Debtor Agrees To Pay
Should Additional Service
Be Performed**

**Description Of Additional Legal Service
Not Covered By Initial Fee**

- \$500 _____ For a post-confirmation plan modification
- \$500 _____ For a motion for authority to buy, sell, or refinance real property
- \$500 _____ For a motion to incur debt, such as the purchase or lease of a motor vehicle
- \$500 _____ For defense of a motion to lift stay, beyond one concerning the debtor's residence and one concerning a vehicle, which are included within the initial fee, but not including an evidentiary hearing.
- \$500 _____ Motion for authority to settle insurance claims and/or to use or distribute insurance proceeds
- \$500 _____ For a motion to reinstate the automatic stay, beyond those allowed under Administrative Order 24-__
- \$500 _____ For filing a motion and agreed order to pay student loan income driven repayment through the Chapter 13 plan
- \$350 _____ For a motion seeking suspension of the plan or plan payment
- \$350 _____ For a motion to retain special counsel

In addition to the above, the attorney may need to provide legal services to the debtor that are not covered by the initial fee charged. Such services include: (a) handling novel, complex, or non-routine motions, oppositions to motions or objections to claims or (b) representation in connection with an evidentiary hearing or adversary proceeding. These types of matters may be billed at reasonable hourly rates, and the attorney shall file a fee application in compliance with Bankruptcy Rule 2016 and in accordance with the Guidelines, with notice and a hearing, setting forth, at a minimum, documentation that services rendered in the case exceed, under the traditional lodestar analysis, the fee approved in the confirmation order, and, as to each activity for which a fee is

requested, the identity of the person performing such services, the billing rate for such person, the services performed, the dates of the services, the amount of time expended, and how such services are novel, complex, or non-routine. The attorney's current hourly rate is \$_____.

All post-filing attorney's fees shall be paid through the plan unless otherwise ordered by the Court. If the debtor disputes the legal services provided or the fees charged by the attorney, the debtor may file an objection with the Court and set the matter for hearing. The attorney may move to withdraw for cause shown, or the debtor may discharge the attorney at any time.

The Court may, *sua sponte*, or upon motion of an interested party, disallow all or part of requested attorney's fees or may order the disgorgement of all or part of already collected fees if the Court finds that the attorney failed to comply with or provide services in accordance with the guidelines set forth in this document.

Debtor Date

Debtor Date

Attorney Date

By submitting this form "Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys," Debtor's attorney certifies that this form is identical in all respects to the form identified as Exhibit A of Administrative Order 25-01.