

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF ILLINOIS
100 N.E. Monroe, 131 Federal Bldg., Peoria, IL 61602**

**STANDING ORDER REGARDING ATTORNEY FEES FOR DEBTOR'S COUNSEL
IN CHAPTER 7 AND 13 CASES**
(Revised 1-1-08)

The Bankruptcy Court for the Central District of Illinois in the Peoria Division currently requires debtor's counsel to submit an itemized fee application in any Chapter 13 case where attorney fees sought exceed \$2,500. Effective as of January 1, 2008, for Chapter 13 cases filed on and after that date, the review threshold will be increased by \$500 and this Court will require an itemized fee application where the attorney fees sought exceed \$3,000. Attorney fees in excess of \$3,000 shall be requested by application in accordance with Rule 2016 of the Federal Rules of Bankruptcy Procedure.

Allowed attorney fees shall be paid through the plan. However, the attorney may receive all or part of the allowed fees prior to the filing of the case, provided those fees are deducted from the total allowed fees to be paid through the confirmed plan. The rate of payment of the fees through the plan shall not exceed the lesser of (1) 50% of the funds distributed by the trustee after payment of administrative expenses (including the trustee's fee) or (2) \$300 per month, unless the Chapter 13 trustee recommends and the Court approves a larger monthly payment amount.

The duties designated below are presumed to be included within the scope of services rendered by the attorney to the debtor. If an attorney fails to perform any required duty, the Court, upon notice and hearing, may order the attorney to disgorge all or any part of the fees received, as the Court, in its discretion, deems appropriate. Upon request or objection of an interested party, the Court will consider whether the debtor's attorney fees should be limited to an amount less than \$3,000 based on the circumstances of a particular case.

The debtor's attorney's duties in a Chapter 13 case include, but are not necessarily limited to, the following:

1. Consult with and advise the debtor about the differences and relative advantages and disadvantages of proceeding under Chapter 7 and Chapter 13.
2. Prepare and file the petition, statement of financial affairs, all schedules and Official Form 22C.
3. Prepare and file a Chapter 13 plan.
4. Upon information received from the debtor, take steps necessary to avoid the termination of, or to allow the reinstatement of, necessary utility services of the debtor by providing proof of filing of the petition to utility service creditors.
5. Take steps necessary to obtain the return of repossessed vehicles proposed to be retained by the debtor under the plan.


6. In the event of pending state or federal court litigation, notify creditor's attorneys, and appropriate court(s) in which the litigation is pending, that the bankruptcy case has been filed.
7. Send out an information letter to the debtor reminding the debtor to attend the 341 hearing, specifying the time and location of that hearing, and providing information advising the debtor as to the procedures of the 341 hearing.
8. Appear at the 341 meeting of creditors with the debtor and confer with the debtor to prepare him or her to appear at the 341 meeting.
9. Upon information received from the debtor, take steps necessary to terminate pending wage garnishments, including filing a Motion to Terminate Garnishment.
10. Attend all court hearings in the case, including the confirmation hearing.
11. Prepare all court mandated pre-trial statements, reports, briefs, etc.
12. Respond to objections to plan confirmation and, where necessary, prepare an amended plan.
13. Prepare, file, and serve necessary amended statements and schedules, in accordance with information submitted by the debtor, provided the debtor pays the Court's filing fee.
14. Prepare, file, and serve necessary motions to buy, sell, or refinance real property and vehicles, when appropriate.
15. Object to improper or invalid claims based upon documentation provided by the debtor.
16. File proofs of claims for creditors who fail to file claims, if it is in the debtor's best interest to file such a claim.
17. Advise and represent the debtor with respect to motions for relief from the automatic stay, for adequate protection, to terminate the co-debtor stay, and other contested matters.
18. Prepare, file, and serve motions to avoid liens on real or personal property.
19. Upon information received from the debtor, contact creditors who continue to communicate with the debtor after filing.
20. Pursuant to Section 1328(a), upon completion of plan payments, file a Certification of Payment of Domestic Support Obligation, if debtor(s) were required to pay a domestic support obligation during the pendency of the case.

21. Provide such other legal services as are necessary for the administration of the case before the Bankruptcy Court.

Effective as of January 1, 2008, for Chapter 7 cases filed on and after that date, the review threshold for fees paid or payable to the debtor's attorney shall be \$2,500. The Court may, *sua sponte*, require an itemized fee application where the fees disclosed exceed this amount. Upon request or objection of an interested party, the Court will consider whether the debtor's attorney fees should be limited to an amount less than \$2,500, based on the circumstances of a particular case.

This Standing Order shall be applicable to cases filed on and after January 1, 2008.

DATED: December 6, 2007.



THOMAS L. PERKINS
CHIEF UNITED STATES BANKRUPTCY JUDGE