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"No Look" Fees

The bankruptcy judges in this district have determined that for Chapter 13 cases filed on or after December 1, 2010, the presumptively reasonable fee for an attorney representing the debtor shall be \$3,500. For cases filed on or after December 1, 2011, that presumptively reasonable fee shall be \$4,000 **if the case includes a motion to participate in the Court's MMM program.**

The judges also have determined that for creditors' initial motions for relief from stay filed after December 1, 2010, the presumptively reasonable fee (in both Chapter 7 and Chapter 13 cases) shall be \$800 (not including the filing fee). The creditor may add this fee to its claim, if the mortgage or other security agreement between the parties so provides.

The presumptively reasonable fees described above are just that--presumptions. Where the presumptions apply, the judges will not require the attorney to file an application for compensation if the attorney is requesting the presumptively reasonable amount or less, as long as no party objects to the fee. Nothing precludes the trustee, creditors or the Court itself, however, from questioning the reasonableness of an attorney's fees in any particular case. It is not reasonable, for example, for a debtor's attorney to charge the \$4,000 presumptively reasonable fee for a case in which the debtor does not qualify for participation in the MMM program, or for one in which the debtor's attorney does not file a MMM motion.

If a party in interest objects to the presumptively reasonable fee, or asks the judge to determine the reasonableness of the attorney's actual fee, the attorney requesting the fee must submit an application for compensation in accordance with the requirements of Local Rule 2016. The Court then will schedule a hearing to determine the reasonableness of the fee, and the burden of proving that the actual fee is reasonable shall be on the attorney requesting the fee.

The Court also understands that particular circumstances may entail significantly more work than is covered by the presumptively reasonable fees. Negotiating a successful mortgage modification, for example, may entail more than \$500 in debtor's attorney's fees. A particularly complex Chapter 13 case may entail more than \$3,500 in debtor's attorney's fees. If counsel's fees in a particular case exceed the presumptively reasonable fee, counsel may file and serve an itemized fee application, giving interested parties notice and an opportunity to object.