

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

In re:

**MODIFICATION OF  
LOCAL RULES OF PRACTICE AND  
PROCEDURE IN BANKRUPTCY COURT,  
DISTRICT OF VERMONT**

**STANDING ORDER # 07-03**

**TO AMEND VT. LBR 2016-1 & 2 REGARDING  
PRESUMED REASONABLE ATTORNEY FEES  
IN CHAPTER 13 CASES**

WHEREAS since the local rules addressing attorney's fees were enacted, there have been several new obligations placed upon attorneys and many changes in the scope of work required to obtain chapter 13 bankruptcy relief, primarily as a result of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("BAPCPA"); and

WHEREAS fulfillment of these new obligations, compliance with the new law, and diligent representation of debtors in post-BAPCPA cases has necessarily increased the amount of time attorneys need to expend, and has reasonably increased the fee charged by attorneys, to represent chapter 13 debtors; and

WHEREAS it is vitally important that attorneys be compensated fairly for their time, both because it is just and because it enhances the likelihood that there will be competent attorneys available to represent chapter 13 debtors in this District;

THEREFORE, IT IS HEREBY ORDERED that the presumed reasonable fee for representation of a debtor (or joint debtors) in a chapter 13 case in this District will be twenty-five hundred dollars (\$2,500), and accordingly, Vt. LBR 2016-2(a) is amended, effective today, to read as follows:

**Presumed Reasonable Fee in Chapter 13 Case.** A fee of \$2,500 or less shall be presumed reasonable and may be allowed as an administrative expense in a chapter 13 case unless an objection is filed and sustained or the Court, *sua sponte*, determines otherwise. If the fee sought is over \$2,500, the plan must set forth the reason the higher fee is warranted in the case. Attorneys must maintain time records and be prepared to demonstrate the reasonableness of their fees, regardless of the amount charged.

IT IS FURTHER ORDERED that Vt. LBR 2016-1(f) is also amended, effective today, to specify that the list of required services to be performed in connection with the payment of a chapter 13 flat fee includes: (i) the filing of a pre-petition credit counseling certificate, pursuant to § 109(h) and a post-petition debtor financial management certificate, pursuant to § 1328(g); and (ii) the filing of a motion for discharge, pursuant to Standing Order # 06-10.

SO ORDERED.

Rutland, Vermont  
February 2, 2007



Colleen A. Brown  
U.S. Bankruptcy Judge