

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ALASKA

Filed On
3/1/12

In the Matter of the Adoption of Amendments
to Local Bankruptcy Forms

Misc. Proceeding No. 05-60001

GENERAL ORDER NO. 2012-1

ORDER ADOPTING AMENDMENTS TO LOCAL BANKRUPTCY FORMS

The Bankruptcy Court has conducted a review of the presumptive (“no-look) fees for chapter 13 debtors’ attorneys applied in other bankruptcy courts, particularly those courts within the Ninth Circuit. Based upon this review, the court finds that the no-look fee amounts currently applicable under AK LBR 2016-1(h)(2)[C] and [D], which were set in 2006, are at the low end of the spectrum and concludes that an increase in the no-look fee amounts is appropriate. Therefore, under the authority granted by 28 U.S.C. § 2071, Federal Rule of Bankruptcy Procedure 9029, and United States District Court Miscellaneous General Order No. 880 dated March 18, 2003, the Bankruptcy Court hereby amends AK LBR 2016-1(h)(2) to increase the no-look fee amounts applicable in this district. It is further noted that other districts have adjusted the no-look fee amounts via General Order, without a prior public notice and comment period. This court will, accordingly, adjust the applicable no-look fee amounts by the same method. Therefore,

IT IS ORDERED THAT the following amendments to AK LBR 2016-1(h)(2), shown in bold text, are hereby **ADOPTED**, effective immediately:

(h) Applications in Chapter 12 and 13 Cases.

.....

(2) In a case under chapter 13, no application for allowance of attorney's fees need be filed and allowance of fees and expenses is deemed approved on confirmation of the plan, provided:

.....

[C] in consumer (non-business) cases, the total fees to be paid, including the application of any prepetition retainer paid, does not exceed

\$3,500.00 and costs, exclusive of any filing fees paid to the clerk of the court, do not exceed **\$350.00**; or

[D] in business (non-consumer) cases, the total fees to be paid, including the application of any prepetition retainer paid, does not exceed **\$5,000.00** and costs, exclusive of any filing fees paid to the clerk of the court, do not exceed **\$500.00**.

IT IS FURTHER ORDERED that chapter 13 debtors' counsel may seek the increased no-look fee amounts in pending, but not yet confirmed, chapter 13 plans only under the following conditions:

1) if the plan has not yet been served upon all parties in interest, an amended plan reflecting the increased fee amount must be filed and served with notice of the confirmation hearing;

2) if the plan has previously been served upon all parties in interest, an amended plan must nonetheless be filed. Further, if the increased fee will diminish the plan's distribution to any class of creditors, the amended plan must be noticed to all parties in interest before the increased no-look fee amount will be awarded to counsel.

Counsel applying the no-look fee amounts may still be required to file an itemized statement of their fees and costs, upon request of the trustee, United States Trustee, or this court, in accordance with AK LBR 2016(h)(2)[A].

DATED: March 1, 2012.

BY THE COURT

/s/ Herb Ross
HERB ROSS
United States Bankruptcy Judge

/s/ Donald MacDonald IV
DONALD MacDONALD IV
Chief United States Bankruptcy Judge

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