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DISTRICT COURT OF GUAM

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JEANNE G. QUINATA
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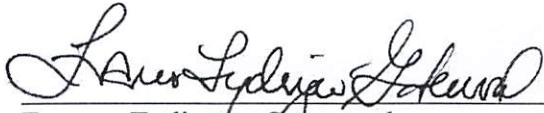
Adoption of Amended Chapter 13 Attorney
Fee Guidelines

GENERAL ORDER

No. 23-0008

Pursuant to 28 U.S.C. § 2071, and after appropriate public notice and an opportunity for comment, the District Court of Guam hereby adopts the attached amended Chapter 13 Attorney Fee Guidelines, effective April 12, 2023.

SO ORDERED this 12th day of April, 2023.


Frances Tydingco-Gatewood
Chief District Judge

CHAPTER 13 ATTORNEY FEE GUIDELINES

1. **Scope.** Under BKLR 2016-1(a), the Court may issue guidelines to determine presumptively reasonable fees for normal and customary services performed by attorneys for Chapter 13 debtors. (Any reference in these guidelines to “fees” or “compensation” includes the expenses and any general excise tax related to the services for which compensation is sought.) An attorney eligible under these guidelines may seek the initial allowance of compensation for legal services in connection with the bankruptcy case as part of plan confirmation without filing an application. The attorney may also seek the allowance of additional compensation for certain post-confirmation services through expedited procedures. Nothing in these guidelines limits the authority of the court to review any request for compensation on its own motion or the motion of any party in interest. These guidelines govern the allowance of fees; payment of the compensation is governed by BLKR 3070-2, unless the court orders otherwise.

2. **Eligibility.** An attorney for a Chapter 13 debtor may use the procedures under these guidelines if:

a. the attorney has timely filed the disclosure of compensation required under 11 U.S.C. § 329(a) and Fed. R. Bankr. P. 2016(b) (“Rule 2016(b) Disclosure Statement”);

b. the attorney and the debtor have executed and filed, prior to entry of a plan confirmation order, a copy of the Rights and Responsibilities of Chapter 13 Debtors and Attorneys (“Rights and Responsibilities Agreement”) adopted in the District of Guam;

c. the description of legal services to be rendered and the amount of attorney fees in the Rule 2016(b) Disclosure Statement are consistent with the legal services and fee amounts set forth in the Rights and Responsibilities Agreement;

d. the fees being requested do not exceed the amounts stated in the appendix to these guidelines; and

e. no objection to the requested fees has been filed.

3. **Presumptively Reasonable Fees for Normal and Customary Services.** The court has determined, in accordance with 11 U.S.C. § 330(a)(4)(B), that the amounts stated in the Appendix are presumptively reasonable for normal and customary legal services rendered by an attorney representing the interests of the debtor in connection with a Chapter 13 bankruptcy case. These fee amounts may be allowed through the expedited procedures described in paragraphs 4 and 5.

4. **Allowance of Attorney Fees as Part of Plan Confirmation.** The court has determined the presumptively reasonable fees that may be charged for the normal and customary services associated with the first year of a typical Chapter 13 case. These services and fee amounts for the initial application are itemized in Part I of the Appendix to these guidelines. An attorney eligible under these guidelines may request the allowance of compensation by including in the plan the

amount of fees specified in the Rights and Responsibilities Agreement. Absent an objection, the plan confirmation order will provide for allowance of the fees requested.

5. Allowance of Attorney Fees for Subsequent Services. The court has determined the presumptively reasonable fees that may be charged for the normal and customary post-confirmation services. These services and fee amounts are itemized in Part II of the Appendix to these guidelines. An attorney eligible under these guidelines may request the allowance of attorney fees in addition to the amount authorized in the plan confirmation order using the following procedures.

a. **Fees Not Exceeding Amounts in Guidelines.** No application for additional compensation under BKLR 2016-1 is required if the fee amounts do not exceed the amounts specified in these guidelines, and:

- i. no later than 14 days after payment (including a disbursement from proceeds in a sale of assets or a refinancing of a loan) or an agreement to pay the fees directly to the attorney by the debtor or a third party, the attorney files a supplemental disclosure statement substantially conforming to the local form (Supplemental Disclosure of Compensation by Attorney for Chapter 13 Debtor [GUB 2016-1c1]) disclosing the amount of additional compensation paid or to be paid and certifying that the fees requested do not exceed the amounts in these guidelines; or
- ii. the attorney requests payment through plan distributions by filing a request for payment of an administrative expense substantially conforming to the local form (Request for Payment of Administrative Expense: Compensation for Debtor's Attorney in Chapter 13 Case [GUB 3070-2a2]), including a certification that the fees requested do not exceed the amounts in these guidelines.

b. **Fees Exceeding Amounts in Guidelines.** If the fees being requested exceed the amounts in these guidelines, or if the particular services are not addressed by these guidelines, the attorney may request the allowance of compensation in addition to the amount authorized in the plan confirmation order by filing and serving on the Trustee, the Office of the United States Trustee, and all creditors, an application substantially conforming to the local form (Application for Additional Fees in Chapter 13 Case; Notice of Hearing [GUB 2016-1c2]), attaching detailed billing records for the subject services, and arranging for a hearing in accordance with BKLR 9013-1(e). Postpetition, the attorney may not accept any payment for additional legal services directly from the debtor or any other party, except to the extent that funds are deposited into a client trust account and are not drawn upon until the entry of an order allowing the compensation and authorizing payment.

APPENDIX TO CHAPTER 13 ATTORNEY FEE GUIDELINES

Part 1: Fee Schedule – Initial Application

- a. **Basic Case:** Services related to all the prepetition and postpetition responsibilities of the debtor's attorney listed in the Rights and Responsibilities Agreement, except for the specific types of services treated separately under these guidelines.
Amount: \$4,000.00 or, if the plan is confirmed without a continuance of the initially scheduled confirmation hearing, \$4,300.00 (Adjustment made in confirmation order.)
- b. **Distressed Real Property:** Services related to real property in foreclosure or anticipated to be the subject of foreclosure which the debtor is or will be opposing, and related to negotiating or resolving disputes with secured creditors regarding relief from stay and adequate protection. This fee component includes all services of this type performed prior to the one (1) year anniversary of the date the petition is filed or the case is converted to Chapter 13, whichever is later.
Amount: \$600.
- c. **Vehicle Repossession/Garnishment:** Services related to enforcing the debtor's rights with respect to repossession of a vehicle or other personal property, or a wage garnishment.
Amount: \$400.
- d. **Motions to Avoid Liens or Value Collateral (Personal Property):** Services related to preparing and filing plan-related motions to avoid a judicial or nonpossessory, non-purchase money lien under 11 U.S.C. § 522(f), or plan-related motions to value collateral under 11 U.S.C. § 506(a) with respect to personal property.
Amount: \$150 per motion; Aggregate Limit: \$350.
- e. **Motions to Avoid Liens or Value Collateral (Real Property):** Services related to preparing and filing plan-related motions to avoid a judicial lien on real property under 11 U.S.C. § 522(f), or plan-related motions to value collateral under 11 U.S.C. § 506(a) with respect to real property.
Amount: \$250 per motion; Aggregate Limit: \$600.
- f. **Motions to Extend or Impose Stay:** Services related to filing a motion to extend or impose the stay following dismissal(s) of a case during the prior year.
Amount: \$400 per motion.
- g. **Operation of Business:** Services related to the debtor's operation of a business. **Amount: \$1,500.00**
- h. **Unfiled Tax Returns:** Attorney may charge an additional \$200.00.

Part 2: Fee Schedule – Post-Confirmation Services

- a. **Motions to Modify Confirmed Plan:** Services related to preparing and filing a motion to modify a confirmed plan. Fees are limited to motions filed *more than one (1) year after the date the petition is filed or the case is converted, whichever is later*. Motions to modify plan filed before that deadline are included in the initial fees allowed.
Amount: \$250.
- b. **Motions to Sell Property.** Services related to preparing and filing a motion to sell real or personal property.
Amount: \$500 per motion.
- c. **Motions to Obtain Credit or Incur Debt.** Services related to preparing and filing a motion to obtain credit or incur debt.
Amount: \$500 per motion.
- d. **Opposition to Relief from Stay Motions:** Services for preparing and filing an opposition to a motion for relief from the automatic or co-debtor stay filed *more than one (1) year after the date the petition is filed or the case is converted, whichever is later*. Services performed prior to that deadline are included in the initial fees allowed.
Amount: \$600.
- e. **Opposition to Motions to Dismiss or Convert:** Services related to preparing and filing an opposition to a motion to dismiss or convert the case, other than motions by the Trustee to dismiss for failure to make plan payments.
Amount: \$400.