

TNWB LBR 2016-1
COMPENSATION FOR SERVICES RENDERED AND REIMBURSEMENT OF
EXPENSES

- (a) **Presumptively Reasonable Fee.** In chapter 13 cases the Court, by Standing Order, which may be amended from time to time, shall set the presumptively reasonable fee (“PRF”) for debtors’ attorneys. While the PRF is intended to compensate counsel for all services for representing the interest of the debtor in the chapter 13 case, the debtor’s attorney may provide in the Attorney Fee Disclosure Statement (Official Form B2030) that the PRF does not include any service, fees, and expenses in connection with—
- (1) an adversary proceeding under Fed. R. Bankr. P. 7001;
 - (2) a contempt proceeding;
 - (3) employing an expert witness; or
 - (4) an appeal.
- (b) **Fee Approval Procedure in Chapter 13.** An attorney representing a debtor in a chapter 13 case may obtain approval of attorney’s fees without the filing of a formal fee application and a hearing when the attorney and the debtor(s) agree in writing that the fee for representation will be less than or equal to the PRF. Unless the Court orders otherwise, the PRF or any lesser amount is deemed an allowed administrative claim under 11 U.S.C. § 503(b)(2). The amount must be claimed by the attorney’s filing of the Attorney Fee Disclosure Statement pursuant to Fed. R. Bankr. P. 2016(b) (Official Form B2030). Official Form B2030 shall clearly indicate the fee agreed upon, the amount paid to date, and the amount to be paid through the chapter 13 plan.
- (c) **Fee Award Other Than or in Addition to the PRF.** In any case in which a chapter 13 debtor’s attorney seeks compensation other than or in addition to the PRF authorized in subdivision (a) of this rule, the attorney must file a fee application conforming to Fed. R. Bankr. P. 2016(a). The application must include an itemized statement and be supported by contemporaneous time and expense records. Notice of the fee application must be given in accordance with Fed. R. Bankr. P. 2002(a)(6). For any fees sought in addition to the PRF, the application must include sufficient detail to demonstrate the PRF award does not adequately compensate the debtor’s attorney for the legal services rendered or include a statement that the services for which the attorney is seeking additional compensation were specifically excluded from the services included in the PRF award.
- (d) **Fee in Cases in Which Attorney Does Not Complete Representation.** If an attorney has been awarded a PRF under subdivision (b) and for any reason the attorney’s representation ends before the case is closed, the Court, either *sua sponte* or on request of a party, may order disgorgement of fees received but not earned and vacate any balance of the award that has not been received. A PRF award to the initial attorney in the case does not prohibit a successor attorney from being awarded compensation for providing the necessary services to complete representation of the debtor in the case. A successor

attorney may request compensation pursuant to subdivision (b) or (c) but the total PRF awarded pursuant to subdivision (b) in any case shall not exceed the amount set by the Court pursuant to subdivision (a).