**Attorney’s Fees in Chapter 13 Cases**

Expedited Fee (No-Look Fee):The expedited fee amount for purposes of SC LBR 2016-1(b)(1) is $3,700 for a consumer case and $4,200 for a self-employed/ business case.

* A no-look supplemental fee of $500 may be allowed for representation in a contested confirmation hearing in which a joint statement of dispute is filed and contested testimony and/or evidence is offered at the hearing.[[1]](#footnote-1) A fee order will be issued at the hearing upon the oral request by counsel.

Disbursement: After confirmation and to the extent funds are available after the deduction of Trustee’s commission, the Chapter 13 Trustee shall disburse to counsel $1,500 of the expedited fee in his initial disbursement under the plan.

Supplemental Fees: The supplemental fee amount for purposes of SC LBR 2016-1(b)(2)(A) is $2,000 subject to a limitation that no more than $1,200 in supplemental fees may be requested within any one year period after confirmation unless otherwise ordered by the court.

Higher Presumptive Fee: **In extraordinary circumstances** where counsel anticipates significant work necessary for the case and a written fee agreement has been entered with the debtor, counsel may present a **Certification and Presumptive Fee Request** which seeks a higher presumptive fee. **The Certification must be presented within fourteen days of the filing of the petition and contain a summary of facts demonstrating cause for a higher fee.** Prior to or with the filing, the Certification shall be presented to the Chapter 13 Trustee for the Trustee’s consideration of consent. The Certification and Presumptive Fee Request may be used to obtain approval of attorney’s fees without the filing of a formal fee application and hearing. An order allowing a higher presumptive fee may be entered on an *ex parte* basis. An example of a Certification and Presumptive Fee Request is attached. Until such time as a CMECF event is created the Certification may be filed along with Correspondence which requests consideration by the Court.

**UNITED STATES BANKRUPTCY COURT**

**FOR THE DISTRICT OF SOUTH CAROLINA**

|  |  |
| --- | --- |
| IN RE:  [*Debtor(s)’ Name*],  Debtor(s). | C/A No. [*Case No.*]  Chapter 13 CERTIFICATION AND PRESUMPTIVE FEE REQUEST |

I hereby certify that I represent the debtor(s) in this chapter 13 case and that the debtor(s) and I have established a fee agreement in an amount greater than the amount permitted for an expedited fee under SC LBR 2016-1(b)(1) and the Chamber Guidelines for Judge Waites. I certify that this agreement is included in a written fee agreement and the agreed upon fee amount is $\_\_\_\_\_\_\_\_. I have reviewed the issues in this case and believe the higher fees are necessary for the following reasons:

[*List reasons and provide explanation of additional work that will be necessary*]

For these reasons, I request the Court approve these attorney’s fees in the above amount. I acknowledge that I must comply with all other provisions of SC LBR 2016-1(b)(1) and understand that I will have the burden of proof in any contested hearing where these fees are being challenged.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[*Name of Debtor’s Counsel*]

ATTORNEY FOR THE DEBTOR(S)

1. An applicant may qualify for the additional fee if a matter is settled on the eve of a hearing after incurring substantial preparation and efforts. [↑](#footnote-ref-1)