

4-4-2007

In the United States Bankruptcy Court
for the Northern District of Georgia
Rome Division

In re)	Case No. 06-42115-MGD
)	
Randall Craig Evans)	Chapter 13
and Dana Evans,)	
)	Judge Diehl
Debtors.)	

ORDER

This is a Chapter 13 case in which the Chapter 13 Trustee has raised, in connection with the confirmation of the Plan, the fact that: “The proposed Plan and Statement pursuant to Bankruptcy Rule 2016(b) propose to pay \$4,200.00 to the Debtor(s)’ attorney for payment of attorney fees for “base services.” In addition, the proposed plan and Bankruptcy Rule 2016(b) contemplate possible additional fees for certain “non-based services.” The Trustee is unable to determine whether this is a reasonable fee and would request that Debtor(s)’ counsel appear at the confirmation hearing and be prepared to justify said fee to the Court.” At the hearing on confirmation, Debtor’s counsel made a statement concerning his fee¹ and both sides were given the opportunity to submit additional authority for their positions. The Court confirmed the Plan, but limited the fee allowed to \$3,000, subject to ruling on the Trustee’s objection. This Order constitutes the Court’s findings of fact and conclusions of law in accordance with Bankruptcy Rule 7052(a), made applicable by Bankruptcy Rule 9014(c).

Randall and Dana Evans filed their Joint Chapter 13 case on October 30, 2006. The Debtors had one prior case in this Court filed on September 6, 2000. The Chapter 13 Plan and all

¹Mr. McKay stated that “while [his] fee [includes all matters] through confirmation . . . in reality, it’s going to take us through the totality of the case, except in those very special circumstances where a lot of stuff is going on.” (Tr. at p. 8, ll. 14-17).

schedules and statements were filed on November 13, 2006. Additionally, Debtors' attorney filed two successful motions to avoid lien and corresponding objections to claims. Debtors have four secured creditors, including a first and second mortgage on their residence and lien holders on their two vehicles. The secured debt, including mortgage arrears of \$6,718, that is to be paid through the plan payments to the Chapter 13 trustee's office is estimated to be \$17,000.

Additionally, Debtors will pay one post-petition month's mortgage payments through the Trustee's office. The IRS holds a priority tax claim in the amount of \$4,084, which will be paid in full after all secured claims, and lease arrearage claims are paid in full. Additionally, Debtors have scheduled \$53,425 of unsecured claims. Unsecured claims are to be paid at 1%. Debtors are below the applicable median income for a family of their size in the State of Georgia. Plan payments are \$363 per month and of that sum, Debtors' attorney is to receive \$114 per month until his fee is paid in full. The Plan provides for adequate protection payments of \$147 per month to the holders of claims secured by the vehicles. Student loans (scheduled at approximately \$7,855) are currently in deferment and will be paid as long-term debt. A First Amended Plan was filed on December 13, 2006 and a Second Amended Plan was filed on January 10, 2007. It is this Plan which was confirmed on January 29, 2007. Subsequent to confirmation, a Motion for Relief from Stay with respect to the first mortgage on Debtors' residence was filed on February 27, 2007 and an announcement of "No Opposition" was made at the March 21, 2007 calendar. No Order yet appears on the docket.

As of October 1, 2006, the Bankruptcy Court for this District adopted and implemented General Order 6-2006. That General Order superceded General Order 3-2005 for Chapter 13 cases filed on or after that date. In essence, General Order 3-2005 authorized a "no look" fee of

\$2,500 or less for Chapter 13 cases filed in the District on or after October 17, 2005. General Order 6-2006 replaced the “no look” fee approach with a market based approach which recognized that cases filed under the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (“BAPCPA”) could vary widely in the nature and extent of legal services which were required to successfully prosecute a Chapter 13 case. A copy of General Order 6-2006 is attached to this Memorandum Opinion. The General Order requires that all fees be reasonable in accordance with 11 U.S.C. § 330(a) and be subject to objection by any party in interest.

In conformity with General Order 6-2006, Debtors’ counsel has provided for the payment of a fee of \$4,200 through the Plan and has provided that the “base” fee covers all services through confirmation of the Plan. The disclosures made pursuant to Rule 2016(b) indicate that the base fee does not include services for post-confirmation matters, Motions to Disburse, Motions to Employ, Motions to Suspend Payments, Motions to Sell, Motions to Substitute Collateral and Motions for Relief from Stay or Motions to Dismiss. However, counsel states in his “Comments On Trustee’s Response To Statement In Support of Fee Application” that he is willing to add the following language to the Plan in this case: “The fee set out above will cover all customary and usual work required during the course of a standard Chapter 13 case. In the event that a matter requires more than the usual and customary time or is a matter that does not usually occur during the course of a normal Chapter 13 case, Debtor’s attorney reserves the right to file an application with the Court for additional fees. If the additional fee is approved by the court, then the fee shall be paid up to \$50 per month, and the distributions to creditors shall be reduced, pro rata, by that amount until the additional fee is paid in full.” There is no dispute that the fee was agreed upon between Debtor and counsel and Trustee is the only party raising an issue with respect to the

reasonableness of the fee under the circumstances of the case.

Section 330(a)(3) of the Bankruptcy Code provides:

In determining the amount of reasonable compensation to be awarded to a[n]. . . professional person, the court shall consider the nature, the extent and the value of such services, taking into account all relevant factors, including —

(A) the time spent on such services;

(B) the rates charged for such services;

(C) whether the services were necessary to the administration of, or beneficial at the time at which the service was rendered toward the completion of, a case under this title;

(D) whether the services were performed within a reasonable amount of time commensurate with the complexity, importance, and nature of the problem, issue, or task addressed;

(E) with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the bankruptcy field; and

(F) whether the compensation is reasonable based on the customary compensation charged by comparably skilled practitioners in cases other than cases under this title.

Additionally, Section 330(a)(4)(B) is particularly applicable to Chapter 13 debtors' attorneys and it provides "In a . . . chapter 13 case in which the debtor is an individual, the court may allow reasonable compensation to the debtor's attorney for representing the interests of the debtor in connection with the bankruptcy case based on a consideration of the benefit and necessity of such services to the debtor and the other factors set forth in this section."

Much of the case law with respect to the reasonableness of fees charged in bankruptcy

cases arises in the context of Chapter 11 cases where contemporaneous time records are routinely maintained by the professionals. E.g., *In re First Colonial Corp.*, 544 F.2d 1291 (5th Cir. 1977), *cert. denied*, 431 U.S. 904, 97 S. Ct. 1696, 52 L. Ed.2d 388 (1977), (adopting the reasoning of *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974)); see also *Norman v. Housing Authority of Montgomery*, 836 F.2d 1292, 1299 (11th Cir. 1988). In such cases, the Court begins with the “lodestar approach” which includes determination of a reasonable number of hours and a reasonable hourly rate and multiplying those factors. However, in the context of Chapter 13 cases, the application of the lodestar is of limited utility. This is because the Chapter 13 Debtor’s attorney and the client both desire to provide for the payment of the fee through the Chapter 13 Plan and thus must determine on the front end what the fee will be, before the number of hours to be expended can be determined. Many of the Chapter 13 cases are filed by specialized volume practices in which the fee is more an average fee than an individualized fee. This approach has the advantages of simplicity, efficiency and economy and is certainly not unreasonable. Accord, *In re Howell*, 226 B.R. 279 (Bankr. M.D. Fla. 1998); *Chamberlain v. Kula (In re Kula)*, 213 B.R. 729, 737 n.5 (B.A.P. 8th Cir. Neb.1997). In the Chapter 13 context, therefore, the consideration of a lodestar fee in retrospect where the attorney and client have agreed to a flat fee in advance is inappropriate.

The burden of establishing the reasonableness of a fee lies with the applicant. *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d at 717-19; *Norman v. Housing Authority of Montgomery*, 836 F.2d at 1303. The *Johnson* Court listed twelve factors to be considered in determining the reasonableness of attorney’s fees. These factors expand upon the five factors which Section 330 “includes.” The *Johnson* factors are:

- 1) the time and labor involved;
- 2) the novelty and difficulty of the questions;
- 3) the skill requisite to perform the legal service properly;
- 4) the preclusion of other employment by the attorney due to acceptance of the case;
- 5) the customary fee;
- 6) whether the fee is fixed or contingent;
- 7) time limitations imposed by the client or the circumstances;
- 8) the amount involved and the results obtained;
- 9) the experience, reputation and ability of the attorneys;
- 10) the “undesirability of the case;”
- 11) the nature and length of the professional relationship with the client; and
- 12) awards in similar cases.

Johnson, 488 F.2d at 717-719.

In the context of determining whether a fee charged to a Chapter 13 Debtor in a post-BAPCPA time period is reasonable, the Johnson factors remain relevant although not exclusive. One of the few Courts to consider this issue was *In re McNally*, 2006 WL 2348687 (Bankr. D. Colo. 2006). While *McNally* involved a Chapter 13 attorney who had maintained contemporaneous time records and thus is not directly on point to this case, the Court did observe a number of facts which are relevant in evaluating the services performed here in the context of factors 1, 2, and 3. The Court observed:

“[BAPCPA] introduced all of us - the Court, the Clerk’s office, trustees, practitioners and their clients—to a new, more complicated bankruptcy process.

The complexity of the decision-making processes concerning the filing of a bankruptcy case increased exponentially, regardless of chapter. Even the simplest of tasks under the old law became novel and difficult questions given the dire consequences that could befall a client (and counsel) for failing to meet any number of these multiple new requirements.”

2006 WL 2348687 at *12.

In a typical Chapter 13 case, a debtor proposes to retain some or all of her property which is encumbered by liens and to pay the lien holders and priority and unsecured creditors from her future earnings. This is accomplished by the payment of sums to the Chapter 13 Trustee who then pays the funds, less an administrative fee, to the creditors in the amounts and in the manner set forth in the Chapter 13 Plan. Chapter 13 cases can differ in a number of ways: whether there are joint debtors or only one debtor; the existence of one or more home mortgages and the presence or absence of arrearages on those mortgages; the number of claims secured by vehicles and whether those vehicles were purchased within 910 days of the filing of the Chapter 13 case; the number and nature of other secured claims; consideration of which claims may require adequate protection payments pre-confirmation; whether the debtor is above or below the median income for the state and the different calculations of disposable income which may result; the amount of unsecured debt and the number of holders of that debt; whether the debtor has filed any prior bankruptcy cases; the length of the commitment period for the plan; the number of liens to be avoided; the existence of tax claims; whether the plan is to be funded by direct payment or through an employer deduction order, among other considerations. Noting the many possible differences underscores the notion that the skill required of a Chapter 13 debtor’s attorney is

substantial (Factors 2 and 3).

Factor 1 (time and labor) can be determined even in the absence of time records. The factors listed in the preceding paragraph are one indication of the amount of effort required of counsel to insure that the schedules and statement of affairs are accurate as well as the types of provisions that may be required in the Chapter 13 Plan. Mr. McKay's statement at the confirmation hearing indicated that every case filed by his law firm involved the use of a Lexis-Nexis "smart search" and follow-up to discharge counsel's obligations under BAPCPA. (Tr. P. 7, lines 15-25; p. 8, l. 103). Mr. McKay also stated that preparation of a case for filing typically involved three meetings with his clients.

With respect to factor 4 (preclusion of other employment), it is worthy to note that counsel who represent Chapter 13 debtors will be precluded by conflicts of interest from representing many creditors who frequently appear as parties to these cases. Factor 5 directs the Court to consider the "customary fee." Neither the Trustee nor the Debtor's attorney presented evidence on this factor. The Court has observed, however, in the nearly 14,000 Chapter 13 cases that have been filed in this District since BAPCPA was enacted and General Order 6-2006 took effect that attorneys' fees for confirmed chapter 13 cases have ranged from \$1,500 to \$5,500. The fee sought in this case is within the range of customary fees.

Factor 6 (fixed vs. contingent) is a relevant factor in a Chapter 13 case, although not in the traditional sense. Since debtor's counsel is paid through the Chapter 13 Plan, the payment of the full fee depends upon successful confirmation of the Plan and maintenance of the Plan through the time period necessary to pay the fee in full. Given the large percentage of Chapter 13 cases which are not confirmed or which fail prior to discharge, the fee must be considered contingent to

some degree, thus warranting an upper end fee consideration.

Factor 7 (time limitations) is a consideration in many Chapter 13 cases: those in which the debtor does not seek the advice of counsel until foreclosure or repossession is imminent. Factor 8 (amount and results) can be observed in each case in the amount of debt which is being compromised and the benefit thereby obtained and the amount of property being retained through the Plan. The fee as a percentage of the total payments to be made under the Plan may also be observed.

The ninth factor (experience, reputation and ability of the attorney) is not contested here. The law firm of Fuller & McKay represents a substantial percentage of all Chapter 13 filings in the Rome Division of the Northern District of Georgia. The Trustee does not contest the experience, reputation and ability of the individual attorney, Mr. McKay or his law firm. The Court observes that Mr. McKay has been admitted to practice for in excess of twenty years and has concentrated in the consumer debtor bankruptcy area. Mr. McKay appears regularly before this Court.


The tenth and eleventh factors (undesirability and length of attorney-client relationship) are not relevant to this case. The final factor (awards in similar cases) raises the same issues as Factor 5, the customary fee.

The considerations of Section 330(a)(4)(B) show that the joint Debtors proposed to pay all of their secured debt (with interest) and retain all of their property. Additionally, they will discharge approximately \$70,000 of unsecured debt and allow the long-term payment in full of \$8,000 of student loans. Successful completion of the Chapter 13 Plan will provide Debtors with a measurable benefit in the form of a discharge of substantial unsecured debt. Liens of two

creditors have been avoided and their claims recharacterized. The Court notes that the Docket shows that there are already sixty-five entries in this case.

In this case, the number and types of creditors and the amount of debt that is being dealt with through the Chapter 13 Plan, as well as the various considerations discussed above, support a finding by the Court that a fee of \$4,200 is a reasonable fee for the legal services necessary during the pendency of this case, unless and until unusual and atypical circumstances arise. Therefore, the Court will approve the requested fee and payment plan proposed provided that the Plan and Rule 2016 disclosure statement are amended to include the language: "The fee set out above will cover all customary and usual work required during the course of this case. In the event that circumstances not presently known require more than the usual and customary services, the Debtor's attorney reserves the right to file a fee application for additional fees."

SO ORDERED this 4th day of April, 2007.




Mary Grace Diehl
United States Bankruptcy Judge

Filed in U.S. Bankruptcy Court
Atlanta, Georgia

SEP 26 2006

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA

By:  W. Yvonne Evans, Clerk

IN RE:

COMPENSATION OF ATTORNEYS
IN CHAPTER 13 CASES

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GENERAL ORDER NO. 6-2006

ORDER

This Order is effective as to all cases filed on or after October 1, 2006, and, as to those cases, it replaces General Order No. 3-2005 entered October 5, 2005.

On April 20, 2005, Congress enacted the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("BAPCPA"). Under BAPCPA, a Chapter 13 case may be more complex and require more paperwork for both the chapter 13 debtor and debtor's counsel. Issues presented in Chapter 13 cases vary and debtor's counsel is in the best position to evaluate each case and to determine the legal services required and the fees that are appropriate for the performance of those services.

Establishment of appropriate procedures for attorneys to utilize in charging and collecting attorneys fees in Chapter 13 cases are set forth herein and are not intended to establish a particular fee or method of payment. The fee and method of payment agreed to between the attorney and the debtor should be reasonable in accordance with 11 U.S.C. § 330(a)(1) and the ethical requirements of the State Bar of Georgia. Rule 4-102 of the Rules of the State Bar of Georgia. Pursuant to 11 U.S.C. § 329(b), the Court may require the return of excessive fees. Accordingly, it is hereby Ordered that:

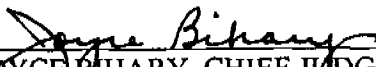
1. Attorneys representing debtors in Chapter 13 cases are required to represent the debtor in all matters related to the case which affect the debtor's interests unless the attorney is permitted to withdraw by order of the Court. BLR 9010-2;
2. The Chapter 13 plan filed by a debtor must state with specificity the nature of the fee to be paid through the plan, if any, and the method of payment. If, for example, a debtor and debtor's counsel agree upon a "flat fee" for all services a case may require, this fact must be clearly and conspicuously set forth in the plan, together with the means by which and at what intervals that fee is to be paid. Likewise, if the debtor and counsel agree upon an hourly billing arrangement, the plan must provide sufficient information regarding the arrangement to allow thorough review by all interested parties. If the debtor and counsel agree to a set fee schedule tied to specific tasks, such schedule should be included in the agreement and set forth in the Rule 2016 disclosure statement. If debtor and counsel enter into a fee agreement that may result in additional fees being requested by application, the plan should describe how such additional fees should be disbursed and describe the effect on payments to affected creditors so that the fee arrangement in each case is clear and unambiguous and all interested parties have the opportunity to review and respond to the arrangement prior to confirmation of the plan;

3. The disclosure statement required by Federal Rule of Bankruptcy Procedure 2016(b) must describe all fees received prior to filing and the amounts and method of any future disbursements;
4. Attorneys fees to be disbursed in accordance with debtor's plan are to be made from funds available after payment of the Trustee's fees and expenses and, if applicable, any adequate protection payments under 11 U.S.C. § 1326(a)(1)(C); and
5. Debtor's counsel is precluded from accepting fees from a debtor after a case is filed without prior application to the Court and an Order allowing same. unless such distributions are described in debtor's plan and made by the Chapter 13 Trustee;
6. Any fee arrangement agreed upon by debtor and debtor's counsel is subject to objection by any interested party;
7. Prior to filing a Chapter 13 petition, debtor's attorney shall provide debtor a copy of the attached "Rights and Responsibilities" and shall certify same in the Rule 2016(b) disclosure statement; failure of an attorney to perform all of the duties set forth in said Rights and Responsibilities may result in the reduction or disgorgement of attorneys fees in such amount as the court finds appropriate.

Any fee agreement may be modified as appropriate for the circumstances of the case at the Court's discretion. A modification that results in reduced fees will not constitute grounds for withdrawal by debtor's counsel, nor will it diminish the duty owed

by counsel to a debtor. Any fees paid in conjunction with a particular case shall be interim in nature, subject to review, disallowance and disgorgement upon request of any party in interest or *sua sponte* by the Court.

IT IS SO ORDERED, this 26th day of September, 2006.


JOYCE BIHARY, CHIEF JUDGE
UNITED STATES BANKRUPTCY JUDGE
FOR THE COURT

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA**

**RIGHTS AND RESPONSIBILITIES STATEMENT BETWEEN
CHAPTER 13 DEBTORS AND THEIR ATTORNEYS**

Chapter 13 of the Bankruptcy Code gives each debtor ("Debtor") important rights, such as the right to keep property that could otherwise be lost through repossession, foreclosure or liquidation by a Chapter 7 Trustee. Chapter 13 also places burdens on Debtors, however, such as the burden of making complete and truthful disclosures of their financial situation and prompt payments as required by the Plan. It is important for Debtors who file a Chapter 13 bankruptcy case to understand their rights and responsibilities to the court, the Chapter 13 Trustee and to creditors. Debtors are entitled to expect certain services to be performed by their attorneys, but Debtors also have responsibilities to their attorneys. To assure that Debtors and their attorneys understand their rights and responsibilities in the Chapter 13 process, the judges of the Bankruptcy Court for the Northern District of Georgia have approved this statement of rights and responsibilities of Debtors and their attorneys in Chapter 13 cases that include, but are not limited to the following, as each case's facts may require more of both Debtor and Debtor's attorney.

BEFORE THE CASE IS FILED

EACH DEBTOR SHALL:

1. Discuss with the attorney the Debtor's objectives in filing the case.
2. Timely provide the attorney with full and accurate financial and other information, including, but not limited to:
 - (a) Copies of pay stubs or other evidence of payment received before the date of filing of the petition, as requested by the attorney;
 - (b) Copies of all Federal income tax returns (or transcript of the returns) as requested by the attorney.
3. Inform the attorney of any and all prior bankruptcy cases Debtor has filed.
4. Provide copies of all bills, notices, statements or communications from creditors, as requested by attorney.

THE ATTORNEY SHALL:

1. Personally counsel Debtor regarding the advisability of filing either a Chapter 13 or a Chapter 7 case, discuss with Debtor the procedures in both Chapters, as well as non-bankruptcy options, and answer Debtor's questions.
2. Personally explain to Debtor the requirement of obtaining a certificate from an approved nonprofit budget and credit counseling agency.
3. Personally explain to Debtor that the attorney is being engaged to represent Debtor on all matters arising in the case, and explain how and when the attorney's fees and the trustee's fees are determined and paid. If the agreed attorney's fees are based upon individual services to be rendered in the case, attorney shall provide to Debtor, and review with Debtor in detail, a written list of the specific services to be rendered and the fee to be charged for each task. Notwithstanding such an agreement, unless and until the Court allows the attorney to withdraw as Debtor's counsel, the attorney shall perform any and all services necessary and appropriate for the representation of Debtor in, or relating to, the case.
4. Personally review with Debtor and obtain Debtor's signature on the completed petition, plan, as well as the Statement of Financial Affairs, Income and Expenses, and other statements *as well as the various schedules (the "Schedules"), and all amendments thereto, whether filed with the petition or later.* The Schedules may be prepared initially with the help of clerical or paralegal staff of the attorney's office, but personal attention of the attorney is required for the review and signing by Debtor.
5. Timely prepare and file Debtor's petition, plan, Schedules, statement of monthly net income, and any other required pleading.
6. Explain to Debtor how, when and where to make all necessary payments, including both payments that must be made directly to creditors and payments that must be made to the Chapter 13 Trustee ("Trustee"), with particular attention to housing, vehicle, and domestic support obligation payments.
7. Advise Debtor of the need to maintain appropriate insurance especially for house and vehicle.
8. Inform Debtor of the need to potentially provide attorney with copies of each Federal income tax return (or transcript of the return) for each tax year ending while the Debtor is in the case.

AFTER THE CASE IS FILED

EACH DEBTOR SHALL:

1. Appear punctually at the meeting of creditors (also called the "341 meeting") with recent proof of income, a photo identification card, and proof of Social Security number. Acceptable forms of proof of identification are: driver's license; government ID, state picture ID; student ID, U.S. passport; military ID; resident alien card. Acceptable forms of proof of Social Security number are: Social Security Card; medical insurance card; pay stub; W-2 form; IRS form 1099; Social Security Administration Report. Debtor must be present both in time for check-in and when the case is called for the actual examination.
2. Make the required payments to Trustee and to such creditors as are being paid directly, or, if required payments cannot be made, to notify the attorney immediately.
3. Promptly provide attorney, upon their request, evidence of all payments made directly to creditors and Trustee, including amount and date of payment.
4. Notify the attorney immediately of any change in Debtor's address or telephone number.
5. Inform the attorney immediately of any wage garnishments, liens or levies on assets that occur or continue after the filing of the case.
6. Contact the attorney immediately if Debtor loses employment, is "laid off" or furloughed from work or has any significant change in income; experiences any other significant change in financial situation, including serious illness, personal injury, lottery winnings, or an inheritance.
7. Notify the attorney immediately if Debtor is sued or wishes to file a lawsuit, including divorce, matters regarding personal or property injury (including any worker's compensation matters), and any other matter in which Debtor is involved in a lawsuit or legal action outside this court.
8. Inform the attorney immediately if any tax refunds to which Debtor is entitled are seized or not received when due from the IRS or Georgia Department of Revenue.
9. Contact the attorney before buying, refinancing, or contracting to sell real property, and before entering into any loan agreement.
10. Complete an instructional course concerning personal financial management prior to receiving a discharge.

THE ATTORNEY SHALL:

1. Advise the Debtor of the requirement to attend the meeting of creditors, and notify or remind Debtor of the date, time and place of the meeting, in such detail as is helpful or necessary to Debtor's appearance.
2. Inform Debtor that Debtor must be punctual and, in the case of a joint filing, that both spouses must appear at the same meeting.
3. Provide competent legal representation for Debtor at the meeting of creditors, appear in time for check-in and the actual examination and, unless excused by Trustee, for the confirmation hearing.
4. If an attorney not employed by Debtor's attorney's law firm (a "contract" attorney) will be attending Debtor's 341 meeting or any court hearing, personally explain to Debtor in advance the role and identity of the contract attorney, obtain Debtor's written permission for the contract attorney to represent Debtor and provide the contract attorney with the file in sufficient time to review and discuss it with Debtor prior to such representation.
5. Make all reasonable efforts for the individual attorney who met with Debtor to attend the § 341 meeting or any other court hearing. However, if that attorney is unavailable then an attorney will be present on behalf of the Debtor with knowledge of Debtor's case and authority to make any modifications to Debtor's plan deemed necessary.
6. Timely submit to Trustee properly documented proof of income for each Debtor, including business reports for self-employed debtors, and all required pay advises and tax returns or transcripts.
7. Timely respond to objections to plan confirmation, and where necessary, prepare, file and serve amended Schedules or an amended plan.
8. Timely prepare, file, and serve any necessary annual financial statements, amended statements and Schedules, and any change of address, in accordance with information provided by each Debtor.
9. Monitor all incoming case information (including, but not limited to, Order Confirming Plan, Notice of Intent to Pay Claims, and 6-month status reports) for accuracy and completeness. Contact promptly Trustee or Debtor regarding any discrepancies.
10. Promptly respond to Debtor's questions through the term of the plan.
11. Timely prepare, file and serve necessary modifications to the plan after confirmation,

including modifications to suspend, lower, or increase plan payments.

12. Prepare, file and serve necessary motions to buy or sell property and to incur debt.
13. On or before 60 days after the general bar date, certify the attorney has reviewed claims with Debtor, prepared, filed and served objections to improper or invalid claims and filed claims within 30 days after the bar date for creditors who fail to file claims when such failure will adversely affect Debtor's case or its successful completion and discharge or such failure will adversely affect Debtor after case completion and discharge.
14. Timely confer with Debtor and respond to any motion to dismiss the case, such as for payment default, or unfeasibility, and to motions to increase the percentage payment to unsecured creditors.
15. Timely confer with Debtor and respond to motions for relief from stay.
16. Timely prepare, file and serve appropriate motions to avoid liens.
17. Provide any other legal services necessary for the administration of the case.