

New Attorney filing a motion to modify to fix feasibility issues during the traditional “no-look” fee period of time allowed to charge a fee for the motion to modify

Case: 10-60213 *Stevens*

Docket: Modification Docket on 4/20/11 Tyler Docket

Facts: Debtors’ attorney is no longer practicing law. The Debtors’ confirmed plan needed to be modified after the TRCC due to a feasibility issue. Normally, such a motion to modify is done as part of the attorney’s “no-look” fee pursuant to the Court’s Local Rules. New attorney filed the motion to modify but in so doing requested a fee of \$600.00 for preparing and filing the motion to modify. The Trustee supported the attorney being paid the extra fee but placed the matter on the “call” docket in order to get approval from Judge Parker for such a fee request.

Ruling: Judge Parker granted the request for attorney’s fees in the amount of \$600.00 for the modification without the necessity of the attorney filing a formal fee application.

Result: I support the concept of a new attorney being paid a reasonable fee to assist a debtor who is no longer represented by counsel. To do otherwise would have resulted in no attorney accepting this Debtor as a client and the case ultimately being dismissed thereby requiring the Debtor to start over again with a new attorney.