

New Attorney taking over a case was entitled to a larger fee than normal for preparing a motion to modify in the case

Case: 09-60014 *Lehr*

Docket: Modification Docket on 8/24/11 Tyler Docket

Facts: The Debtors originally attorney had shut down his Tyler office and moved to Dallas and was no longer available to represent the Debtors. The Debtors, for whatever reason, needed to modify the terms of their confirmed plan. The Debtors retained a new attorney who prepared and filed the motion to modify, thereby requesting attorney's fees in the amount of \$800.00. In that the requested fees were higher than what was normally charged for a motion to modify in the Eastern District of Texas, the Trustee requested that this matter be placed on the call docket for approval by the Court of the requested fees.

Ruling: Judge Parker approved the \$800.00 fees without the necessity of the attorney preparing and filing a formal fee application.

Result: An attorney that takes over another attorney's case and, as a result of such, does more work in reviewing the case, will be able to charge a reasonable fee for the subsequent services rendered due to the additional work in reviewing the case. In this case, the fees of \$800.00 for the motion to modify were approved by the Court. The Trustee supports the concept of additional fees for an attorney in this fact situation.