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February 24, 2006

The Honorable Glen E. Clark  
The Honorable Judith A. Boulden  
The Honorable William T. Thurman  
United States Bankruptcy Court, District of Utah  
350 South Main Street  
Salt Lake City, UT 84101

Your Honors:

I am writing to express my support for the memorandum regarding presumptive attorney's fees in chapter 13 cases submitted by Lee Davis, David Berry, Justin Burton and Jory Trease, and for the fee increase proposed therein.

The points made in the memorandum and made by others who have submitted comments reflect my experiences in chapter 13 practice and raise many of the same concerns I have had for some time. I believe the suggested fee increases outlined in the memorandum are reasonable and justifiable. I have not been in the habit of keeping time records in chapter 13 cases because the time and expense often associated with maintaining such records. I believe however, that the time detail provided in the memorandum's supporting documents are similar to my experience in preparing post-BAPCPA chapter 13 cases. I believe that any reductions in the time necessary to prepare cases after overcoming the learning curve will be more than offset by additional work determined necessary as we more fully develop practices and procedures in response to case law developments and practical experience.

There is a significant amount of additional work involved in preparing these cases for filing and for confirmation, including at a minimum reviewing debtor income and case filing history, reviewing and providing tax returns, paystubs and profit and loss statements, preparing means test forms and providing more detailed plan treatment calculations. Ironically, much of this work is useful in preparing cleaner, more potentially successful chapter 13 cases and probably would have been done voluntarily prior to BAPCPA if the attorney compensation scheme had adequately provided for it. We now find ourselves obligated to perform work we have previously determined to be unprofitable. The chapter 13 system as a whole should benefit, in that we will hopefully be presenting more realistic and feasible plans under the new system, and with any luck, we may come closer to actually collecting the full amount of fees awarded in a

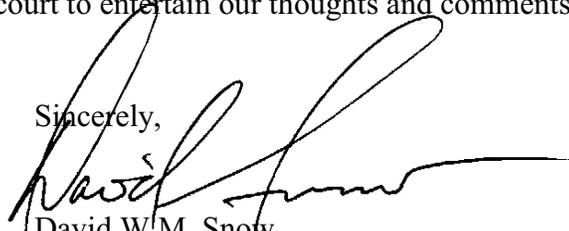
given chapter 13 case, but only if the compensation structure is rebalanced so that experienced practitioners can operate profitable practices and earn a respectable living.

I also strongly support the elimination of the fee structure related to contested and uncontested confirmations. As stated in the memorandum, this well-meaning system has produced perverse incentives and unintended consequences, and often amounts to a 20% fee reduction for circumstances well outside the control of debtor's counsel. Not the least of these conflicts is the financial incentive to be less than aggressive in representing clients in order to resolve conflicts and eliminate objections to confirmation. BAPCPA creates a minefield of new potential conflicts of interest between attorney and client. The least we can do at this point is eliminate all the potential conflicts we can. I also payment schedule should be adjusted to reduce the period of time during which allowed fees are paid to counsel through plan payments.

As a personal matter, I enjoy the practice of bankruptcy law. The members of the bankruptcy bar, both debtor and creditor, enjoy a collegial spirit and a great deal of mutual respect. Economic changes over the last several years, including the normal increases in the cost of living and doing business have increased the financial pressure on those of us representing financially challenged clients. These changes have already caused a number of our colleagues to leave this area of practice, and BAPCPA has only accelerated the exodus. It is vital to the smooth operation of the court and the chapter 13 system to support the efforts of experienced counsel to remain in this area of practice by ensuring that they are adequately compensated in a timely manner.

I appreciate the willingness of the court to entertain our thoughts and comments on this issue and look forward to your decision.

Sincerely,



David W.M. Snow  
Attorney at Law