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IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH	
In re: ATTORNEYS' FEES IN CHAPTER 13 CASES Debtor(s).	Case No. 06-50001
COMMENT	

To: Chief Judge Glen E. Clark
 Judge Judith A. Boulden
 Judge William T. Thurman

Your Honors:

It has been just over four months since the new law took effect, and nearly eight months since we began managing Chapter 13 cases on an early-confirmation basis. It has been many years since the presumptive fee was addressed.

In the landscape of the new Code, with the obligations imposed upon debtors and their counsel, the work required to *file* a case has increased significantly. I averaged the time spent with clients *prior to the filing of a case*, and it is approximately 2.75 hours. This is *my time*, not the total time of me and of my staff. This equates to \$550 per case, billable *prior to filing* in an *average* case. Some of this will abate as new procedures are developed; however, some of the increase is hard-wired into the code – my obligation to investigate will not become streamlined. My requirement to meet the requirements imposed upon “debt relief agencies” will not decrease absent some bold stroke by debtors’ counsel and the bench. I have to examine *six months* worth of pay stubs to properly complete the means test. In a case in which a *full* means test is required for over-median-income debtors, the up-front time is closer to 4 hours – 4 hours *attorney time - prior to the filing of a case*. This equates to \$800 in attorney time, plus normal data-entry and other staff time. It is taking me \$800 - \$1200 per case on average to *get the case filed*.

After filing, and prior to the creditors’ meeting, I am beginning to effectively use staff. However, the obligations required under the new code, and the apparent extension of liability for

debtors' counsel mean that in all cases, the days of a large staff of paralegals, and attorneys using a hands-off management style, are over for good. This *may* mean better work, and it *can* mean higher-quality representation – but it cannot be done with the fees at the amounts they are now set at. If fees remain presumptively low, it will require preparation, examination, filing and review of fee applications in a majority of cases. This is something that, I believe, all of us want to avoid. Chapter 13 has been unique in its application – the public has had access to quality attorneys and efficient, fair Courts because the system was honed to allow many tasks to be repeatable. The changes in the Code will not allow that kind of efficiency for literally years. Completely unrelated to any one case, I have spent at least 12 hours of time honing language in the plan – and I can attest that the trustees have spent that time with me, haggling, helping, honing.

The presumptive fees suggested in the pleading on file are acceptable, and accurately state *at a minimum* what it is taking me to get cases done, filed and prepared. I support the conclusions stated therein and request a raise in the presumptive fees in harmony with that application.

Thank you for your time and consideration.

Dated this 24th day of February, 2006.

/s/ Brian D. Johnson
Brian D. Johnson