

UNITED STATES BANKRUPTCY COURT
DISTRICT OF IDAHO

IN RE)	
)	Case No. 08-02779-TLM
ANDREA SARA ALLEY,)	
)	Chapter 13
Debtor.)	
_____)	

DECISION ON FEE REQUEST

Andrea Alley (“Debtor”) filed a voluntary chapter 13 case on December 5, 2008. Debtor’s initial attorney was Grant King. On March 10, 2009, attorney Robin Long and the law firm of Martelle Law Offices (collectively “Long”) substituted for King. *See* Doc. No. 25. On April 30, 2009, Long moved for leave to withdraw, and that request was granted at a hearing on May 18, 2009. Debtor is presently representing herself *pro se*.

On June 4, 2009, Long filed a request for compensation, Doc. No. 53 (“Request”) and an affidavit in support, Doc. No. 54 (“Long’s Affidavit”). Long’s Affidavit itemized services that, at the suggested hourly rates, totaled \$2,122.50. (Not all itemized services in Long’s Affidavit were billed to Debtor; only services with a dollar value shown after the time entry were charged.) It also reflected that Long had received a \$1,000.00 retainer, and that the balance of the fees owed, after application of the retainer, would be \$1,122.50.

Debtor objected to the Request. *See* Doc. No. 55 (“Objection”). The Request and Objection were heard on August 11, 2009, and the issues taken under advisement subject to a revised fee affidavit from Long. That revised affidavit was filed on August 13, 2009. *See* Doc. No. 78 (“Long’s Amended Affidavit”).

Long’s Amended Affidavit removes the charges related to Long’s request to withdraw as counsel for Debtor. Long’s Amended Affidavit asserts a total amount of \$1,742.50 which, after application of the \$1,000.00 retainer, would leave a balance of \$742.50.

Long’s Amended Affidavit also modifies the Request, indicating that if the Court allows \$1,000.00 in fees, which would be satisfied by the earlier retainer, Long would voluntarily waive the other \$742.50 in itemized fees. Doc. No. 78 at 2, ¶ 10.

The Court has considered the Request, the Objection, the arguments made at hearing, and Long’s Amended Affidavit together with the rest of the record. The Court finds that attorneys’ fees in the amount of \$1,000.00 are well within the range of reasonableness, satisfy the requirements of 11 U.S.C. § 330(a)(4)(B), and are adequately supported by the record. While an argument could be made that the entire \$1,742.50 as shown on Long’s Amended Affidavit is likewise reasonable and justified, Long has modified the Request to ask for approval of fees in the amount of \$1,000.00. *See id.*

The Court therefore concludes that the Objection will be overruled, and the Request, as modified, will be granted. Long's fees will be allowed in the amount of \$1,000.00. The Court will enter an Order accordingly.

DATED: August 24, 2009



A handwritten signature in black ink, reading "Terry L. Myers". The signature is written in a cursive style with a large, prominent "T" and "M".

TERRY L. MYERS
CHIEF U. S. BANKRUPTCY JUDGE

CERTIFICATE OF SERVICE

A “notice of entry” of this Decision, Order and/or Judgment has been served on Registered Participants as reflected by the Notice of Electronic Filing. A copy of the Decision, Order and/or Judgment has also been provided to non-registered participants by first class mail addressed to:

Andrea Sara Alley
26827 Upper Pleasant Ridge Road
Wilder, ID 83676

Case No. 08-02779-TLM

Dated: August 24, 2009

_____/s/_____
Suzanne Hickok
Law Clerk to Chief Judge Myers