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IT IS SO ORDERED.

Dated: January 2, 2024




Guy R. Humphrey
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

In re:

JENNIFER DRIESEN,

Debtor.

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Case No. 23-31287
Chapter 13
Judge Humphrey

**ORDER APPROVING ATTORNEY FEES OF DEBTOR’S
COUNSEL AND ORDERING OTHER MATTERS (DOC. 30)**

On November 27, 2023 counsel for the Debtor, Wayne P. Novick, filed an *Application for Attorney’s Fees* (doc. 30) (the “Application”). The Application seeks an award of attorney fees in the amount of \$6,500 for services rendered by Mr. Novick and Elizabeth M. Chinault at the Law Office of Wayne P. Novick (collectively, “Novick”) pre-petition and pre-confirmation and expenses in the amount of \$121.79.

The court exercises its independent duty and reviews this fee application *sua sponte* in accordance with 11 U.S.C. § 330(a)(2). See *In re Henson*, 637 B.R. 13, 15 (Bankr. S.D. Ohio 2022) (explaining that the court reviews fee applications for routine Chapter 13 services *sua sponte* to guard the public interest); *In re Spear*, 636 B.R. 765, 769-70 (Bankr. S.D. Ohio 2022) (similar).

When reviewing the Application for reasonableness, the court calculated a lodestar estimate of reasonable fees by multiplying the reasonable number of hours by a reasonable rate in this legal market for a similarly qualified attorney. See *Henson*, 637 B.R. at 15-16; *In re Boddy*, 950 F.2d 334, 337 (6th Cir. 1991). The court's calculation also included a hypothetical hourly rate of \$150 for tasks that could be handled at the paralegal and administrative level. The court has no issue with the \$400 hourly rate charged by Wayne Novick or Elizabeth Chinault, experienced attorneys admitted to practice in 1981 and 2003, respectively.¹ Further, Novick voluntarily reduced the amount billed by \$2,340. However, it would aid the court in making such determinations in the future if Novick included in its time entries a hypothetical paralegal and administrative rate for the court to consider for the time entries in which that rate is appropriate. Further, more comprehensive and detailed time entries would aid the court in its review. Examples of entries in which a more detailed explanation would have assisted the court include "Phone call with client," dated 08.03.23; "Text message and email on documents," dated 08.09.23, and "Text message from and to client," dated 08.17.23. Of course, time entries should not be so effusive as to divulge information covered by attorney-client privilege.

Based on the foregoing, the court determines that the attorney fee sought by Novick as compensation in this case is reasonable and necessary and, accordingly, is allowed. 11 U.S.C. § 330(a)(3) & (4).

IT IS SO ORDERED.

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Default List

¹ All years of admission in this decision are taken from the Ohio Supreme Court's website, <https://www.supremecourt.ohio.gov/AttorneySearch/#/search> (last visited January 2, 2024).