

ASSISTING *PRO SE* PARTIES IN BANKRUPTCY CASES

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Bankruptcy Judges Advisory Group to the
Administrative Office of the United States Courts

Note:

Judges and clerks' offices are free to share this paper with members of the bar and others interested in assisting the court in addressing the issue of *pro se* parties. Your suggestions regarding possible improvements to this paper for future revised editions will be appreciated, and can be forwarded to the Bankruptcy Judges Division at the Administrative Office where Patricia Levy (Patricia Levy/DCA/AO/USCOURTS.gov) is the person to contact.

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ASSISTING *PRO SE* PARTIES IN BANKRUPTCY CASES

I

INTRODUCTION

The enactment of BAPCPA¹ has made it much more difficult for *pro se* debtors to navigate a bankruptcy case successfully. In addition, the bankruptcy courts continue to deal with other *pro se* parties.

This paper suggests ways in which the bankruptcy courts can assist such *pro se* parties through their clerks' offices (short of the clerk's office giving legal advice),² and through *pro bono* programs, and mediation programs. This paper does not address how a judge should treat a *pro se* litigant in the course of litigation.³

Emphasizing the dangers of proceeding without counsel and pointing *pro se* parties to resources for locating an attorney are an important aspect of courts' assisting such parties. In addition, it is important for the court to emphasize to *pro se* parties that the clerk's office and judges (and their chambers staff) may not give legal advice.

¹ Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub.L. No. 109-8, [119 Stat. 23](#) (generally effective as to cases filed on or after October 17, 2005).

² For a collection of articles addressing clerks' offices providing guidance to *pro se* parties (including limits on its ability to do so), see Richard Zorza, [The Disconnect between the Requirements of Judicial Neutrality and those of the Appearance of Neutrality when Parties Appear Pro Se: Causes, Solutions, Recommendations, and Implications](#), 17 *Geo. J. Legal Ethics* 423, at 423-24 nn. 2-4 (2004) [hereinafter *When Parties Appear Pro Se*]. That article describes John M. Greacen, [No Legal Advice from Court Personnel: What Does That Mean](#), 34 *Judges' J.* 10 (Winter 1995), as "the seminal line-drawing article that addresses the role of clerks and non-judicial staff." *Id.* at 424 n.2.

³ For one view of what are the limits that the requirement of impartiality places on a judge's assisting *pro se* litigants in the course of litigation, see [When Parties Appear Pro Se](#), *supra*, n.2.

Nevertheless, there will be *pro se* parties who elect to continue to proceed *pro se*, and a court's posting of information regarding the substantive and procedural aspects of a bankruptcy case will benefit such parties, but will also benefit the court by reducing the frequency of *pro se* parties' burdening the courts with incorrectly filed papers and frequent solicitation for assistance or information from the clerk's office. A side benefit is that the information will occasionally be of assistance to attorneys (for example, as a source of information they can provide to their clients).

II

WEBSITE INFORMATION

One approach towards assisting *pro se* parties is via posting information on websites. For example, on the [uscourts.gov](http://www.uscourts.gov) website, a new page has been added to give *pro se* debtors some guidance regarding proceeding in a bankruptcy case (including the dangers of proceeding without counsel), and the page is found at:

<http://www.uscourts.gov/bankruptcycourts/prose.html>

A local court's website may usefully include a link to that page. But necessarily the local bankruptcy court must be the principal source of guidance to such *pro se* parties.

Most courts post on their websites information about the bankruptcy process to assist *pro se* debtors and other *pro se* parties. The information posted, and how it is posted, varies widely from district to district. We make the following suggestions. Attachment 1, [Model Website Page For Pro Se Parties](#), incorporates those recommendations, with some of the links that a *pro se* party would find on that page. Examples (from many possible candidates) of websites that include many of the features we suggest are these:

<http://www.azb.uscourts.gov/>

<http://www.flmb.uscourts.gov/consumerdebtor/default.htm>

<http://www.ilnb.uscourts.gov/>

<http://www.mab.uscourts.gov/mab/>

You are free to take these suggestions with a grain of salt as your website may already be a thoroughly polished website or because you may disagree with these suggestions. We do not pretend to have a monopoly of wisdom.

A. Post a link on the website's home page to a pro se page entitled "Have No Attorney?" or "Information for Parties Who Have No Attorney" as on the [Model Website Page for Pro Se Parties](#) below. This suggestion addresses some weaknesses that a website can have:

- Some courts have information for *pro se* parties, but do not show a link to that information on the website's home page. (For example, it may be necessary to click on the link for "Legal Resources" to find out that there is a link under "Legal Resources" for *pro se* parties.)
- In addition, some courts may use the term "*pro se*" on their home page, and some *pro se* parties may not know what that term means.
- Finally, it is not only debtors who do not have an attorney.

B. On the pro se website page post a general topic for both pro se debtors and creditors discussing the complexity of bankruptcy and the desirability of proceeding with an attorney, and the prohibition against the clerk's office and judges giving legal advice. The model website *pro se* page includes such a topic, entitled [General Warning to Parties Proceeding Without an Attorney \(Proceeding Pro Se\)](#), which is an example of how such a topic can:

- insure that the website does not give the impression that it encourages *pro se* parties to proceed *pro se*;
- warn that only attorneys (and not petition preparers) can give legal advice;
- warn that the website is not a substitute for the advice of competent legal counsel and cannot be cited as legal authority; and
- provide a link for finding an attorney.

C. On the website's home page, post a link to a special topic (contained on the website's *pro se* page) warning debtors about the [11 U.S.C. § 109\(h\)](#) prepetition credit counseling requirement, and post a link to that as well on the top of the *pro se* page. Many an individual debtor's bankruptcy case is dismissed because the debtor did not obtain prepetition credit counseling. Accordingly, there should be a link to the warning in that regard (see [Notice to All Debtors Before Filing a Case](#)) both on the website's home page and at the outset of the *pro se* page.

D. Highlight under a separate topic special reasons why an individual debtor's filing a bankruptcy case now may be inadvisable and the need to evaluate whether pursuing a bankruptcy case is really needed. The model website page for *pro se*s includes such a topic entitled [Special Warning to a Debtor Thinking of Filing a Bankruptcy Petition](#). That topic would, once again, mention the prepetition credit counseling requirement of § 109(h) (linking to the topic that fully discusses that requirement), and would also advise a debtor to meaningfully evaluate whether bankruptcy makes sense, with the topic mentioning:

- the unavailability of a discharge, in certain circumstances, if the debtor filed a prior bankruptcy case;
- the impact of when the case is filed on whether certain tax liabilities will not be discharged by the debtor's discharge;
- the necessity of ascertaining whether any prior case was dismissed with prejudice;
- the impact on the automatic stay of a prior case or cases having been pending within the last year;
- as a way of re-emphasizing the desirability of having an attorney, a brief mention of the complicated means test, and the possible need for the assistance of an attorney in completing the required forms relating to the means test.

The topic would point a debtor to a topic (next suggested) that discusses the other requirements imposed on the debtor and the difficulties a debtor will face once the debtor has commenced a case.

E. Include on the *pro se* website page a discussion of the particular difficulties that a *pro se* debtor will encounter in attempting successfully to navigate a bankruptcy case once it is commenced. The model website *pro se* page includes such a topic, entitled [Warning to Debtors Who Are Pro Se \(Without an Attorney\) Regarding the Difficulties They May Encounter Once They File a Bankruptcy Case](#), which illustratively addresses such matters as:

- the papers a debtor must file or furnish (the papers required by Rule 1007 and also tax returns);
- the danger of dismissal for failing to file or furnish papers (including the automatic dismissal provision of § 521(i));
- the need to attend and testify at the § 341 meeting of creditors;
- the requirement to take a financial management course after filing the petition if the debtor is to obtain a discharge;
- the filing fee requirement.

F. Include on the *pro se* website page information for *pro se* creditors. The model website *pro se* page includes such a topic, entitled [Creditors \(and Other Non-Debtor Parties\) Proceeding Pro Se \(Without an Attorney\)](#), which illustratively addresses such matters as:

- The general rule that only individuals may appear *pro se*, and the exceptions for what a corporation may file *pro se* despite that rule (e.g., a proof of claim).
- The desirability of having counsel in any proceeding within the case and points to the *pro se* page's *Find an Attorney, Sometimes Available for Free* topic.

G. On the *pro se* website page, include a "Find an Attorney (Sometimes Available for Free)" topic. Sometimes a *pro se* party is unaware of how to find an attorney to hire for a fee, and may be unaware of attorney services that may be available for those unable to afford to pay for an attorney.

Posting a Link to ABA's Website. Preparing such a page may be as simple as providing a link to a page on the American Bar Association website entitled:

<http://www.abanet.org/legalservices/findlegalhelp/home.cfm>

That ABA website page provides, for each state a link to a page entitled "Consumer's Guide to Legal Help" for each state which includes:

- a link to <http://www.lawhelp.org/> which posts similar information for *pro ses* in that state;
- a category entitled "Find a Lawyer" with links for the particular state entitled:
 - ▶ Lawyer Referral;
 - ▶ Other Ways to Find a Lawyer
 - ▶ Free Legal Help;
- a link for "Find Legal Information;"
- category entitled "Using a Lawyer" with links to:
 - ▶ "Lawyer Licensing" (how to verify that the lawyer is duly licensed), and
 - ▶ "Trouble With a Lawyer" (what to do when you have trouble with your lawyer).

Posting a Link to the Local Bar Association's Website. Your local bar association may have a website that includes information regarding finding an attorney, and it is advisable to include a link to that part of its website.

Posting Information Regarding Any *Pro Bono* Program Unique to the Bankruptcy Court. Many bankruptcy courts have *pro bono* programs in place, and some have a clerk's office law clerk for *pro ses*. Be sure to also include mention of any such programs unique to the Bankruptcy Court.

H. The website's *pro se* page should post a link to the website's page that addresses informational materials regarding bankruptcy, and clearly indicating the topic as serving that purpose. A court should consider posting on its website's *pro se* page a link (not just references) to the website page (for which the link is typically entitled **Resources**) that furnishes informational materials about the bankruptcy process. However, because the term "Resources" may inadequately signify to many *pro se* debtors what the topic covers, the *pro se* page should clearly identify what that topic covers. For example, the link could read Informational Materials Regarding Bankruptcy (Guides to Basics of Bankruptcy, Statutes, Forms, Rules, Checklists, Filing Fees).

I. The website's topic regarding informational materials about the bankruptcy process should include information that is readily included on a website. Typically, a website's home page includes a topic entitled **Resources** which sets forth such information as:

- a link to the www.uscourts.gov website's links for:
 - ▶ *Bankruptcy Basics*,
 - ▶ Bankruptcy Code,
 - ▶ Official Rules,
 - ▶ Federal Rules of Bankruptcy Procedure, and
 - ▶ Director's Form B200 (checklists for different chapters),
- a link to any useful bankruptcy materials prepared by the local bar or local *pro bono* group (which materials often may be located using <http://www.lawhelp.org/>);⁴
- the court's Local Bankruptcy Rules;
- the court's Local Forms adopted by Local Rule (and any suggested forms not required by Local Rule);

⁴ That website provides legal information by state, and often posts information unique to the operation of the bankruptcy laws in that state based on that state's garnishment and exemption laws.

- helpful **guides to bankruptcy** of the court's choosing:⁵
 - ▶ We include on the model website *Resources* page links to various types of [Guides to Bankruptcy](#).
 - ▶ Rather than a single guide for all cases, it may be useful to post **separate guides for debtors for each of the different chapters** under which a debtor may file a bankruptcy case.
- guidance re filing fees;
- guidance re filing amended papers (particularly amended schedules, amended lists of creditors, and an amended mailing matrix);
- guidance re reaffirmation agreements (requirements for filing and for appearing if debtor is proceeding without an attorney; description of legal consequences; warning that reaffirmation is not required by law and may not be in the debtor's best interests).

J. The website's *pro se* page should post cross-links (not just references) to other pages of its website that it mentions. We recommend providing cross-links to other pages of the website so that *pro ses* need not search for the link to the page on the website's home page.

K. The Official Forms and Local Forms Can be Posted in PDF-Fillable Format. Using Adobe Acrobat Professional, Version 8, a pdf form (other than one created via scanning of the form into pdf) can be converted to a pdf-fillable form. Most of the Official Forms are already in pdf-fillable form and available in pdf-fillable form on the uscourts.gov website. Encouraging use of those forms may assist in having legible forms filed.

L. A list of assistance that *is* and *is not* available at the clerk's office should be posted. See the model *pro se* web page.

⁵ In preparing this paper, we did not attempt to prepare a guide as a model for possible use nationwide.

III

INFORMATION AVAILABLE AT CLERK'S OFFICE

Although the clerk's office cannot give legal advice, it can nevertheless provide assistance at its public area that would be useful to a *pro se* party.

A. Providing Information in Paper Form. The court should post at the clerk's office conspicuous information in paper form similar to what it posts on its website. (Some individuals may not be computer savvy.) We suggest that the court consider:

- posting a very prominent notice (as on the website) regarding the dangers of filing a case without having obtained credit counseling;
- posting another prominent notice warning that once a case is filed, a debtor's case may be dismissed or a discharge denied if the debtor does not comply with certain obligations, and referring to a notebook (see below) discussing those obligations;
- posting a prominent notice regarding what other information is available at the clerk's office to assist individuals who have no attorney (for example, the paper materials discussed below, and the information available via computers in the public area);
- making available a notebook containing much of the information that would be available on the website (including the website's *pro se* page and the guides that are posted on the website);⁶

⁶ The Model Website Page for *Pro Se* Parties (Attachment 1 hereto) could readily be converted to a notebook: tabs for its Attachments A through H would be needed. But important information available on the website via a link should be printed out if not excessive in volume. (For example, a state bar's webpage regarding finding an attorney should be printed out instead of the notebook only listing the state bar's website.) If there is a danger that the notebook might not be returned to the clerk's office, we suggest that the clerk's office might permit the notebook to be used only upon the individual depositing his or her driver's license with the clerk's office to assure return of the notebook. Alternatively, the clerk's office

- making available the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, and Local Bankruptcy Rules for examination at the clerk's office.⁷

B. Providing Internet Access. Necessarily, the information available at the public area of the clerk's office in paper form will not be as extensive as what could be obtained using the court's website.⁸ Accordingly, we recommend:

- For the benefit of customers lacking internet access at home, the court should provide access via their public area computer terminals to their website and selected websites to which that website links. Some courts (such as the District of Vermont) already do that.
- If your court does not yet permit such internet access, a notice should be posted that most public libraries will be able to assist visitors in obtaining internet access so that the customer may visit the court's website in order to:
 - ▶ print out forms at a modest library fee; and
 - ▶ obtain access to other information posted on the court's website, and on internet sites for which

could secure the notebook in a binder affixed to a desk (similar to how telephone directories are secured in phone booths). The clerk could also offer copies of the notebook for sale at no charge or a nominal fee (covering photocopying costs, but not at the 50 cents per page fee charged for the clerk's making a copy of a paper filed in a case or proceeding).

⁷ As discussed in the preceding footnote, there should be ways of assuring that these books are not removed from the clerk's office.

⁸ For example:

- the front desk cannot post in paper form all of the information available on its website (for example, information available through links on the court's website to other websites such as the free legal research available on Cornell University's website).
- The clerk's office cannot hand out all forms for free, but they are free on the court's website.

the court's website posts links.

C. Providing Assistance to Pro Ses in Their Using Computer Terminals in Public Area. Although the clerk's office cannot give legal advice, it can assist *pro ses* when they need advice regarding how to use the computer terminals in the public area. A booklet showing, in simple steps, how to use those terminals might usefully be posted in the public area.

D. Charging Nominal Fee for Materials Printed Using the Court's Public Area Terminals. Posted at the public area's computer terminals should be a notice that papers may be printed on those computers at a stated nominal fee (and sometimes no fee). The notice should explain that the higher charge of 50 cents per page applies only when the clerk's office is asked to itself make a copy of a court paper. Some courts permit, say, the first 10 pages a person prints during a session at the computer terminal to be received at no charge, only charging the nominal fee for the pages in excess of that. If the computer is used to prepare a petition, schedules, and statement of financial affairs, the benefit to the court of having typed papers (in lieu of handwritten documents) may justify a policy of waiving the charge for printing out such papers.

E. Pro Se Law Clerk. Some courts have a *Pro Se* Law Clerk. For example, see http://www.nyeb.uscourts.gov/filing_wo_atty.html under "Obtaining Assistance from the Pro Se Law Clerk." We have not attempted to evaluate those programs.

F. Volunteer Attorney Self-Help at Clerk's Offices. As part of *pro bono* efforts, some bar associations provide self-help at the clerk's office at appointed hours. Those hours should be posted on the web page for *pro ses* under this topic of assistance available at the clerk's office.

IV

ALERTING PRO SE PARTIES WHEN THEIR FILINGS ARE DEFICIENT

Once an individual decides to proceed *pro se*, the court should have in place a standard set of notices that the clerk's office issues to alert the party to any deficiencies in the party's filings, but the same notices could and probably should be used as well for parties who have proceeded with the assistance of an attorney.

A. Alerting Debtors in Particular. The problem is most

critical in the case of *pro se* debtors:

- **Danger of Automatic Dismissal Under § 521(i).** With limited exceptions, [11 U.S.C. § 521\(i\)](#) provides that effective as of the 46th day after the filing of the petition, if the debtor has failed to file certain documents required by § 521(a), the case shall be automatically dismissed. We suggest that clerk's offices take these steps:
 - ▶ at the outset of the case, the clerk's office could issue a notice (similar to [Attachment 2](#)) warning that certain documents still need to be filed, and
 - ▶ then at, say, the 16-day mark issue a notice (similar to [Attachment 3](#)) warning that the case may be subject to automatic dismissal if specified documents are not filed by day 45 after the filing of the petition.
- **Danger of Case Being Closed Without a Discharge Being Granted if the Debtor Fails to File Form 23 Regarding Postpetition Debtor Course in Personal Financial Management.** Many individual debtors may not be aware that they must file a Form 23 to obtain a discharge. We suggest that the clerk's office (or the trustee):
 - ▶ Flag this requirement in a notice at the outset of a case.
 - ▶ If the case is otherwise ready to be closed, give notice (or have a procedure in place for someone else like the chapter 13 trustee to give notice) that unless a Form 23 is filed, the case will be closed without a discharge being entered.

B. Alerting Pro Se Creditors Regarding Filing Deficiencies.

Most courts already have in place deficiency notice procedures regarding procedurally incomplete filings. Such notices are, of course, particularly needed in the case of a *pro se* creditor. Example: a creditor may file a motion for relief from the automatic stay without the notice required by local rules of an opportunity to oppose the motion, and the clerk's office would issue a notice that this deficiency must be corrected.

PRO BONO PROGRAMS

A. Resources. Courts should be aware of the possibility of the bar or the court establishing *pro bono* programs in bankruptcy courts:

- A good starting point for any bankruptcy court considering establishing a *pro bono* program is *How to Begin a Pro Bono Program in Your Bankruptcy Court - A Starter Kit for Lawyers and Judges* (2d ed. 1999) ("Starter Kit"), available by contacting abaprobono@staff.abanet.org, or by downloading from http://www.abanet.org/legalservices/probono/publications/bankruptcy_starterkit.html and we summarize below some of the types of *pro bono* programs discussed in that booklet. The ABA website also
- A recent discussion of such programs is Peter C. Alexander and Gary S. Gildin, [Bankruptcy Pro Bono Legal Assistance Programs: An Update](#), Norton Annual Survey of Bankruptcy Law 397 (2007) ("*Pro Bono Update*").
- Other *pro bono* resources may be found on the ABA website under: <http://www.abanet.org/legalservices/probono/bankruptcy.html> which includes, for example, a Penn State *Pro Bono Bankruptcy Catalog*.
- The American College of Bankruptcy and its Foundation make grants to public service and bar association related entities working to assure representation of those unable to afford counsel. Grant application forms are available at www.amercoll.org/probono.

As discussed in the Starter Kit, there are two principal types of *pro bono* programs, those designed to provide representation to *pro se* parties involved in litigation, and those designed to provide assistance to a debtor in filing a bankruptcy case.

B. Pro Bono Representation in Litigated Matters. This type of *pro bono* representation can take several forms:

- One is to have a *pro bono* panel available for the court to call upon to represent indigents in litigation (such as a dischargeability proceeding).
 - ▶ The [Pro Bono Update](#) article, at 411-12, discusses

the Eastern District of Michigan *pro bono* program.

- ▶ Among other courts having such *pro bono* panels governed by local rule are:

Southern District of New York (see General Order M-320 (available on its website under [Local Rules/Orders then General Orders by Date](#));

Eastern District of New York ([Administrative Order 501](#)); and

District of Columbia (LBR 2090-2 through 2090-4 (available on its website under [Amendment to Local Rules](#))).

- Another is to tie into the bar's volunteer lawyer's program (VLP), with the clerk advising of the availability of that program.
- Another form calls upon law-students-in-court programs.
- Finally, some programs provide *pro bono* representation in mediation, with the understanding that the attorney's role may be limited to representing the *pro se* party in the mediation process.

C. Debtor Representation. Local bars have various programs for representation of debtors in filing chapter 7 cases and occasionally chapter 13 cases.

D. Clinic Programs. These programs give guidance on a group basis to potential debtors and point them to direct representation programs.

E. The Need to Make the Existence of the Programs Known. Whatever *pro bono* programs exist in a district, it is critical that the availability of the programs be made known to potential users:

- That is why the court's website and the clerk's office's public area should include information regarding these programs.
- In addition, the court can direct the clerk to include with the summons issued to an individual defendant in an adversary proceeding a notice of the availability of any *pro bono* program, or the clerk can mail a letter to

any individual party not yet represented by counsel.

- By Local Rule, the court can require that the notice of opportunity to respond in certain contested matters (for example, motions to hold an individual in contempt for violating the automatic stay) similarly include such notice when a *pro bono* program applies to such matters, but careful thought should be given to the specific types of contested matters that would be subject to such a requirement.
- In addition, give notice of the existence of your *pro bono* programs to any website that lists *pro bono* programs, such as:
 - ▶ <http://www.lawhelp.org/>, and any part of that website pertinent to your state,
 - ▶ Penn State's [Pro Bono Bankruptcy Catalog](http://www.dsl.psu.edu/publications/probono/index.cfm) (<http://www.dsl.psu.edu/publications/probono/index.cfm>),
 - ▶ your local bar's website, and
 - ▶ <http://www.probono.net/> (which may be contacted via e-mail at <http://www.probono.net/>) (a resource for attorneys interested in participating in *pro bono* opportunities).

[End of Paper]

ATTACHMENT 1

MODEL WEBSITE PAGE FOR *PRO SE* PARTIES

United States Bankruptcy Court for
the [insert name of the District]
[Insert Address]
[Insert Telephone Number]
[Insert Website]

INFORMATION FOR PARTIES WHO HAVE NO ATTORNEY

Stop! Before continuing, if you are a debtor thinking of filing a bankruptcy case, first read the [NOTICE TO ALL DEBTORS BEFORE FILING A CASE, Attachment A](#), below.

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[Attachment B: General Warning to All Parties Proceeding Without an Attorney \(Proceeding *Pro Se*\)](#)

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[Attachment D: Warning to Debtors Who Are *Pro Se* \(Without an Attorney\) Regarding the Difficulties They May Encounter Once They File a Bankruptcy Case](#)

[Attachment E: Creditors \(and Other Non-Debtor Parties\) Proceeding *Pro Se* \(Without an Attorney\)](#)

[Attachment F: Find an Attorney \(Sometimes for Free\)](#)

[Attachment G: Informational Materials Regarding Bankruptcy \(Guides to Basics of Bankruptcy, Statutes, Forms, Rules, Checklists, Filing Fees\)](#)

[Attachment H: List of Assistance That is Available at the Clerk's Office](#)

ATTACHMENT A

**NOTICE TO ALL DEBTORS
READ THIS BEFORE YOU FILE YOUR CASE!**

Did you (and your spouse, if preparing to file a joint petition) obtain a briefing (also called credit counseling) that outlined the opportunities for available credit counseling and assisted you in performing a related budget analysis within the last 180 days from a United States Trustee-approved nonprofit budget and credit counseling agency? See [11 U.S.C. § 109\(h\)\(1\)](#) (section 109(h)(1) of the Bankruptcy Code (title 11, U.S. Code), a copy of which may be examined at the Clerk's Office.

See [Obtaining Credit Counseling](#) below for information regarding obtaining such credit counseling.

WARNING REGARDING CONSEQUENCES OF NOT HAVING OBTAINED SUCH CREDIT COUNSELING: If you have not completed such credit counseling before you file your petition (and no earlier than 180 days before you file your petition) and you do not meet the requirements for an extension to complete the credit counseling after filing (or for being exempted from being required to obtain such a credit counseling), your case will be dismissed and you will not receive a discharge of your debts. In some cases, you may not be allowed to file another case for 180 days. Even, if you file another case within one year after your first case was dismissed, your protection under the Bankruptcy Code's automatic stay from your creditors may be limited to thirty (30) days after filing the new case.

Under the bankruptcy laws (see [11 U.S.C. § 109\(h\)\(3\)](#)), the Court can only allow you to complete the credit counseling **after filing** if you meet **all** of the following conditions.]:

- 1) You must have requested the required credit counseling from an approved nonprofit budget and credit counseling agency, but were unable to obtain the required services during the 5-day period beginning on the date on which you made that request; and
- 2) There are exigent (emergency) circumstances that the court determines merit a waiver of the requirement of obtaining the credit counseling before filing the case; and
- 3) You must file a certification stating the facts regarding the conditions listed above in paragraphs (1) and (2) with your petition, and the certification must be satisfactory to

the court.

Please be advised - most debtors will not be able to meet these conditions because credit counseling is readily available in this District.

The decision to file your petition is up to you, but if you file without having obtained credit counseling, you are risking dismissal of your case. The Clerk (and the judge and his chambers staff) cannot provide legal advice or predict in advance how a judge will decide your request for an extension to complete this requirement.

Obtaining Credit Counseling. To locate an approved agency that can provide you pre-bankruptcy credit counseling, obtain from the Clerk's Office a list of U.S. Trustee approved credit counseling agencies or go to the U.S. Trustee website listed below:

<http://www.usdoj.gov/ust/eo/bapcpa/ccde/index.htm>

The Federal Trade Commission's [Before You File for Personal Bankruptcy: Information About Credit Counseling and Debtor Education](#) (found at <http://www.ftc.gov/bcp/edu/pubs/consumer/credit/cre41.shtm>) has more information in this regard.

Some things to bear in mind:

- ▶ You may conduct the counseling on a computer. If you don't have a computer, your public library may allow you use of their computers. You may also obtain the counseling by telephone, or in person.
- ▶ Be sure you take credit counseling from a U.S. Trustee-approved credit counseling agency and that you make clear to that agency that you need the counseling for purposes of filing a bankruptcy case.
- ▶ Ask the credit counseling agency for a certificate describing the credit counseling services provided to you, and a copy of any debt repayment plan developed through the agency. You will need to file those in your bankruptcy case. [See [11 U.S.C. 521\(b\)](#).]
- ▶ The safest way to be sure you got the required type of credit counseling is to obtain a certificate before you file your bankruptcy case. The certificate should be on a form like the [Example of Credit Counseling Certificate](#) attached below.
- ▶ Be sure that your certificate reflects that you got your credit counseling within 180 days before you file your petition. If you got the credit counseling more than 180 days ago, that credit counseling is too old and will not

satisfy the statutory requirement.

- ▶ Some courts interpret the general statutory requirement in [11 U.S.C. § 109\(h\)\(1\)](#) that the debtor have obtained credit counseling “during the 180-day period preceding the date of filing of the petition” as meaning that credit counseling obtained on the day of filing the petition does not satisfy the requirement (even if the counseling preceded the filing of the petition).
- ▶ If you obtained so-called debtor education from an approved debtor education provider, that is not the same thing as prepetition credit counseling.

Note: *There are exemptions from this requirement available for persons who are mentally ill, disabled or on military duty in an active combat zone.* [See [11 U.S.C. § 109\(h\)\(4\)](#)]

An example of a certificate of credit counseling appears on the next page.

If you are using a computer to view this, press [here](#) to return to the Table of Contents for *Information for Parties Having No Attorney*.

Certificate Number: 01267-DC-CC-003096744

CERTIFICATE OF COUNSELING

I CERTIFY that on December 30, 2007, at 3:53 o'clock PM CST,

Yvonne H Fendall received from

Money Management International, Inc.

an agency approved pursuant to 11 U.S.C. § 111 to provide credit counseling in the

District of Columbia, an individual [or group] briefing that complied

with the provisions of 11 U.S.C. §§ 109(h) and 111.

A debt repayment plan was not prepared. If a debt repayment plan was prepared, a copy of the debt repayment plan is attached to this certificate.

This counseling session was conducted by telephone.

Date: December 30, 2007

By /s/Kevin Hollemans

Name Kevin Hollemans

Title Phone Counselor

* Individuals who wish to file a bankruptcy case under title 11 of the United States Bankruptcy Code are required to file with the United States Bankruptcy Court a completed certificate of counseling from the nonprofit budget and credit counseling agency that provided the individual the counseling services and a copy of the debt repayment plan, if any, developed through the credit counseling agency. See 11 U.S.C. §§ 109(h) and 521(b).

ATTACHMENT B

General Warning to All Parties Proceeding Without an Attorney (Proceeding *Pro Se*)

Individuals (but not corporations or partnerships) may appear "pro se" (that is, without an attorney) in the bankruptcy court. As discussed more fully under separate topics addressed specifically to debtors and to creditors, bankruptcy can be a very difficult area in which to proceed *pro se*. You may wish to obtain the services of an attorney (see [Attachment F, Find an Attorney, Sometimes Available for Free](#)). Only an attorney is authorized to give you legal advice regarding a bankruptcy case or proceeding:

- The court has prohibited the clerk's office and the chambers staff of the court's judges from giving legal advice. For example, they cannot:
 - ▶ Explain the meaning of a particular statutory provision or rule
 - ▶ Give an interpretation of case law
 - ▶ Explain the result of taking or not taking action in a case
 - ▶ Help you complete forms, or advise you regarding what is legally required when a form elicits information from you
 - ▶ Tell you whether jurisdiction is proper in a case
 - ▶ Tell you whether a complaint properly presents a claim
 - ▶ Provide advice on the best procedure to accomplish a particular goal
 - ▶ Apply a rule or statute
 - ▶ Explain who should receive proper notice or service
- The judge in a case cannot give you legal advice or assist you in the case. The judge's job is to supervise and administer the entire case and to resolve disputes between the parties, and the judge must remain impartial (not lean in favor of one side). You cannot engage in so-called *ex parte* communications with the judge (meaning only you communicating with the judge):

You cannot contact the judge to have a conversation about the case.

When you file a paper seeking some form of relief

from a judge, you must serve any person who might be adversely affected were the relief granted or who might otherwise be interested in the matter.

See [Fed. R. Bankr. P. 9003](#). (Copies of the Federal Rules of Bankruptcy Procedure, of Official Forms, of the Interim Bankruptcy Rules, and of the Local Bankruptcy Rules, may be examined at the Clerk's Office or online through this court's website, [insert court's website].)

- So-called "petition preparers" are not authorized to give debtors legal advice: their role is strictly that of a typing service transcribing for a minimal fee the information a client provides, but not making suggestions regarding what papers are legally appropriate or what information legally is appropriate to include on the papers.
- Most of the required forms in a bankruptcy case are available for free on the link <http://www.uscourts.gov/bkforms/index.html>, and most are in pdf-fillable form so that they can be completed using a keyboard. If you do not have a computer you can use for that purpose, check at the court's intake counter to see if we have finished installing a computer in the public area that you could use for that purpose, or check with your public library if it has one you can use for that purpose.
- Given the availability on the internet of pdf-fillable forms, there is little or no reason for a debtor to pay a non-attorney "petition preparer" to obtain the forms. Properly completing those forms, however, may require advice of competent legal counsel: a petition preparer may not give you such legal advice.

The information in this document, *Information for Parties Who Have No Attorney*, is not a substitute for the advice of competent legal counsel (again, see [Attachment F, Find an Attorney, Sometimes Available for Free](#)), and should not be cited or relied upon as legal authority. It is intended as only a guide to some basic aspects of bankruptcy law, and is necessarily limited and does not include all of the controlling law (principally the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the court's Local Bankruptcy Rules, and court decisions interpreting those documents).

If you are using a computer to view this, press [here](#) to return to the Table of Contents for *Information for Parties Having No Attorney*.

ATTACHMENT C

Special Warning to a Debtor Thinking of Filing a Bankruptcy Petition

Before you file a bankruptcy petition, you need to stop and make sure that you have met the statute's credit counseling requirement and that filing a petition is the best thing for you to do:

- **DO NOT** file if you have not obtained credit counseling within 180 days before you file your bankruptcy case (unless you qualify for one of the rarely applicable exceptions to that requirement). You need to make sure that you receive credit counseling, as required by [section 109\(h\) of the Bankruptcy Code \(11 U.S.C. § 109\(h\)\)](#), before you file. (A copy of the Bankruptcy Code is available at the Clerk's Office.) If you do not get the credit counseling before you file, your case may be dismissed. More information is available about this at [Attachment A, Notice to All Debtors](#).
- You need to determine whether, under the law of your state, your income is above or below the amount subject to garnishment or is immune from garnishment, and whether your other assets can or cannot be seized by creditors. For example, if your employer is located in [insert state within which court is located], the amount of wages that can be seized is governed by [insert link to applicable state statutory provision(s)]. Other states' statutes can be found on <http://www.law.cornell.edu/states/listing.html>
- If you are considering bankruptcy because you face a foreclosure on real property, there may be ways of avoiding foreclosure short of filing a bankruptcy case. See the discussion of foreclosure on the U.S. Courts website:

<http://www.uscourts.gov/bankruptcycourts/prose.html>
- If you filed a bankruptcy case before that was dismissed:
 - ▶ Determine whether the order that dismissed your last case barred you from filing a new case for some period of time (for example, by dismissing the case "with prejudice for 180 days"). If so, you cannot file your new case until that time has

passed (usually measured from the date the clerk entered the order of dismissal which may be later than the date the judge signed the order).

- ▶ Determine whether a motion for relief from the automatic stay was pending in your earlier case when you decided to dismiss your case voluntarily. If so, your new case may be dismissed if filed within 180 days after entry by the clerk on the docket of the order that dismissed the earlier case. See section 109(g)(2) of the Bankruptcy Code ([11 U.S.C. § 109\(g\)\(2\)](#)).

- ▶ Your right to have the automatic stay in place throughout your case will be affected if a prior case or cases were pending during the year before you file your new case. You are urged to seek the advice of an attorney about this. See sections 362(c)(1) and 362(c)(2) of the Bankruptcy Code ([11 U.S.C. §§ 362\(c\)\(1\) and 362\(c\)\(2\)](#)).

- If you filed a bankruptcy case before and received a discharge in that case (or an earlier case), determine if that discharge makes you ineligible to receive a discharge in the new case. See the [Table Regarding Availability of Discharge if Debtor Got a Discharge in an Earlier Case](#), at the end of this Attachment C.
 - You may even be denied a discharge in a chapter 7 case if you engaged in certain conduct preceding the bankruptcy case such as:
 - ▶ in some instances, having made a transfer of property in order to hinder, delay, or defraud a creditor (see [11 U.S.C. § 727\(a\)\(2\)](#)), or
 - ▶ in some instances, having failed to keep adequate records (see [11 U.S.C. § 727\(a\)\(3\)](#)),

or if you will not be able in the case to explain satisfactorily any loss of assets or deficiency of assets to meet your liabilities (see [11 U.S.C. § 727\(a\)\(5\)](#)).

- You should be aware that sometimes not all of a debtor's liabilities are discharged in a bankruptcy case even if the debtor receives a discharge. See [11 U.S.C. §§ 523\(a\), 523\(c\), and 1328\(a\)](#).

- ▶ Those provisions regarding what debts are dischargeable are complicated, and the advice of counsel is strongly recommended in your evaluating them.

- ▶ For example, the date on which you file your petition could affect whether certain tax liabilities will be discharged by the discharge you receive in the case. See [11 U.S.C. § 523\(a\)\(1\)](#), referring to taxes of the kind and for the periods specified in [11 U.S.C. § 507\(a\)\(8\)](#). Illustratively, a discharge in a chapter 7 case does not apply to an income tax liability for which a return was last due, including extensions, after three years before the date of the filing of the petition.

- ▶ Before you file a bankruptcy petition, you ought to determine whether you are eligible to file a bankruptcy case:
 - ▶ If you wish to file a case under chapter 13 of the Bankruptcy Code, make sure you meet the debt eligibility requirements for such a case. See [11 U.S.C. § 109\(e\)](#).

 - ▶ If you wish to file a case under chapter 7 of the Bankruptcy Code, be aware of the means test under [11 U.S.C. § 707\(b\)\(2\)](#). See also [Official Form B22A](#) (information you must file addressing the means test). (A copy of the Official Forms is available at the Clerk's Office.) If a presumption of abuse arises under the means test, then under [11 U.S.C. § 707\(b\)\(1\)](#) your case might be dismissed as an abuse of the provisions of chapter 7 (unless you were to convert the case to another chapter).

 - ▶ Be aware of the consequences, discussed above, of your having filed a bankruptcy case before.

 - ▶ Make sure that your case will not be dismissed based on the statutory requirement regarding prepetition credit counseling discussed under [Notice to All Debtors](#).

- You will also need to be aware of all of the requirements that will be imposed upon you, once the

case is filed, in order for you to prevent dismissal of the case and to prevent denial of a discharge. See [**Attachment D, Warning to Debtors Who Are Pro Se \(Without an Attorney\) Regarding the Difficulties They May Encounter Once They File a Bankruptcy Case**](#) topic set forth below.

- Beyond that, you need to also read the [**Attachment B, General Warning to Parties Proceeding Without an Attorney \(Proceeding Pro Se\)**](#), above.

If you are using a computer to view this, press [here](#) to return to the Table of Contents for *Information for Parties Having No Attorney*.

[The Table Regarding Availability of Discharge if Debtor Got a Discharge in an Earlier Case is on the next page.]

**Table Regarding Availability of Discharge
if Debtor Got a Discharge in an Earlier Case**

Chapter 7. An individual debtor is not entitled to get a discharge in a new Chapter 7 case if:

- the debtor was granted a discharge in a case under Chapter 7 or 11 of the Bankruptcy Code in a case commenced within 8 years before the date of the filing of the petition in the new case; or
- the debtor was granted a discharge in a case under chapter 12 or 13 of the Bankruptcy Code in a case commenced within 6 years before the date of the filing of the petition in the new case, unless

payments under the plan in such prior case totaled at least:

- ▶ 100 percent of the allowed unsecured claims in such prior case; or
- ▶ 70 percent of such claims, and the plan was proposed by the debtor in good faith, and was the debtor's best effort.

See [11 U.S.C. § 727\(a\), paragraphs \(8\) and \(9\)](#).

Chapter 11. An individual debtor is not entitled to get a discharge in a new chapter 11 case in certain circumstances if the debtor would not be entitled to get a discharge in a chapter 7 case. See [11 U.S.C. § 1141\(d\)\(3\)](#).

Chapter 13. A debtor is not entitled to get a discharge in a new chapter 13 case if the debtor got a discharge:

- in a case filed under chapter 7, 11, or 12 during the 4-year period preceding the filing of the debtor's petition in the new case; or
- in a case filed under chapter 13 during the 2-year period preceding the filing of the debtor's petition in the new case.

See [11 U.S.C. § 1328\(f\)](#).

ATTACHMENT D

Warning to Debtors Who Are *Pro Se* (Without an Attorney) Regarding the Difficulties They May Encounter Once They File a Bankruptcy Case

As well as reading this topic, an individual debtor thinking of filing a bankruptcy petition should first read:

- [Attachment A, Notice to All Debtors Before Filing a Case](#)
- [Attachment B, General Warning to Parties Proceeding Without Counsel \(Proceeding *Pro Se*\)](#)
- [Attachment C, Special Warning to a Debtor Thinking of Filing a Bankruptcy Petition](#)

Particularly for a debtor, it is extremely difficult successfully to navigate a bankruptcy case given the complexity of the bankruptcy laws. The rules are very technical, and a misstep may affect a *pro se* debtor's rights. **Bankruptcy for a debtor has long-term financial and legal consequences. The court strongly encourages debtors to attempt to obtain the assistance of an attorney** (see [Attachment F, Find an Attorney, Sometimes Available for Free](#)).

In addition to the general requirement regarding obtaining credit counseling before you file your petition (discussed in detail under [Notice to All Debtors Before Filing a Case \(Attachment A\)](#)) you also need to be aware of the requirements that will be imposed upon you in order for you to prevent dismissal of the case and to prevent denial of a discharge. At the clerk's office, and under [Informational Materials \(Attachment G\)](#) (including the U.S. Courts' website at <http://www.uscourts.gov/bankruptcycourts/resources.html>, and the [**describe whatever guides your court has posted**]), there are materials addressing in more detail the requirements that will be imposed on you and how to comply with them. Those requirements include the following:

Filing Petition (and other Documents Required to be Filed Utilizing an Official Form) on the Correct Official Form:

- The petition is the document you file to commence your bankruptcy case.

- It must be filed using the most recent version of the Official Form for a petition. Similarly, other documents required to be filed on an Official Form must use the most recent version of the [Official Forms](#).

Requirements of Filing With the Petition a So-Called List of Creditors, a Mailing Matrix, and a Statement of Social Security Number:

- Under [Fed. R. Bankr. P. 1007\(a\)\(1\)](#), you are required to file **with the petition** a list of creditors, other parties to any executory contract or unexpired lease, and any co-debtor (such as a guarantor or co-signer). You must file that list (commonly referred to as the **List of Creditors**), using the caption of the case (see [Official Form B16B](#)) and signing the list under penalty of perjury (see [Fed. R. Bankr. P. 1008](#) and [28 U.S.C. § 1746](#)) (or under oath) as being an accurate list in compliance with Rule 1007(a)(1). But this List of Creditors, as discussed below, can be combined with the Mailing Matrix.
- In addition, you must submit that list as a **Mailing Matrix** for the case in accordance with the Clerk's Office's Mailing [Matrix Guidelines](#) (attached hereto [**attach court's Guidelines**]), like the Matrix Example (attached hereto [attach Example]).
- The List of Creditors and the Mailing Matrix may be combined and usually are combined. When combined must include a **cover sheet** ([List of Creditors and Mailing Matrix](#)) like the one attached hereto. When not combined, the cover sheet should be adjusted accordingly.
- You must also file **with the petition** a [Statement of Social Security Number on Official Form B21](#).
- **Caution!** Failure to file the List of Creditors, the Mailing Matrix, or the Statement of Social Security Number with the petition may result in the court dismissing the case within a few days after it started.

Required Filings Within 15 Days of Commencement of Case of Certain Documents on Official Forms, Payment Advices, and Record of Certain Educational IRAs:

- You are required to file within 15 days after you file your bankruptcy petition certain additional papers, some of them on Official Forms. See [11 U.S.C. § 521\(a\)\(1\)\(B\) and § 521\(c\)](#) and [Interim Bankruptcy Rule 1007\(b\) and \(c\) \(Oct. 1, 2006\)](#). See also the checklists (one for each chapter of the Bankruptcy Code under which a case may be filed) entitled Required Lists, Schedules, Statements, and Fees ([Director's Procedural Form B200](#)).

- You must fill out the required Official Forms fully and truthfully, and sign them under penalty of perjury. You must use the most recent version of the [Official Forms](#). We emphasize that one of these Official Forms you must fill out and file is especially complicated:
 - ▶ If you file under chapter 7 of the Bankruptcy Code, you will have to file a complicated Statement of Current Monthly Income and Means Test Calculation (Chapter 7) ([Form B22A](#)) addressing the means test under [11 U.S.C. § 707\(b\)\(2\)](#). If a presumption of abuse arises under the means test, then under [11 U.S.C. § 707\(b\)\(1\)](#) your case might be dismissed as an abuse of the provisions of chapter 7 (unless you were to convert the case to another chapter).

 - ▶ If you file under chapter 13 of the Bankruptcy Code, you will have to file a similarly complicated Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income (Chapter 13) ([Form B22C](#)).

 - ▶ In addition to the papers you must submit on Official Forms, you are required to file copies of certain payment advices **[if your court provides for submission of the payment advices to the trustee instead of filing them, adjust your website accordingly]**, and the record of certain educational IRAs. See [11 U.S.C. § 521\(a\)\(1\)\(B\)\(iv\) and § 521\(c\)](#).

 - ▶ In a chapter 13 case, you must file a plan.

 - ▶ **Warning!** Failure timely to file these required papers **[add "or, in the case of payment advices, to furnish the**

payment advices to the trustee” if your court permits furnishing of payment advices to the trustee in lieu of filing] may result in dismissal of the case:

- ▶ There are limits on the court’s granting an extension of the 15-day period. See [11 U.S.C. § 521\(a\) and \(c\)](#); Rules 1007(b) and (c) of the [Interim Bankruptcy Rules \(Oct. 1, 2006\)](#).
- ▶ [11 U.S.C. § 521\(i\)\(1\)](#) generally requires that if certain of these required documents are not filed “within 45 days after the date of the filing of the petition, the case shall be automatically dismissed effective on the 46th day after the date of the filing of the petition.”

Tax Returns and (in Chapter 13) Periodic Statements of Income and Expenses:

The Bankruptcy Code now imposes on you various requirements regarding tax returns, and if you fail to comply with those requirements, your case may be dismissed:

- Not later than 7 days before the date first set for the [meeting of creditors](#) you must give the trustee a copy of the Federal income tax return that was required under the tax laws for the most recent tax year ending immediately before the commencement of the case and for which you filed a return. See [11 U.S.C. § 521\(e\)\(2\)\(A\)](#); Rules 4002(b)(3) and (4) of the [Interim Bankruptcy Rules \(Oct. 1, 2006\)](#). In lieu of a copy of the tax return, you may furnish a transcript of the return. [Post here or in your bankruptcy guide a link to a page like [Obtaining Tax Records](#) found on EDNY’s website.]
- You are required timely to file with the tax authorities tax returns coming due after the commencement of the case. See [11 U.S.C. § 521\(j\)](#).
- At the request of any party in interest in a chapter 7, 11, or 13 case, you are required to file with the court, at the same time you file it with the IRS:
 - ▶ a copy of each Federal income tax return (or a transcript of such return) for each tax year ending while the case is pending (see [11 U.S.C. § 521\(f\)\(1\)](#));

- ▶ a copy of each Federal income tax return (or a transcript of such return) for each tax year ending in the 3-year period ending on the date you file your bankruptcy petition for which a return had not been filed with the IRS as of the date you filed your bankruptcy petition and for which you subsequently filed a return (see [11 U.S.C. § 521\(f\)\(2\)](#));
 - ▶ a copy of each amendment to any of the foregoing Federal income tax returns (see [11 U.S.C. § 521\(f\)\(3\)](#)).
- In a chapter 13 case, you must, prior to the first date set for the [meeting of creditors](#), file with the appropriate tax authorities all tax returns required to be filed under nonbankruptcy law for all taxable periods ending during the 4-year period ending on the date of the filing of your petition. See [11 U.S.C. § 1308](#).
 - In a chapter 13 case, at the request of any party in interest, you must periodically file an annual statement of income and expenditures. See [11 U.S.C. § 521\(f\)\(4\) and \(g\)\(1\)](#).

Statement of Intention in Chapter 7 Case:

- In a chapter 7 case you must file by the earlier of 30 days after you file your petition or the date of the meeting of creditors a statement of intention if you have any debts secured by property of your bankruptcy estate. See [11 U.S.C. § 521\(a\)\(2\)](#). If you fail to comply with that requirement, the automatic stay may be terminated with respect to any personal property securing such debt. See [11 U.S.C. § 362\(h\)](#).

Meeting of Creditors:

- You are required to attend a meeting of creditors and to be examined and testify truthfully under oath at that meeting in response to questions posed by the trustee (and by any creditors in attendance). See [11 U.S.C. § 343; Fed. R. Bankr. P. 2003\(b\)\(1\)](#).
- The meeting of creditors' date, time, and location will be set by the clerk shortly after you file your petition

for a date 20 to 40 days after you file your petition commencing your case. See [Fed. R. Bankr. P. 2003\(a\)](#). Within 15 days after you file your petition, you should receive a notice regarding the commencement of the case that sets forth the date, time, and location of the meeting. *If you do not receive that notice by then, you ought to promptly contact the Clerk's Office to learn when and where the meeting will be held.*

- At the meeting of creditors:

- ▶ Under Rule 4002(b)(1) of the [Interim Bankruptcy Rules \(Oct. 1, 2006\)](#), you must bring:

- a driver's license (or other picture identification issued by a governmental unit) or other personal identifying information that establishes your identity; and
 - evidence of your Social Security Number(s), or a written statement that such documentation does not exist.

- ▶ Under Rule 4002(b)(2) of the [Interim Bankruptcy Rules \(Oct. 1, 2006\)](#), you must bring and make available to the trustee:

- evidence of current income such as your most recent payment advice;
 - unless the trustee or U.S. Trustee instructs otherwise, statements for each of your depository and investment accounts (including checking, savings, and money market accounts, mutual funds and brokerage accounts) for the time period that includes the date of the filing of the petition; and
 - documentation of the monthly expenses claimed by you on the version of [Official Form B22](#) applicable to the chapter in which you filed your case (Form B22A, B22B, or B22C)).

- ▶ In a case other than one under chapter 7, the trustee (or the United States Trustee) may require you to provide documentation regarding your being current on any domestic support obligation coming due postpetition, as required--for example, in a chapter 13 case, by [11 U.S.C. § 1325\(a\)\(8\)](#)--to obtain confirmation of a plan.

Restrictions on Your Obtaining a Discharge:

- You can be denied a discharge (or the case may be dismissed, thereby precluding you from obtaining a discharge) if you refuse to comply with an order of the court, or knowingly and fraudulently make a false statement under oath in the case or fail to disclose all of your assets and debts or have otherwise engaged in certain dishonest conduct with respect to the bankruptcy case. See 11 U.S.C. [§§ 727\(a\)\(4\)](#), [727\(a\)\(6\)](#), [1307\(c\)](#).
- You may even be denied a discharge in a chapter 7 case if you engaged in certain conduct preceding the bankruptcy case (such as failing to keep adequate records or having engaged in certain transfers of property in order to hinder, delay, or defraud a creditor). See [11 U.S.C. §§ 727\(a\)\(2\)](#), [727\(a\)\(3\)](#), and [727\(a\)\(5\)](#).
- You are required in a chapter 7 or chapter 13 case to take a financial management course *after* filing the petition and file a [Debtor's Certification of Completion of Instructional Course Concerning Financial Management \(Official Form B23\)](#).

Fees You Must Pay:

- You are required to pay with the petition a [filing fee](#) in the case unless (1) you apply for and are granted a waiver in a chapter 7 case (see [Application for Waiver, Official Form B3B](#)) or (2) you apply for and are granted permission to pay the fee in installments (see [Application to Pay Filing Fee in Installments, Official Form B3A](#)); **[post here a link to information regarding the timing of installments and the amounts to be made with each installment (as required by LBR or as required by the clerk's office as authorized by standing order)]**. If you fail to obtain a waiver and fail timely to pay the filing fee, the court may dismiss your case.

- If you amend your schedules (or your list of creditors and mailing matrix) to add or change the name of a creditor, you must pay a \$26 fee.

Consequence of Proceeding *Pro Se*; Materials That May Help You if You Decide to Proceed *Pro Se*:

- An individual debtor is free to decide to proceed *pro se*, but is subject to the same procedural requirements as apply to a debtor who is represented by counsel.
- This website's page entitled [Informational Materials](#) (providing information regarding bankruptcy (Guides, Statutes, Forms, Rules, Checklists, Filing Fees)) may be of assistance to you if you do decide to proceed *pro se*.

UNITED STATES BANKRUPTCY COURT
FOR THE [INSERT DISTRICT]

In re)
)
_____,) Case No. _____
) (Chapter __)
Debtor(s).)

LIST OF CREDITORS AND MAILING MATRIX

1. The attached list, serving both as the list required by Rule 1007(a)(1) of the Federal Rules of Bankruptcy Procedure and as the mailing matrix required by the court's Local Bankruptcy Rules, consists of _____ pages and a total of _____ parties listed.

2. The attached list contains a true and correct name and address of:

- each of my creditors (those entities required to be scheduled on Schedules D, E, and F, the Schedules of Creditors Holding Claims, in this case),
- each of the parties required to be listed on Schedule G - Executory Contracts and Unexpired Leases, that is, the parties other than myself, to any unexpired lease of real or personal property to which I am a party;

- each entity required to be listed on Schedule H - Codebtors (any person or entity, other than my spouse in a joint case, that is also liable on any debts owed to any of my listed creditors, including all guarantors and co-signers).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this ____ day of _____, _____.

Debtor

Joint Debtor (if joint case)

MAILING MATRIX GUIDELINES

[One Court's: Insert Your Court's Guidelines]

A mailing matrix must conform to the following guidelines:

- A mailing matrix consists of eight or nine creditors per page with their complete addresses, clearly typed, left justified and centered in a single column down the middle of one side of an 8 ½" X 11" sheet of paper.
- The mailing matrix must be typed on blank, white, 20 lb. paper. Do not use textured, onion skin, or colored paper. This will cause our scanner to misread information. The paper should not have any stray lines, staples, or holes.
- A "List of Creditors and Mailing Matrix" cover sheet should accompany each mailing matrix submitted. This cover sheet should not be stapled to the mailing matrix but should be attached by a paper clip or a clamp. These pages should not be hole punched.
- The mailing matrix must be typed in one of the following standard typefaces or font styles: Courier 10 pitch or 12 pitch on a word processor; Prestige Elite 12 pitch; Letter Gothic 10 pitch on a typewriter. To ensure the scanner can read the matrix, it must be printed from a laser quality printer or typewriter.
- Each creditor's address must be single-spaced. Triple-spaced between each address. A margin of at least one inch should appear at the top and bottom of each page.
- Each creditor's address must consist of no more than five total lines, including the creditor's name, street address, city, state and zip code.
- No account numbers should be included on the matrix.

- The city, state and zip code must all appear together on the final line of each creditor's address. The zip code should never be dropped down to a separate line. No other lines of address information should appear after the city, state and zip code line.
- Commas must be placed between the city and state in the address.

ATTACHMENT E

Creditors (and Other Non-Debtor Parties) Proceeding *Pro Se* (Without an Attorney).

Creditors (and other non-debtor parties), should be aware of the following points regarding proceeding *pro se* (that is, without an attorney):

- **Filing of Papers by Corporations and Partnerships.**
Corporations and partnerships generally may not file papers in a bankruptcy case *pro se*, and, with certain exceptions listed below, will need to obtain representation by an attorney to file any papers. See [Find an Attorney \(Sometimes Available for Free\)](#). But any creditor (including a corporation or a partnership through a non-attorney representative such as a member, officer, or employee) may file *pro se* any documents that would not constitute the practice of law, including the following documents or an amended version of such documents:
 - ▶ a Request to Receive All Notices under [Fed. R. Bankr. P. 2002\(i\)](#),
 - ▶ a Proof of Claim ([Official Form B10](#)) (including an amended Proof of Claim),¹
 - ▶ a withdrawal of a proof of claim,
 - ▶ Notice of Transfer of Claim Other Than for Security ([Director's Procedural Form B210](#)),
 - ▶ an Application for Search of Bankruptcy Records ([Director's Procedural Form B132](#)),

¹ Note that the Proof of Claim form as posted on http://www.uscourts.gov/bkforms/bankruptcy_forms.html#official can be filled in using your computer. In a chapter 7 case, a creditor ought not file a proof of claim until the clerk gives notice of a deadline to file a proof of claim: often a chapter 7 case is a so-called "no asset case" in which there is nothing for a trustee to distribute to creditors and hence no proofs of claim are filed.

- ▶ a Request to Recover Unclaimed Funds [**Consider posting a link here to:**
 - information on your Resources page re such Requests as is found at <http://www.azb.uscourts.gov/default.aspx?PID=77>;
 - a list of the requirements to obtain an order directing payment of unclaimed funds as found on the checklist re how to claim such on http://www.txsb.uscourts.gov/reports/unclaimed_funds/ or on http://www.cob.uscourts.gov/ucfunds_a.asp; and
 - a search vehicle for a creditor to find unclaimed funds owed it as on http://www.cob.uscourts.gov/ucfunds_a.asp],
 - ▶ a Reaffirmation Agreement and proposed Order regarding that Agreement (see [Director's Procedural Form B240](#)),
 - ▶ a ballot for voting on the election of a trustee,
 - ▶ a ballot voting on a proposed plan in a chapter 11 case (the plan proponent being responsible for mailing the ballot to the creditor to cast a vote).
- **Participation by Corporations and Partnerships at the Meeting of Creditors (the meeting at which the debtor must appear and submit to an examination under oath under [11 U.S.C. § 343](#)):**
 - ▶ Under [11 U.S.C. § 341\(c\)](#), and notwithstanding any other statute, rule, or state constitution provision to the contrary, a creditor (including a corporation or partnership) holding a claim arising from a consumer debt (including a non-attorney representative of such creditor such as an employee) must be permitted to appear at and participate in the meeting of creditors in a case under chapter 7 or 13 of the Bankruptcy Code.

- ▶ Under _____ [**insert a citation to your governing LBR (or other law) here, and hyperlink it to the same**], [describe here what the LBR (or other law) says regarding appearing at and participating in the meeting of creditors in other instances not governed by § 341(c).]
- Even though they generally may not appear *pro se*, corporations and partnerships may find that our [Informational Materials](#) page has informative topics, including [Frequently Asked Questions](#), and [Bankruptcy Basics](#).
- **Right of Creditor Who is an Individual to Appear and Participate in Case, and to File Papers.** A creditor who is an individual may pursue any matter *pro se*. Even though an individual may appear *pro se*, that individual should consider whether to engage an attorney. See [Find an Attorney \(Sometimes Available for Free\)](#). If you decide to proceed *pro se*, on our [Informational Materials](#) page you may find of particular assistance [Frequently Asked Questions](#), [Bankruptcy Basics](#), [Guides re Filing an Adversary Proceeding](#) and [re Filing a Motion for Relief From the Automatic Stay](#).
- Although many creditors are able successfully to proceed *pro se* with respect to some of the more routine aspects of a bankruptcy case (such as filing a proof of claim), you may wish to consult with competent legal counsel before doing so (see [Find an Attorney \(Sometimes Available for Free\)](#) in order to make sure you are proceeding correctly (for example, that you have correctly completed any required form, particularly if you do not understand the form).
- **Corporations' and Partnerships' Inability to File Papers and Appear *Pro Se* in a Proceeding Brought By or Against It.** In a proceeding pursued by you or against you (such as a motion for relief from the automatic stay or an objection to your proof of claim), only individuals may appear *pro se*:

- ▶ A corporation or partnership may not appear *pro se* in a proceeding commenced by it in a case. For example, a corporation may not file a motion for relief from the automatic stay *pro se*.
- ▶ Nor may a corporation or partnership appear *pro se* to defend against a proceeding brought against it in a case, and this includes both filing papers in the proceeding without an attorney and representing itself without an attorney at any hearing:
 - ▶ For example, it may not appear *pro se* to defend against an objection to its proof of claim (but it could file an amended proof of claim *pro se* to cure a defect that was the subject of the objection to the proof of claim, as such a filing is not considered a prohibited *pro se* appearance).
- ▶ Although a corporation or partnership may not file papers *pro se* in a proceeding brought against it or appear *pro se* at hearings, it may, without an attorney, contact the opposing party's attorney to discuss a settlement of the matter. But the court encourages corporations and partnerships to consult with competent legal counsel if in need of legal advice. See [Find an Attorney \(Sometimes Available for Free\)](#).

ATTACHMENT F

Find an Attorney (Sometimes Available for Free)

[This is an Example Using the U.S. Bankruptcy Court for District of Columbia's Draft of a "Find an Attorney" WebPage]

Only an attorney is qualified to give you legal advice. So-called "petition preparers" or "document preparers" are not authorized to give debtors or other parties legal advice: their role is strictly that of a typing service transcribing for a minimal fee the information a client provides, but they are not qualified to give advice regarding what papers are legally appropriate or what information legally is appropriate to include on the papers. The following are suggestions regarding finding an attorney.

(1) The court and the clerk's office cannot advise you regarding who would be a good attorney for you to employ. But you can come to the clerk's office and review court files to see how well an attorney has handled matters in other cases, and to see the fees a debtor's attorney has charged in other cases. You may also attend any hearings the court conducts to see how attorneys handle cases at those hearings, and the clerk's office has information regarding what hearings are scheduled.

(2) The D.C. Bar has a webpage regarding How to Find and Work With an Attorney:

http://www.dcbbar.org/for_the_public/working_with_lawyers/find.cfm

(3) The D.C. Bar offers free Advice and Referral Clinics at which you can obtain free advice regarding many legal problems including debt collection problems, landlord-tenant problems, and bankruptcy:

http://www.dcbbar.org/for_the_public/programs_and_services/advice.cfm

At such a clinic, an individual may ask an attorney about bankruptcy (including asking the attorney for advice concerning completing papers the individual might file regarding a bankruptcy

case). In addition, certain indigent debtors in need of the protections of the bankruptcy laws may be referred to an attorney who will file a case under chapter 7 of the Bankruptcy Code for free. Although such a debtor is responsible for filing fees, the debtor may be eligible for a waiver of such fees from the court.

(4) The American Bar Association's website, <http://www.abanet.org/legalservices/findlegalhelp/home.cfm>, is another possible starting point for finding an attorney, and it offers information regarding dealing with an attorney. It lists links for finding an attorney for each state.

(5) The website <http://www.lawhelp.org/> posts some information regarding locating attorney help for free.

(6) Besides the D.C. Bar's free Advice and Referral Clinics, there are three other programs in the District of Columbia that may provide free legal representation regarding bankruptcy:

(a) The Neighborhood Legal Services Program - Southeast, Telephone Number: 202-399-1346, may offer free representation regarding debt collection problems and bankruptcy. According to LawHelp.org website, this program imposes income guidelines for who is eligible for free help: your family's income should be at or below 125.0% of the poverty level.

(b) The Neighborhood Legal Services - Headquarters, Telephone Number: (202) 269-5100, may offer free representation regarding debt collection problems and bankruptcy. According to LawHelp.org website, this program imposes income guidelines for who is eligible for free help: your family's income should be at or below 125.0% of the poverty level.

(c) The Archdiocesan Legal Network of Catholic Charities, Telephone Number: (202) 628-4263 (or (202) 772-4325 for Spanish) may place you with an attorney who will represent you for free regarding debt collection problems or bankruptcy.

Other so-called legal service providers may refer certain indigent debtors to the D.C. Bar's program for providing a debtor free

representation in a case under chapter 7 of the Bankruptcy Code, and some may provide representation to indigent individuals (whether a debtor or a creditor) with respect to a litigated matter in the bankruptcy court.

(7) If you are indigent and need legal representation to pursue, or defend against, a proceeding within the bankruptcy case, you may be eligible for free representation (and the program is available both for debtors and non-debtor parties). Contact the clerk's office for the form to use to request such representation.

Examples of proceedings to which this program applies are:

- an adversary proceeding complaint brought against the debtor to determine the dischargeability of a particular debt, or an adversary proceeding complaint that the debtor needs to pursue to determine the dischargeability of a student loan debt,
- an adversary proceeding complaint to deny the debtor a discharge, or to revoke a discharge,
- an adversary proceeding complaint to recover a judgment against an individual, such as:
 - ▶ a bankruptcy trustee's or debtor's complaint against someone for having allegedly received property from the debtor for inadequate consideration,
 - ▶ a bankruptcy trustee's or debtor's complaint against someone for having received payment of a debt that gave the creditor preferential treatment in comparison to other creditors,
- a motion by the debtor to avoid a lien that impairs the debtor's exemptions,
- an objection to the debtor's exemptions,

- a motion to hold a creditor in contempt for violating the automatic stay, co-debtor stay, or discharge injunction.
- an adversary proceeding to enjoin someone from undertaking certain acts in the future.

This program *does not* include pursuit of or defense against a motion for relief from the automatic stay.

(8) Another website page listing some (but not all) of the *pro bono* programs (programs providing representation by an attorney for free) relating to bankruptcy is Penn State's [Pro Bono Bankruptcy Catalog](#). At the time of preparation of this information, it did not include any *pro bono* programs in D.C.

ATTACHMENT G

Informational Materials Regarding Bankruptcy (Guides to Basics of Bankruptcy, Statutes, Forms, Rules, Checklists, Filing Fees)

Individuals unfamiliar with the bankruptcy process, in addition to the other topics on this court's web page [Information for Parties Who Have No Attorney](#), may find the following materials useful:

- *In Debt*, the Federal Trade Commission's web page, <http://www.ftc.gov/bcp/menus/consumer/credit/debt.shtm>, for individuals having debt problems.
- **Guidance re bankruptcy:**

[Filing for Bankruptcy Without an Attorney](#)

[Bankruptcy Basics](#) (copy available at clerk's office), which includes, for example:

- ▶ [The Bankruptcy Discharge](#)
- ▶ Descriptions of the Different Chapters Under Which a Debtor May File:
 - [Chapter 7](#)
 - [Chapter 11](#)
 - [Chapter 12](#)
 - [Chapter 13](#)
- ▶ [Glossary of Bankruptcy Terminology](#)

Court's Own Guide to Bankruptcy [a Guide to Bankruptcy of the court's choosing, and you may wish to enlist the local bar in preparing a guide). Here are examples:

- ▶ *Guidelines & Requirements to Assist Pro Se Debtors* published by the Northern District of Florida at http://www.flnb.uscourts.gov/pro_se/Default.aspx.
- ▶ *Personal Bankruptcy: Is It Right For You?* (Publication of the City Bar Justice Center) at http://www.nyeb.uscourts.gov/filing_wo_atty.html.
- ▶ A more detailed guide is the District of Maryland's *Debtor Assistance Manual* found at <http://www.mdb.uscourts.gov/> under "Filing Resources" and then under "Pro Se Manual."
- ▶ A similar set of guides are the informational pamphlets for *pro se* debtors found on the District of Arizona's website at <http://www.azb.uscourts.gov/default.aspx?PID=79>]

[Director's Form B200](#) (checklists re filing requirements for different chapters) (copies available at Clerk's Office)

[Other Director's Procedural Forms](#)) (copies available at Clerk's Office)

[Director's Interim Guidance Regarding Tax Information Under 11 U.S.C. § 521](#) (Sept. 20, 2005)

Frequently Asked Questions. [See:

<http://www.flmb.uscourts.gov/faq.htm> and

<http://www.azb.uscourts.gov/default.aspx?PID=14>.

FAQs: The latter one usefully has separate sections for Debtor

<http://www.azb.uscourts.gov/default.aspx?PID=14#Deb>

and Creditor FAQs:

<http://www.azb.uscourts.gov/default.aspx?PID=14#Cre>

Similarly, see <http://www.cob.uscourts.gov/faqs.asp>, which lists General FAQs, Debtor FAQs, and Creditor FAQs.

Or the frequently asked questions may instead appear under a different title like Information for Pro Se Creditor, etc., as on http://www.flb.uscourts.gov/Pro_Se/Pro_se.html.]

Information re Obtaining Tax Returns. See [Obtaining Tax Records](#) on the EDNY website.

Filing Amended Papers - [Post here guidance re Filing Amended Papers (particularly amended schedules, amended lists of creditors, and an amended mailing matrix, and the fee required).]

Guides re Filing an Adversary Proceeding and re Filing a Motion for Relief From the Automatic Stay [See <http://www.azb.uscourts.gov/default.aspx?PID=78>, and single click on "Creditor Help" and then single click on "Reference Materials."]

Guide to Pro Se re How to Prepare and File an Answer.
[See <http://www.cacb.uscourts.gov/cacb/welcome.nsf/Redirect%20PublicCounsel%20Answer%20Instruct?OpenPage> and click on the "here" link there.]

Reaffirmation Agreements - [Post here guidance re requirements governing reaffirmation agreements and the requirement for the debtor to appear at a hearing to address whether the reaffirmation agreement should be approved if the debtor is proceeding without an attorney; description of legal consequences; warning that reaffirmation is not required by law. One set of

guidance *Reaffirmation Hearing Informational Package* is found at <http://www.cacb.uscourts.gov/> under Information, then Debtor Assistance Program.]

Filing Fees [we assume you already have a page re that]

Video re Bankruptcy See

<http://www.flmb.uscourts.gov/bankruptcybasics/default.htm>. See also <http://www.mdb.uscourts.gov/> under the topic "Filing Resources" and its subtopic "Pro Se Video."

- **Statutes, rules, forms, and free legal research:**

[Accessing Legal Research for Free](#) (Cornell University's Legal Information Institute)

[Post here a link to a list of libraries that can be used for free for legal research.]

[The links below to statutes, rules, and forms are either from [Cornell University's Legal Information Institute](#) or the uscourts.gov website.]

[Bankruptcy Code \(Title 11, U.S. Code\)](#)

[Title 28, U.S. Code](#), including:

[Part I, Chapter 6 - Bankruptcy Judges \(28 U.S.C. §§ 151 to 159\)](#) (including referral of cases and proceedings to the Bankruptcy Court and review of Bankruptcy Court decisions)

[28 U.S.C. § 1334](#) (jurisdiction over bankruptcy cases and proceedings)

[28 U.S.C. § 1408](#) (venue of bankruptcy cases)

[28 U.S.C. § 1409](#) (venue of proceedings arising under the Bankruptcy Code or arising in or related to bankruptcy cases)

Federal Rules of Bankruptcy Procedure

Interim Rules of Bankruptcy Procedure (Oct. 1, 2006)

(adopted by each bankruptcy court to implement the 2005 amendments to the Bankruptcy Code - the Cornell University website does *not* include the Interim Rules)

Official Forms

Local Rules [Post a link here to your Local Bankruptcy Rules]

Local Forms [Post a link here to your Local Forms, and highlight for *pro ses* forms they frequently would use such as:

Forms re payment advices: see Declaration of Evidence of Payments Form on <http://www.azb.uscourts.gov/default.aspx?PID=73>]

Federal Rules of Evidence (governing what evidence the court can receive in a trial).

State Constitutions and Codes State laws often play a role in determining rights in a bankruptcy case:

- State law often defines property rights (for example, what the debtor owns and which thus may become property of the bankruptcy estate), and much of that law is statutory. The statutes governing property rights, when [insert name of state] law applies, are found in the [insert link to state code]. Other states' statutes may be found at <http://www.law.cornell.edu/states/listing.html>. (But property rights may also be based on decisional law. Some of the decisions of the [insert name of state appellate court(s)] are available online at <http://fatty.law.cornell.edu/states/listing.html>. Other courts may also have issued decisions on [insert name of state] property law questions.)

- State law may play a role in the exemptions a debtor claims:
 - ▶ A debtor may be able to claim exemptions under nonbankruptcy Federal law and under applicable State law. Section 522(b) of the Bankruptcy Code ([11 U.S.C. § 522\(b\)](#)) controls what exemptions a debtor may elect, and in the case of a debtor who elects nonbankruptcy law exemptions, which State's exemption provisions may be invoked (subject to certain limitations specified in § 522(b)). If the debtor elects nonbankruptcy law exemptions, then exemptions under both the applicable State's law and under Federal nonbankruptcy law may be claimed.
 - ▶ If the debtor elects nonbankruptcy law exemptions, and those exemptions include exemptions under [insert name of district's state] law, the most often utilized exemptions are those found in [post link to principal exemption statute]. But other exemptions under [insert name of state] law include [insert list], and the [United States Code](#) may provide additional exemptions as in the case of Social Security payments ([42 U.S.C. § 407](#)).

[End of Informational Materials Page]

ATTACHMENT H

List of Assistance That is Available at the Clerk's Office

The Clerk's Office is prohibited from giving legal advice.¹ At the Clerk's Office, however, you may examine copies of the following materials:

- ▶ the Bankruptcy Code (title 11, U.S. Code),
- ▶ provisions of title 28, U.S. Code (governing such things as jurisdiction and fees),
- ▶ Federal Rules of Bankruptcy Procedure,
- ▶ Official Bankruptcy Forms,
- ▶ Local Bankruptcy Rules and Local Forms,
- ▶ computers to retrieve the electronic docket sheet for each bankruptcy case and proceeding, to review papers filed in bankruptcy cases and adversary proceedings,

¹ As mentioned elsewhere on this website, the court has prohibited the clerk's office and the chambers staff of the court's judges from giving legal advice. For example, they cannot:

- ▶ Explain the meaning of a particular statutory provision or rule
- ▶ Give an interpretation of case law
- ▶ Explain the result of taking or not taking action in a case
- ▶ Help you complete forms, or advise you regarding what is legally required when a form elicits information from you
- ▶ Tell you whether jurisdiction is proper in a case
- ▶ Tell you whether a complaint properly presents a claim
- ▶ Provide advice on the best procedure to accomplish a particular goal
- ▶ Apply a rule or statute
- ▶ Explain who should receive proper notice or service

The judge in a case cannot give you legal advice or assist you in the case. The judge's job is to supervise and administer the entire case and to resolve disputes between the parties, and the judge must remain impartial (not lean in favor of one side). You cannot engage in so-called *ex parte* communications with the judge (meaning only you communicating with the judge):

- ▶ You cannot contact the judge to have a conversation about the case.
- ▶ When you file a paper seeking some form of relief from a judge, you must serve any person who might be adversely affected were the relief granted or who might otherwise be interested in the matter.

- ▶ eventually, computers with access limited to certain websites having information pertinent to bankruptcy (such as www.uscourts.gov),
- ▶ copies, for a fee, of official forms,
- ▶ a video regarding the bankruptcy process.

All of that information is accessible on the court's website for free under Informational Materials (other than examining filings in bankruptcy cases and proceedings). The information available elsewhere on the court's website may be more extensive than what is available at the Clerk's Office because internet access is restricted at the Clerk's Office.

For information regarding the Clerk's Office's hours of operation, telephone numbers, etc., go to [\[post link here to the pertinent page\]](#).

If in supply, copies of the Local Bankruptcy Rules and Local Forms may be obtained at the Clerk's Office.

[End of List of Assistance That
is Available at Clerk's Office]

ATTACHMENT 2

EXAMPLE OF NOTICE ISSUED AT THE OUTSET OF THE CASE

[Insert District]

[Add Address, Telephone No., and website.]

In Re: **Josephine Bonaparte**

Case No.: **08-00001**

Chapter: **13**

NOTICE OF DEADLINE FOR FILING REQUIRED DOCUMENTS

The following documents required by the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure have not yet been filed:

<input type="checkbox"/> Schedules A-J (Official Form 6) ¹	<input type="checkbox"/> Statement of Current Monthly Income and Means Testing Application (Official Form 22C)
<input type="checkbox"/> Statement of Financial Affairs (Official Form 7)	<input type="checkbox"/> Records of the Debtor's Interests in an Account or Program of the Type Specified in 11 U.S.C. § 521(c)/Statement That No Interests Exist ²
<input type="checkbox"/> Copies of All Payment Advices or Other Evidences of Payment/Statement That No Evidence of Payment Exists ³	<input type="checkbox"/> Chapter 13 Plan ⁴

The missing documents indicated above must be filed by _____ to comply with the Federal Rules of Bankruptcy

¹ All Official Forms are available at http://www.uscourts.gov/bkforms/bankruptcy_forms.html. If schedules D, E, or F are filed after the mailing matrix and list of creditors are filed, the debtor(s) must file either an amended mailing matrix and list of creditors or a certification that no changes have been made to the mailing matrix. Finally, the debtor(s) must pay a \$26.00 fee if the schedules require the filing of an amended mailing matrix and list of creditors to add or delete a creditor.

² A debtor must file with the court a record of any interest that a debtor has in an educational individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) or under a qualified State tuition program (as defined in section 529(b)(1) of the Internal Revenue Code of 1986). A debtor who has no interest in an account or program of this type may satisfy the requirements of § 521(c) by filing a statement to that effect on the court's docket. [Post here information re availability at clerk's office or on website of form to utilize.]

³ A debtor who has received no payment advices or other evidence of payment from an employer within the sixty (60) days preceding the filing of the petition may satisfy the requirements of § 521(a)(1)(B)(iv) by filing a statement to that effect on the court's docket. [Post here information re availability at clerk's office or on website of form to utilize.]

⁴ This court's local rules require that the debtor(s) also file a certificate of service reflecting the mailing of the plan and notice of the opportunity to object to confirmation of the plan within five days of the filing of the plan. See Local Bankr. R. 3015-1(b) and 5005-1(h). Templates conforming to the court's suggested format for all chapter 13 plans are available at the office of the clerk of the court and (as a "pdf" document with interactive fields) on the court's website at _____ under the link "Forms & Publications."

Procedure. **Failure to file the missing documents within fifteen (15) days of the petition date may result in dismissal of this case.**

Dated: _____

For the Court:

Clerk of Court

By: _____

Copies to: Debtor(s); Attorney for the Debtor(s) (if any).

ATTACHMENT 3

**EXAMPLE OF ORDER ISSUED WHEN THE DEBTOR
FAILS TO FILE REQUIRED PAPERS BY DAY 15 OF THE CASE**

OFLCH13 (11/06)

United States Bankruptcy Court for the

[Insert District]

[Add Address, Telephone No., and website.]

In Re: **Josephine Bonaparte,**

Case No.: **08-00001**

Chapter: **13**

ORDER TO FILE MISSING DOCUMENTS

The following documents required by 11 U.S.C. § 521(a)(1)¹ and Interim Fed. R. Bankr. P. 1007 have not yet been filed:

<input type="checkbox"/> Schedules A-J (Official Form 6) ²	<input type="checkbox"/> Statement of Financial Affairs (Official Form 7)
<input type="checkbox"/> Statement of Current Monthly Income and Means Testing Application (Official Form 22C)	<input type="checkbox"/> Copies of All Payment Advices or Other Evidences of Payment/Statement That No Evidence of Payment Exists ³

The petition date in this case was 1/2/08 . Accordingly, the missing documents indicated above were due by 01/17/2008 pursuant to Interim Fed. R. Bankr. P. 1007. It is therefore

ORDERED that the missing documents indicated above be filed by 02/02/2008 . **Failure to file the missing documents within fifteen (15) days of the entry of this order may result in dismissal of this case.**

Dated:

For the Court:

Clerk of Court

By: _____

Copies to: Debtor(s); Attorney for the Debtor(s) (if any).

¹ Section 521 of the Bankruptcy Code lists the general duties of the debtor(s) in this case, including the duties of the debtor(s) to file certain specified documents. See 11 U.S.C. § 521(a). If any documents required by § 521(a)(1) are not filed within forty-five (45) days of the petition date, § 521(i) requires that the case be treated as having been dismissed automatically on the forty-sixth day after the filing date (with one exception that is generally unavailable). Section § 521(i)(3) permits extension of the deadlines set forth in § 521(i)(1) by an additional forty-five (45) days upon request of the debtor. The request must be made before the initial forty-five (45) day period expires and generally will be awarded only where there are extraordinary circumstances warranting relief. ***If the point is reached that § 521(i) requires automatic dismissal, the court may issue an order reciting that the case has been automatically dismissed.***

² All Official Forms are available at http://www.uscourts.gov/bkforms/bankruptcy_forms.html. If schedules D, E, or F are filed after the mailing matrix and list of creditors are filed, the debtor(s) must file either an amended mailing matrix and list of creditors or a certification that no changes have been made to the mailing matrix. Finally, the debtor(s) must pay a \$26.00 fee if the schedules require the filing of an amended mailing matrix and list of creditors to add or delete a creditor.

³ A debtor who has received no payment advices or other evidence of payment from an employer within the sixty (60) days preceding the filing of the petition may satisfy the requirements of § 521(a)(1)(B)(iv) by filing a statement to that effect on the court's docket. **[Post here information re availability at clerk's office or on website of form to utilize.]**