Delaware Inn of Court Presentation

The Pro Se Party

BANKRUPTCY COURT RESOURCES

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How Do Bankruptcy Courts Assist Pro Se Parties?

- Local Rules
- Website Resources
- Telephonic Appearances
- Pro Bono Services

Delaware

Maryland

New Jersey

United States Bankruptcy Courts

The Federal Courts' Website – Bankruptcy Basics

- Includes information on bankruptcy basics, discharge, summary of each chapter, Service Members' Civil Relief Act, Securities Investor Protection Act, bankruptcy terminology, and bankruptcy forms.
- Includes video series in English and in Spanish.

Introduction

Bankruptcy Chapters

Bankruptcy Limits

Filing

341 Meeting

Bankruptcy Crime

Hearings

Discharge

Legal Assistance

The Local Rules Applicable to Pro Se Parties

- 3007-1(g) Pro Se. Any claimant may participate pro se (and telephonically) at a hearing on an Objection to his or her claim by following the telephonic appearance procedures located on the Court's website.
- 7026-2 Service With Filing. In cases involving pro se parties, all requests for discovery under Fed. R. Civ. P. 26, 30, 31, 33 through 36, and answers and responses thereto, shall be served upon other counsel or parties and filed with the Court.
- 9022-1 Service of Judgment or Order. For any pro se movant or sua sponte order, the Clerk's Office shall serve a copy of the judgment or order via first class mail on all parties affected thereby and file a certificate of service to that effect, unless otherwise directed by the Court. (Normally completed by Movant)

The Website

- Links to Important Websites, including:
  - Federal Courts' Bankruptcy Basics Page
  - U.S. Trustee Site
  - U.S. Code and Rules
  - Local Rules
  - American Bankruptcy Institute
  - Delaware State Bar Association
- Claims information, including instructions on how to submit a proof of claim.
- As of September 15, 2012, claims (in cases where no claims agent has been assigned) may be filed electronically.

Telephonic Appearances

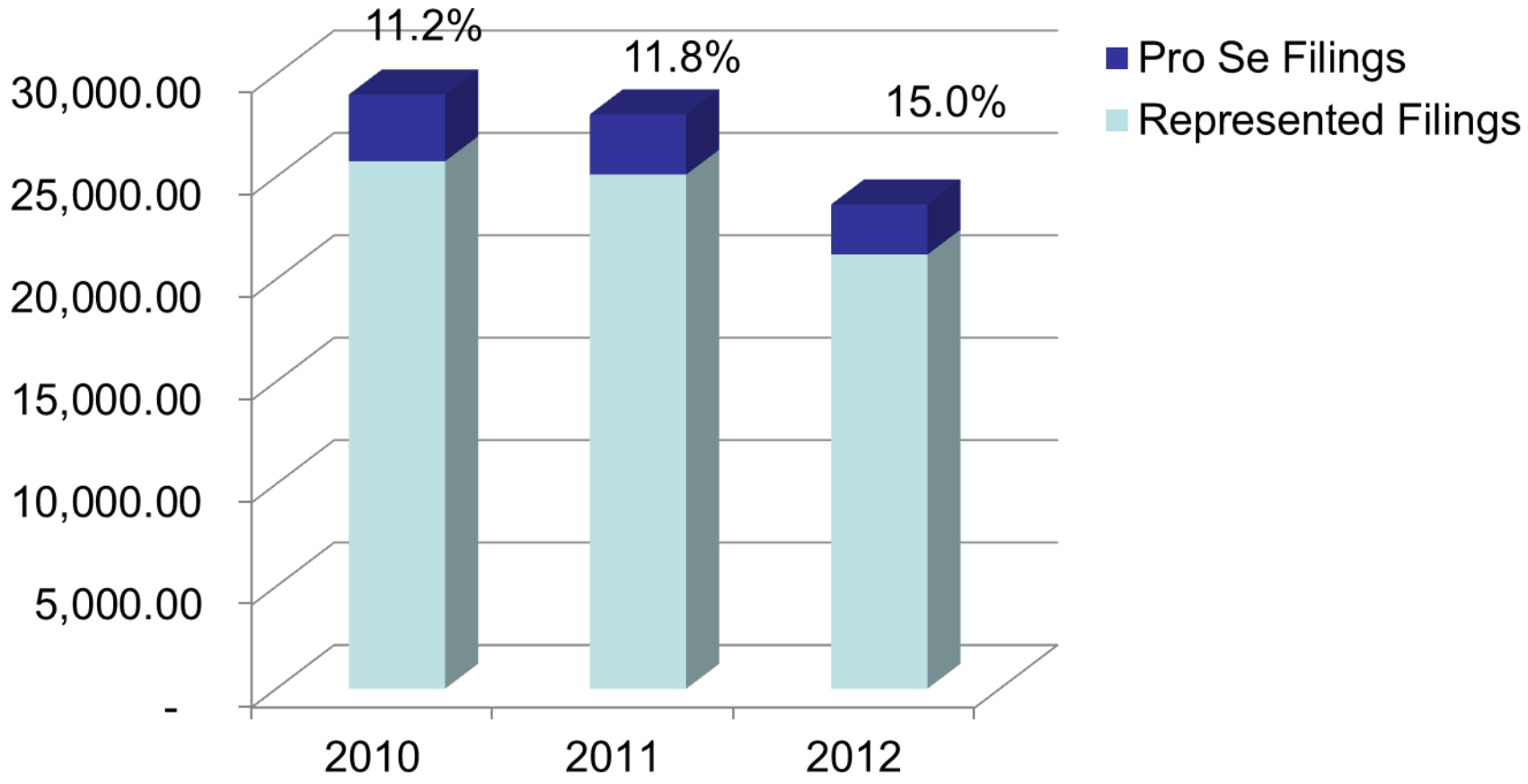
- Pursuant to Local Rule 3007-1(g) , a pro se claimant may appear telephonically for any claim objection hearing.
- Otherwise, telephonic appearances are permitted as stated in the telephonic appearance procedures
- CourtCall Fees (CourtCall May Waive Upon Request):
  - 0-90 minutes $ 50.00
  - 91-180 minutes $ 80.00
  - 181-270 minutes $120.00
  - 271-360 minutes $160.00
  - 361 minutes and above $ 40.00 per each additional 90 minute increment

Pro Bono Services

- Possible Court Liaison for pro bono parties
- Legal Services Corporation of Delaware ("LSCD") – Assists low income Chapter 7 and 13 debtors
- DVLS –Overflow for LSCD

United States Bankruptcy Court For the District of Maryland

Pro Se Filing Statistics (Chapter 7 & Chapter 13)



United States Bankruptcy Court For the District of Maryland

The Local Rules Applicable to Pro Se Parties

- The Court's local rules use the term "filing without an attorney" or "self represented" in lieu of "pro se."

- RULE 9010-1 SELF-REPRESENTED PARTIES
  (a) Who May Appear Self-represented. Except for filing motions seeking to obtain funds deposited in the Registry of the Court, only individuals may represent themselves.

United States Bankruptcy Court For the District of Maryland

The Website

- Links to Important Websites, Including:
  - Federal Courts' Bankruptcy Basics Page
  - U.S. Trustee Site
  - Bankruptcy Code
  - Federal & Local Rules
  - American Bankruptcy Institute
  - Maryland law resources
- Glossary of Bankruptcy Terminology
- Video featuring judges, trustees, and practitioners describing some of the pitfalls of proceeding without counsel and advising against it.
- Attorney Locator Resources
- Guide to Filing an Adversary Proceeding without an Attorney
- Instruction Guides for Self-Represented Debtors and Self-Represented Creditors
- Frequently Asked Questions Regarding Filing a Proof of Claim

Telephonic Appearances

- The ability of pro se parties to appear by telephone varies by judge. Some judges do not permit telephonic appearances unless the party has obtained an exception.
- When telephonic appearances are permitted, Court Call may or may not be used.

United States Bankruptcy Court For the District of Maryland

Pro Bono Assistance

- Maryland has between 2,000 and 3,500 pro se individual debtor cases filed each year.
- Debtor Assistance Project ("DAP"): a legal clinic that is a partnership between the Court and various members of the Maryland legal community providing debtors with an opportunity to meet one-on-one with a volunteer bankruptcy attorney for a free half-hour consultation.
  - Answers questions about bankruptcy, but does not provide paperwork completion or representation.
  - The debtor contacts the court to schedule an appointment.
  - Clinic locations are the courthouses (in Baltimore and Greenbelt) and an office on the Eastern Shore.
- "Low Bono Resources": a list of practitioners who have agreed to consult with low income debtors for a reduced fee.

United States Bankruptcy Court For the District of New Jersey

Website & Other Resources

- Provides resource page for pro se debtors
  - Bankruptcy Basics
  - Instructional video
  - Reference guides for Chapter 7 and Chapter 13 cases
  - Foreclosure, legal aid, and credit counseling resources
- No similar resources for pro se creditors
- No formal procedures in place for pro se creditors
  - Minimal references to unrepresented parties in the Local Rules
- However, informal assistance provided on a case-by-case basis
  - *e.g.*, accepting filings via mail/email, assisting with CM/ECF filing, frequent telephonic hearings when appropriate

Notable Resources Provided By Bankruptcy Courts

Publications & Guides

- Massachusetts – *A Guide for the Pro Se Creditor in a Bankruptcy Case*
  - Essentially a “how-to” guide for bankruptcy law and practice
  - Extremely comprehensive
- E.D. California – *Pro Se Creditor’s Handbook*
  - Step-by-step outline of bankruptcy process
  - Making claims and FAQ
  - Explanation of various applicable sections of the Code

Notable Resources Provided By Bankruptcy Courts

Other Pro Se Assistance

The Pro Se Law Clerk

- Utilized by a few courts, including Mass., E.D.N.Y., E.D. Mich.
- Geared toward pro se debtors, but also available to creditors
- Employed by the Bankruptcy Court, so limitations (*e.g.*, no legal advice)
- Answers routine questions regarding:
  - Bankruptcy process
  - Forms and schedules
  - Procedure
  - Filing and costs
  - Discharge
- Provides referrals to legal aid or private practitioners