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FILING FOR BANKRUPTCY WITHOUT AN ATTORNEY

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Filing for Bankruptcy Without an Attorney

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Corporations and partnerships must have an attorney to file a bankruptcy case. Individuals, however, may represent themselves in bankruptcy court. While individuals can file a bankruptcy case without an attorney or "pro se," it is extremely difficult to do it successfully.

It is very important that a bankruptcy case be filed and handled correctly. The rules are very technical, and a misstep may affect a debtor's rights. For example, a debtor whose case is dismissed for failure to file a required document, such as a credit counseling certificate, may lose the right to file another case or lose protections in a later case, including the benefit of the automatic stay. Bankruptcy has long-term financial and legal consequences - hiring a competent attorney is strongly recommended.

Debtors must list all property and debts in their bankruptcy schedules. If a debt is not listed, it is possible the debt will not be discharged. (Lists of the documents [including schedules] that debtors must file are set out on [Form B200](#) (pdf), one of the Director's Procedural Forms.) The judge can also deny the discharge of all debts if a debtor does something dishonest in connection with the bankruptcy case, such as destroying or hiding property, falsifying records, or lying. Individual bankruptcy cases are randomly audited to determine the accuracy, truthfulness, and completeness of the information that the debtor is required to provide. Please be aware that bankruptcy fraud is a crime.

Pro se litigants, whether debtor or creditor, are expected to follow the rules that govern procedures in the federal courts. *Pro se* litigants should be familiar with the [United States Bankruptcy Code](#), the [Federal Rules of Bankruptcy Procedure](#), and the local rules of the court in which the case is filed. Local rules, along with other useful information, are usually posted on the court's web site and are available at the local court's intake counter.

Credit Counseling

Individual debtors are generally required to obtain [credit counseling from an approved provider](#) within 180 days before filing a case, and to file a statement of compliance and a certificate of credit counseling furnished by the provider. Failure to do so may result in dismissal of the case.

Finding an Attorney, including Free Legal Services

Debtors are strongly encouraged to obtain the services of competent legal counsel. Even if you cannot afford to pay an attorney, you may be able to qualify for free legal services. For information about hiring an attorney, or about free (also known as "pro bono") legal services, contact your state or local bar association. Many law schools have legal clinics that offer free legal services. Court web sites often have contact information for bar associations and pro bono legal service programs, as well as important procedural information.

For information about such legal resources, check the American Bar Association's [Legal Help](#) page, the [Legal Services Corporation](#), or the web site of the [bankruptcy court](#) where you intend to file. If you do not know where you are permitted to file a case, check the [Official Bankruptcy Forms page](#) to see the box on Form B1 (Voluntary Petition) entitled "Information Regarding the Debtor - Venue" and the part of the Instructions relating to that box.

If you are filing or involved in a bankruptcy case and do not have an attorney, the web site of the [bankruptcy court](#) where the case has been or will be filed may be of assistance. The [Bankruptcy Resources](#) page may be of help as well.

Foreclosure


Homeowners who are having trouble or have fallen behind in making their mortgage payments may have options that would allow them to avoid foreclosure and bankruptcy. For more information, check these [foreclosure](#) resources.

Beware of offers made once your house is in foreclosure - there are a number of fraudulent schemes specifically directed at individuals facing foreclosure. Contact your state attorney general or other state consumer protection agency regarding any suspicious proposal, such as one that requires transferring your property to a third party in order to avoid foreclosure.

Petition Preparers

Beware of bankruptcy petition preparers who do not comply with all legal requirements. The role of non-attorney petition preparers is solely to type information on [Bankruptcy Forms](#) (available at this link without charge). Petition preparers are barred by law from providing legal advice - they cannot explain how to answer legal questions or assist in bankruptcy court. Petition preparers must sign all documents they prepare; print their name, address, and social security number on such documents; and furnish copies to the debtor. They cannot sign a document on the debtor's behalf or receive payment from the debtor for court fees.



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