

## 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. 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 on the Clerk'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 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, 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).