

Chapter 1 : theinnatdunvilla.com Welcome EU guest

libraries and even from some court clerks and legal aid offices to help non-lawyers with routine matters. The books or kits may cover divorce, bankruptcy, traffic tickets, wills, contracts and leases, landlord-tenant.

In the case of Turner v. The South Carolina Court that heard the trial did not make a finding that Turner was indigent and did not appoint an attorney to represent him before sentencing him to jail. If Turner was sentenced in a criminal case, he would have had a court appointed attorney. Jail is jail either way. Violation of a court order may result in a case for civil or criminal contempt. The court has the power to jail people for violation of court orders. Others violate court orders and fail to pay child support because they choose to not pay the money. Clearly some people need the threat of a jail sentence or even time in jail as an incentive to pay child support. Frequently, the determination of imposing jail time is not known until the end of the hearing. The case of Turner v. Price raises the issue of the constitutionality of imposing a jail sentence without the benefit of an attorney to defend the person before jail is imposed. Just as in criminal cases, the result of the civil contempt may be different if a lawyer is involved. This is an important issue as nobody should go to jail without due process and an opportunity to present a defense. These are not rights guaranteed in criminal cases. These are rights guaranteed to Americans under the United States Constitution. On the other hand, the state must pay for court appointed attorneys. I suspect that any ruling on this case will extend to all civil contempts including contempts for non-payment of alimony and any other violation of a court order. This case bears watching but we may be disappointed in the result. The court ordered the parties to brief the issue of incarceration for civil contempt without a lawyer and another issue. They also ordered the parties to brief the issue of whether the Supreme Court has jurisdiction to hear this case. The briefs in this case are due to be filed in January and February,

Chapter 2 : Law firms seek non-lawyers for sales, marketing help

Note: Citations are based on reference standards. However, formatting rules can vary widely between applications and fields of interest or study. The specific requirements or preferences of your reviewing publisher, classroom teacher, institution or organization should be applied.

While the information presented is accurate as of the date of posting, it should not be cited or relied upon as legal authority. It should not be used as a substitute for reference to the United States Bankruptcy Code Title 11, United States Code and the Federal Rules of Bankruptcy Procedure, both of which may be reviewed at local law libraries, or to local rules of practice adopted by each bankruptcy court. Finally, this information should not substitute for the advice of competent legal counsel. In addition to the information presented here, the Court also provides walk-in Self Help Centers for visitors who are seeking more information about how the bankruptcy process works in Arizona. Bankruptcy Courthouse located at N. Walsh Courthouse at 38 S. Scott Ave, and in Room for free attorney consultations by appointment see below. The current hours of operation in Phoenix are from 9: In Phoenix and Tucson, the Bankruptcy Section of the State Bar of Arizona provides volunteer attorneys to consult with individuals about bankruptcy for 20 - 30 minutes without charge. Additionally, volunteer attorneys are available by telephone. The volunteer attorneys are available by appointment only. This service is available only to individuals who have filed or are considering filing a chapter 7 or chapter 13 case and to an individual creditor in a bankruptcy case. The volunteer attorneys do not consult on Chapter 11 cases. To use this service, you must first watch bankruptcy education program videos and complete an online questionnaire. The bankruptcy videos give general important information about bankruptcy. The questionnaire is important because it allows the attorney to give you specific advice about your situation. Completion of these materials requires serious consideration and a minimal time commitment of about one hour before you meet with an attorney. For additional information about the Self Help Center, please contact our front counter staff or call , or and select 0 zero for the receptionist. Court staff will not be able to provide legal assistance but can answer general questions about bankruptcy forms and procedures. If you have used any of our Self-Help Centers in the District of Arizona, we want to know what you think. Please take a few moments to fill out this short survey to help us improve our services. Bankruptcy Court Help Line. By calling the toll free number , people in need will be able to access information, in English and Spanish, about filing Bankruptcy. The person can also be transferred to the court or leave a message for an attorney. The attorneys answering these messages will be volunteering their time to consult individuals for 20 - 30 minutes without charge.

Chapter 3 : File Bankruptcy Yourself | Do-It-Yourself Bankruptcy Kit

*The Alpha Chapter 13 Bankruptcy Kit: Special Book Edition With Removable Forms (The Alpha Non-Lawyer Legal Kits) [Kermit Burton] on theinнатdunvilla.com *FREE* shipping on qualifying offers. The complete do-it-yourself Chapter Bankruptcy Kit with all the Forms required to stop a real property foreclosure.*

Standard carrier and messaging rates will apply. Your information is safe with us. This has led us to believe that filing for bankruptcy is our resort to fix our debt problems. People are unaware of what bankruptcy actually is. It is your right, under federal law, to file for bankruptcy relief from your creditors. If you believe, that you have no other option but to file for bankruptcy, then here is some basic information to help you better understand bankruptcy before filing it. Remember that you can file bankruptcy only once in every six years, so read the following article carefully: Types of Bankruptcy You can apply for two kinds of bankruptcy depending on your financial standing. These two types are: However, you make an agreement with the trustee to buy it back. Chapter 13 options will let you pay back the arrears from between three and five years, divided on regular monthly payments. Every case of bankruptcy is different from the other and the laws for them change from time to time. Here are a few basic benefits that you can attain through bankruptcy: Legal discharge of debt payments Stopping of foreclosure of your home so that you catch up on missed payments No repossession of a car or other property Avoidance of debt collection harassment Prevention of utility service termination, which may occur due to non-payment of bills Return of driver license back if it has been suspended Bankruptcy Laws about Transferring of Property: Any transfer of property without receiving fair value for it within one year before filing bankruptcy is a fraudulent transfer. You cannot give any property away to friends or relatives before you file for bankruptcy and get it back after the filing of bankruptcy. You can, however sell a non-exempt property before filing bankruptcy, and use the money to purchase things, which are exempt. It is advisable that you consult a lawyer before filing bankruptcy to see if this will affect you. Here are a few things you need to know to apply for bankruptcy: Bankruptcy Application Process When you want to apply for bankruptcy, you have to go to one hearing at the courthouse, which is short and simple. All you have to do is to answer some questions by the trustee and sometimes have to answer to some financial concerns of the creditors. The filing process will then take up to four to six months to complete. The Cost of Bankruptcy There is generally a filing fee for bankruptcy, charged by the banks. The fee is only payable if the case is filed. Affects of Bankruptcy on Credit Ratings The impacts of bankruptcy on the credit ratings are long-term. You will have to face the consequences of bankruptcy on your credit report for 10 years. Nevertheless, you can receive credit from a number of companies who will charge you higher interest rates. Filing for Bankruptcy with an Attorney It is better to consult an experienced attorney before you file for bankruptcy. Make an appointment with them and know the way they will deal with your case. Also, inquire about the charges of their services. You can also hire non-lawyers who prepare your documents for a fee, but it is not a good idea to use these services. Filing for Bankruptcy without an Attorney You can also file bankruptcy by yourself with the help of books and do-it-yourself kits. Chapter 7 bankruptcy is easier than Chapter 13. However, as these cases have legal problems, there are many things, which you may not know how to handle without an attorney. Why Avoid Filing for Bankruptcy? Bankruptcy may look like an attractive debt relief option, but is burdened with a number of penalties. Here are a few things, which may follow bankruptcy: Not all outstanding debts are cleared with the application of bankruptcy The credit scores are severely affected Through chapter-7 bankruptcy option, you can lose all your assets and be homeless. The repayment plan by chapter 13, can take up to five years to complete Tax refunds and earned income credits are not exempted when you file your bankruptcy case If possible, you should avoid bankruptcy, even in hard hit financial crisis, and consider other debt relief alternatives available.

Chapter 4 : Lawyer who used nonlawyers to sell living trusts is suspended in New Jersey

The Non-Lawyers Bankruptcy Kit by Kermit Burton starting at. The Non-Lawyers Bankruptcy Kit has 1 available editions to buy at Alibris.

United States Bankruptcy Court, E. Margaret Mainardi, in pro. Background and Facts Margaret Mainardi "Mainardi" is an independent licensed paralegal who specializes in preparing divorce kits. Although most of her work is in the area of divorce, Mainardi also offers assistance in preparing Chapter 7 bankruptcy forms; she completes about four sets per year. A Final Decree was entered on September 28, While many of the facts concerning the type of services Mainardi provided for Debtor are disputed, it is clear that in this case Mainardi provided the services set forth below. Mainardi either admitted or implied that she: Mainardi also admits that it is her normal practice to: Law and Discussion I. Does federal law or state law regulate the extent to which non-lawyers may appear before the bankruptcy courts? Pursuant to the supremacy clause of the United States Constitution, a state may not regulate the practice of law before a federal tribunal if federal law prescribes the qualifications for practicing before the tribunal. Therefore, unauthorized practice of law rules do not apply to practice before a tribunal to the extent that regulation of practice before that tribunal has been preempted by federal law. In the bankruptcy area, there is no federal law which regulates the extent to which non-lawyers may appear before the bankruptcy courts: Because there is no federal law or rule concerning the practice of non-lawyers before the bankruptcy courts, Michigan law is not preempted by federal law in this area. Any person who violates the provisions of this section is guilty of contempt of the supreme court and of the circuit court of the county in which the violation occurred. The Michigan code, however, does not define the practice of law. Because the legislature has not seen fit to define what constitutes the practice of law, the task of constructing a definition of the "practice of law" has largely been left to the judiciary. United States Bankruptcy courts in other jurisdictions, coming to this same conclusion, look to state law for guidance when determining whether a person has engaged in the unauthorized practice of law. In re Anderson, 79 B. In summary, because the federal law does not preempt Michigan law, Michigan law regulates the extent to which non-lawyers may appear before the bankruptcy court. There have been no cases in Michigan that specifically concern the unauthorized practice of law in the bankruptcy setting. Michigan courts have defined the "practice of law" in other contexts such as divorce, real estate, probate, and wrongful death. In these cases, the Michigan courts have held that advertising for sale and distributing do-it-yourself kits, filling out collateral standard printed forms, and performing work of a preparatory nature such as research, investigation of details, and assemblage of data is not the practice of law. However, advertising professional guidance to clients, arranging personal conferences with clients, preparing documents, filing completed documents with the court, and personally advising clients as to proper testimony is the practice of law and, thus, when performed by a non-attorney constitutes the unauthorized practice of law. The following activities have been defined as the practice of law in other jurisdictions: In re Herren, B. In re Glad, 98 B. In re Calzadilla, B. In the bankruptcy context, certain activities are generally not defined as the practice of law: A disclaimer that the non-lawyer is only providing "scrivener" or "paralegal" services is irrelevant if the non-lawyer in fact engages in unauthorized practice of law. Consistent with Michigan and bankruptcy case law, it is clear that, in this case and in her general practice, Mainardi performed at least seven services which constitute the unauthorized practice of law. The first three services, discussed below, were specifically provided in the Bright bankruptcy. It is unclear whether any of the next four services were provided for Bright, however those four services are commonly provided by Mainardi when she prepares Chapter 7 bankruptcy forms. Apparently Debtor contacted Mainardi about the procedure for filing bankruptcy. After Debtor had mailed the information to Mainardi, Mainardi called and asked for further information including a pay stub from an employer and addresses from a bank account. And again, after a meeting with Debtor at her home Mainardi requested further information concerning "things. Actual preparation and filing for the debtor of Chapter 7 petitions, statements, and schedules constitutes the practice of law. As such, these services may be provided only by attorneys. If these services are provided by non-attorneys, these practices constitute the unauthorized practice of law.

Second, Mainardi decided where information should be placed on the forms and in what format. Debtor mailed Mainardi much of the information for his forms, and she typed it onto the forms outside of his presence and without his direction concerning where to place the data. Directing what property is appropriately listed and where, summarizing and reformulating the information received from clients, advising clients regarding responsibility to list all debts and the option of voluntary repayment, all require exercise of legal judgment beyond the knowledge of lay persons and, thus, constitutes the unauthorized practice of law. Mainardi added the following language to Schedules C and D: Schedule C Any undervaluation or any asset omitted through inadvertence or oversight shall be covered by any unused part of 11 USC d 5. Schedule D The Claims shown above in Schedules A thru [sic] J are liquidated, undisputed, no contingen [sic] and subject to setoff unless noted otherwise. Failure to designate a debt as disputed, unliquidated, contingent, or subject to setoff, does not constitute an admission of noncontestibility, and the right to dispute, assert setoffs, or other defenses, as to amount, liability or statue [sic], is specifically reserved. Non-attorneys may provide secretarial services and type bankruptcy forms for clients, provided the typists only copy the written information furnished by the clients. In addition, the State Bar of Michigan suggests in its brief, and this Court agrees, that it is not sufficient that the Debtor approve the language after it is suggested by the non-lawyer or that the Debtor select language from alternatives proposed by the non-lawyer, or from books recommended by the non-lawyer, because by suggesting alternatives the non-lawyer has limited the discretion of the Debtor. The rough spots would be. Therefore, defining any terms is the unauthorized practice of law. Fifth, Mainardi frequently shows debtors particular reference books and specific pages in those reference books. Mainardi states in her testimony that when she comes to the part of the forms concerning exemptions, she shows the debtor the Michigan page and the federal page in the Nolo book and tells them they need to choose one set of exemptions or the other. However, directing the client to refer to what appears to be a comprehensive list of exemptions from which the client is to select assets is the unauthorized practice of law because the only fair interpretation of the referral to the provided list is that the non-lawyer is advising the client of his or her opinion regarding available exemptions. Seventh, Mainardi commonly consults with a licensed attorney when asked a legal question by a client that she cannot answer. The non-lawyer, by deciding when a lawyer needs to be called, by determining which lawyer to call, by controlling what questions are asked and how the questions are phrased, and by personally interpreting the information received from the lawyer, is making discretionary decisions reserved for those qualified to make legal decisions. By making the above-listed decisions, the non-lawyer controls the matter, as opposed to the lawyer or the debtor. Therefore, consulting a lawyer prior to communicating advice to the debtor does not relieve a non-lawyer from liability for the unauthorized practice of law. The lawyer may be aiding the non-lawyer in the unauthorized practice of law in violation of Michigan Rule of Professional Conduct 5. Michigan Rule of Professional Conduct 5. The lawyer is not adequately supervising the non-lawyer if the lawyer does not know about the existence or content of the meetings between the non-lawyer and the debtor [Michigan Formal Ethics Opinion R-1], if the lawyer relies solely on the non-lawyer as intermediary, neglecting to meet directly with the client [Michigan Informal Ethics Opinion RI], or if the lawyer fails to use his independent professional judgment to determine which documents prepared by the non-lawyer should be communicated outside the law office [Michigan Guidelines for the Utilization of Legal Assistant Services, Guideline 2 and Comment. What policy considerations should the court weigh when limiting the rights of non-attorneys to provide services? A lay person who seeks legal services is often unable to judge whether he will receive proper professional attention. In addition, a client would forfeit recourse within the legal field against a non-attorney because only attorneys are subject to regulation within the profession and would have no recourse against a non-attorney in a malpractice action should the service provider act negligently in the performance of his duties. On the other hand, there are numerous arguments in support of allowing non-attorneys to administer simple bankruptcies in addition to the obvious anomaly involved in a situation where persons cannot avail themselves of the Bankruptcy Code because they cannot afford the services of an attorney. First, there are two potential constitutional issues: The court in Cramer recognizes that while the statute prohibiting the unauthorized practice of law affects constitutionally protected rights, not every rule or law that affects constitutional rights impermissibly violates

the constitution. Statutes which limit constitutional rights are valid if they are "narrowly drawn to express only the legitimate state interests at stake. When weighing the constitutional interests against the need to ensure competent legal representation, courts have generally held in favor of protecting the public from incompetent assistance as long as the statutes restricting the legal practice are narrowly drawn. Second, proponents of allowing non-attorneys to practice law claim that allowing only attorneys to practice law is inefficient. A simple bankruptcy does not need the expertise of an attorney whose time is better spent on complicated legal issues. *Avery*, where the Supreme Court struck down a regulation forbidding inmates from assisting other inmates in the preparation of writs and other legal matters. Justice Douglas states, There are not enough lawyers to manage or supervise all of these affairs; and much of the basic work done requires no special legal talent. Furthermore, only allowing attorneys to prepare bankruptcy forms is inefficient because people who can neither afford legal services nor qualify for legal aid and thus proceed pro per will appear in court less prepared to represent themselves if they cannot take advantage of typist and paralegal services. This lower degree of preparation further slows the administration of justice. Third, because the legal profession has failed to provide affordable professional legal assistance for needy groups, sufficiently skilled legal services within the means of all people are not reasonably available. The organized bar, which has not made available the minimal counseling which would enable a person to exercise his right of self-representation, cannot be heard to say that the service which it does not provide is the practice of law. Again the *Johnson v. Avery* situation is analogous. The United States Supreme Court held in *Johnson* that "unless and until the State provides some reasonable alternative [e. If no one was misled that the typist or paralegal was a lawyer, and there is no evidence that the typist or paralegal counseled the debtor, then it makes no difference who referred the client to the attorney. What measures might the Court employ to clearly define what services typists and paralegals may provide and to prevent typists and paralegals from providing legal assistance? There have been numerous suggestions concerning how the Court should deal with the problem of lay advocacy in light of the fact that many people can neither afford legal representation nor qualify for legal assistance. First, the appropriate body could regulate lay advocacy. With specific guidelines, non-attorneys would know exactly what services they could legally provide. Second, the appropriate body could establish standards for determining when a lawyer must be employed. This solution would enable lay advocates to administer simple bankruptcies, i. Tapes, unlike handwritten notes, are useful because they record entire conversations. These tapes would then be available at the first meeting of the creditors and if there were any suspicion that the unauthorized practice of law occurred, they could be analyzed. Fourth, courts can prohibit service providers from using misleading advertising. The provider can advertise secretarial services, notary, typing, and sales of bankruptcy forms and general printed information with regard to those forms. What sanctions can the bankruptcy court impose on those whose act constitute the unauthorized practice of law? Bankruptcy courts have numerous sanctions they can apply to people whose acts constitute the unauthorized practice of law pursuant to the Local Rules of the United States District Court for the Eastern District of Michigan. Local Rule 12 f states, Any person who, while not duly admitted to the Bar of this Court, or during his or her disbarment or suspension, exercises any of the privileges of a member of the Bar, or who pretends to be entitled to do so, may be found guilty of criminal contempt of Court and subject to appropriate punishment therefor. Courts in other jurisdictions have enjoined the unauthorized practice of law *Harris, B.* This Court prohibits Ms. Mainardi from providing the seven services discussed in this Opinion. This Court also orders Ms. Mainardi to turnover her records of the fees she charged Debtor so that this Court may disgorge any payments for legal services. The Court will not order Ms.

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Chapter 5 : Filing Without an Attorney | District of Arizona | United States Bankruptcy Court

For answers to more questions about bankruptcy, the automatic stay, effective strategies for dealing with foreclosure, and protecting your assets in bankruptcy please feel free to contact experienced Brooklyn bankruptcy attorney Bruce Weiner for a free initial consultation.

Main content Filing Without an Attorney Individuals can file bankruptcy without an attorney, which is called filing pro se. However, seeking the advice of a qualified attorney is strongly recommended because bankruptcy has long-term financial and legal outcomes. Filing personal bankruptcy under Chapter 7 or Chapter 13 takes careful preparation and understanding of legal issues. Misunderstandings of the law or making mistakes in the process can affect your rights. Court employees and bankruptcy judges are prohibited by law from offering legal advice. The following is a list of ways your lawyer can help you with your case. Advise you on whether to file a bankruptcy petition. Advise you under which chapter to file. Advise you on whether your debts can be discharged. Advise you on whether or not you will be able to keep your home, car, or other property after you file. Advise you of the tax consequences of filing. Advise you on whether you should continue to pay creditors. Explain bankruptcy law and procedures to you. Help you complete and file forms. Assist you with most aspects of your bankruptcy case. Use the forms that are numbered in the series to file bankruptcy for individuals or married couples. Use the forms that are numbered in the series if you are preparing a bankruptcy on behalf of a nonindividual, such as a corporation, partnership, or limited liability company LLC. Sole proprietors must use the forms that are numbered in the series. Many courts require local forms. A petition preparer must sign all documents they prepare for you; print their name, address and social security on the documents; and provide you with a copy of all documents. They cannot sign documents on your behalf or receive payment for court fees. Finding a Lawyer, Including Free Legal Services If you need help finding a bankruptcy lawyer, the resources below may help. If you are unable to afford an attorney, you may qualify for free legal services.

Chapter 6 : Matter of Bright, B.R. â€“ theinnatdunvilla.com

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Chapter 7 : Kermit Burton | Open Library

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Chapter 8 : A Complete Guide for Filing Bankruptcy | CreditGUARD

Sedgwick declares bankruptcy in filing that traces the law firm's downfall View the comments for this story We welcome your comments, but please adhere to our comment policy and the ABA Code of.

Chapter 9 : Filing Without an Attorney | United States Courts

Bankruptcy kits are marketed as bankruptcy software but underneath the wrapper, they are simply a collection of blank bankruptcy forms bundled with a how-to manual. The bottom-line is that a bankruptcy kit is nothing more than the blank bankruptcy forms that anyone can download for free from the court web sites.