

**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](#)

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.

- 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 \(Sometimes Available for Free\)](#).