

08-1225 UNITED STATES V. MILAVETZ

DECISION BELOW:541 F.3d 785

LOWER COURT CASE NUMBER: 07-2405

QUESTIONS PRESENTED:

Section 526(a)(4) of Title 11 of the United States Code provides that bankruptcy professionals who qualify as "debt relief agencies" and who are hired by consumer debtors for bankruptcy services may not advise those debtors "to incur more debt in contemplation of" filing a bankruptcy petition. The questions presented are as follows:

1. Whether Section 526(a)(4) precludes only advice to incur more debt with a purpose to abuse the bankruptcy system.
2. Whether Section 526(a)(4), construed with due regard for the principle of constitutional avoidance, violates the First Amendment.

CERT. GRANTED 6/8/2009

CONSOLIDATED WITH 08-1119 FOR ONE HOUR ORAL ARGUMENT