

## **Helping the Pro-Se Debtor, 20 Minutes at a Time**

**By: Sarah Mannion, Esquire**

As I get off the elevator on the 4th Floor of the Bryan Simpson United States Courthouse, I am greeted by the smiling faces of the Jacksonville Area Legal Aid Staff. At least one representative from JALA is present to help check-in the pro se participants and give a brief explanation of the service they will receive. The JALA staff are always very welcoming to the pro se participants, offering them water or candy as they wait. After I check in, I take a seat in one of the conference rooms and wait for some participants to arrive. I bring my laptop so that I can pull up PACER to review cases for the pro se debtors in real time to ensure they are receiving comprehensive advice as it relates to their case as a whole.

The first pro se debtor I meet with is a woman who filed a very simple Chapter 7 case. She received a notice from the Court regarding the requirement to file a Debtor Education Certificate. She is confused, as she thought she had already completed the class. After reviewing her case, I see that she completed the Credit Counseling Course but had yet to complete the second required course. She did not realize there were two separate courses. This is a brief meeting, as her case is all but complete - save for the completion certificate. She is relieved that the process will soon be over, and she only has one more step to go!

The next pro se case is a couple who are preparing to file a pro se Chapter 13 - no easy task! However, they have completed their petition and schedules prior to coming in and would like someone to review the documents before they are filed with the Court and their case begins. This meeting takes a bit longer than the allotted 20 minutes; however, no one else has arrived so I feel comfortable taking my time to explain the documents to them. The couple is filing to save their home and could not afford to hire an attorney, but they want to be sure they are answering the questions correctly. I am quite impressed with how well they have completed the documents without the assistance of counsel. But, there were many questions to be answered on Schedule J and Form B-22C. After going through the schedules and statements with them, the couple seems a bit more confident in the documents they have prepared. My hope is that my review will help to eliminate some of the errors that the Clerk and Trustee's office see on so many pro se documents and allow their case to go a bit more smoothly.

The next individual is a Chapter 7 debtor who has received a Notice of 2004 Exam, Motion for Turnover, and an order authorizing an appraisal. This debtor is very nervous and does not understand what was filed or what the documents mean. I pull up the docket and review the schedules that were filed. The debtor has not properly exempted personal property and clearly has equity in a paid-for vehicle. These

conversations are usually the toughest, as you are explaining to the debtor that there is a chance they can lose some of their property, unless they are able to come to an agreement with the Trustee. At these times, I believe it is always helpful to reframe the conversation in the big picture -- What is the benefit the debtor will receive from filing the Chapter 7? How will their life improve after the bankruptcy?

These conversations always make it very clear why the pro se clinics are incredibly helpful and necessary. Unfortunately, there are inevitably circumstances beyond the control of the debtor that have led them to file the bankruptcy. In many cases, the pro se debtors have done the best they can through research and consulting with friends and family members. However, when they need additional help with a troublesome case, or even with a simple question, they should know that they have a place to go to get those answers from an experienced attorney in a no-judgment zone.

The pro se clinics are offered twice a month and only take about an hour and a half of your time, but for a pro se debtor who is concerned and confused about their case, your time and attention can make all the difference.