

**United States Bankruptcy Court
Eastern District of North Carolina
Volunteer Attorney Questionnaire**

The United States Bankruptcy Court for the Eastern District of North Carolina recognizes the need for a formal program to provide pro bono representation in certain types of bankruptcy litigation. A program has been established to provide representation without charge to certain parties in bankruptcy litigation who are not able to employ an attorney on their own behalf. The Bankruptcy Court for the Eastern District of North Carolina encourages members of the bar to participate in this worthwhile program. Through the program, attorneys have the opportunity to gain courtroom experience and learn the basics of bankruptcy practice, while improving the quality of justice in our district.

Types of Cases: This program is only available to litigants in bankruptcy adversary proceedings. An adversary proceeding is civil litigation in the bankruptcy court. The Federal Rules of Bankruptcy Procedure, the Federal Rules of Evidence, and certain Federal Rules of Civil Procedure apply. Adversary proceedings are usually non-jury and are normally completed within six months to a year.

Scope of Representation: The appointed attorney will provide representation throughout the adversary proceeding, unless the court relieves the attorney of the appointment. The appointed attorney will not provide representation for the underlying bankruptcy case, such as for filing bankruptcy petitions, completing schedules, and attending creditors' meetings.

Appointment of Attorney: If the application for pro bono services is granted, the court will enter an order appointing a volunteer attorney to provide representation. The list of volunteer attorneys is maintained by the Clerk of Court. Generally, appointments from the list will be made on a rotational basis. However, this program is voluntary and no attorney is required to accept representation on a particular matter. Volunteers may decline a request for representation because of a conflict of interest or for any other reason. An attorney may join or leave the volunteer list by writing a letter to the clerk.

Confidential Mentors: Attorneys with significant bankruptcy experience may also serve the pro bono program by acting as confidential mentors to volunteer attorneys who are less familiar with bankruptcy practice. The identity of confidential mentors will not be known to the pro bono clients.

Relief from Appointment: An attorney who is appointed to represent a litigant through the pro bono program is obligated to provide competent representation throughout the adversary proceeding. An attorney who is appointed may file with the court a motion for relief from the appointment order. The motion must establish good cause and be filed promptly so that the adjudication of the adversary proceeding is not delayed. If a motion for relief is granted, the court will enter another order of appointment

How Participants Are Chosen: Each individual seeking pro bono representation shall submit an application, which will be provided by the clerk's office as instructed by the judge assigned to the bankruptcy adversary proceeding. The form requires the applicant to provide complete, accurate, and current information about the applicant's income and assets, as well as other pertinent financial information. The determination will be made by the court. In evaluating the application, the court may, if relevant, examine the applicant's bankruptcy schedules and statement of financial affairs. The court may also require the applicant to provide proof of income or assets, such as recent pay stubs or bank account statements.

Case Costs: Generally, program volunteers may not share in any award that may be received by a pro bono client. However, the court retains the discretion to alter this result in the case of an extraordinary recovery. At present, the court has no ability to defray the costs of litigation. These are the responsibility of the represented party, although pro bono counsel may choose to incur these expenses without repayment as part of the representation if the represented party is unable to meet them.

If you are interested in volunteering for the pro bono program, please complete and submit the attached form to the clerk's office. The Bankruptcy Court for the Eastern District of North Carolina and the members of the pro bono committee thank you for your interest and encourage you to participate in this program.

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1. Name: _____

2. Firm: _____

3. Address: _____

4. Office Telephone: _____ Email: _____

5. Bar admissions and years: _____

6. Type of law practice: _____

7. Bankruptcy litigation/other litigation experience: _____

8. Please check here if you have bankruptcy law experience and are willing to serve as a confidential mentor to pro bono program lawyers: _____

9. Languages spoken (other than English): _____

10. I will accept appointments in adversary proceedings heard in the following locations:

_____ Fayetteville

_____ Greenville

_____ New Bern

_____ Wilmington

_____ Raleigh

11. Please list two attorney references who are familiar with your law practice:

Reference 1:

Name _____

Address: _____

Phone Number: _____

Law Firm/Organization: _____

Reference 2:

Name _____

Address: _____

Phone Number: _____

Law Firm/Organization: _____

Signature: _____ Date: _____

Please return questionnaire to: Stephanie J. Butler, Clerk of Court
U.S. Bankruptcy Court
300 Fayetteville Street
4th Floor
Raleigh, NC 27601