

¹ Amended to delete the requirement for all Supervising Attorneys to have faculty or adjunct faculty status at the responsible law school.

a bankruptcy case or adversary proceeding with the presiding judge's consent if the Student:

- a. is enrolled in good standing in an accredited law school and has completed at least twenty-four (24) semester hours of legal study or the equivalent;
- b. is enrolled for credit in a law school clinical or externship program;
- c. is accompanied by an attorney in good standing with the Florida Bar and the bar of this Court ("Supervising Attorney") who assumes professional responsibility for the Student's action(s) and the quality of the Student's work;
- d. is acting on behalf of an indigent person, a government, or a governmental agency, and agrees that neither the Supervising Attorney nor the Student will ask for or receive compensation from the client for the Student's services;
- e. is certified by the Dean of the law school, or the Dean's designee, as being of good character and sufficient legal ability, and as being adequately trained, in accordance with the requirements of this Order, to fulfill his or her other responsibilities as a Student Lawyer to his or her client, the clinical program, and this Court; and
- f. certifies in writing that he/she has knowledge of the Rules of

Professional Conduct (Chapter 4 of the Rules Regulating The Florida Bar); the Federal Rules of Civil Procedure; the Federal Rules of Evidence; the United States Bankruptcy Code; the Federal Rules of Bankruptcy Procedure; the Local Rules of this Court and of the District Court for the Northern District of Florida; this Court's Administrative & Standing Orders; and other relevant information on this Court's website (www.flnb.uscourts.gov).

B. Supervising Attorney Requirements.

1. An attorney who supervises an eligible Student shall:
 - a. be a member in good standing of the Florida Bar admitted to practice in this Court;
 - b. be certified by the Dean of the law school, or the Dean's designee, as being of good character and sufficient legal ability and as being adequately trained to fulfill a Supervising Attorney's responsibilities;
 - c. assume full personal professional responsibility for the Student's guidance in any work undertaken and for the quality of a Student's work, and be available for consultation with represented clients;
 - d. assist and counsel the Student in activities related to cases and adversary proceedings to the extent required for the proper practical training of the Student, for the protection of

the client, and for any other reasons the Supervising Attorney considers it necessary;

- e. be responsible to supplement the oral or written work of the Student as necessary to ensure proper representation of the client;
 - f. be present with the Student at all times in court in all cases and adversary proceedings, and at § 341 meetings, Rule 2004 Examinations and depositions in which testimony is taken;
 - g. co-sign all pleadings or other documents the Student prepares for filing with this Court;
 - h. obtain the client's approval, in writing, for the Student to appear in the case or adversary proceeding;
 - i. obtain the Court's approval for the Student to appear in the case or adversary proceeding;
 - j. be certified by the Court as a Supervising Attorney;
 - k. possess a valid log-in and password, issued by this Court, to the CM/ECF database; and
 - l. maintain malpractice insurance unless such insurance or its equivalent is provided by or through the law school clinical program.
2. Prior to commencement of work by a Student pursuant to this

Order, the Supervising Attorney shall file a Notice of Appearance as Supervising Attorney and an Application to Approve Student as “Student Lawyer” (“Application”). The Application shall include the following:

- a. The client’s written approval for the Student to appear in the case or adversary proceeding; and
- b. The Student’s written certification that he/she has knowledge of the applicable law, rules and standing orders as outlined above.

3. The Supervising Attorney shall also submit a proposed order approving the Application. As soon as practicable after approval of the Application, the Court shall administer a student practice oath to the Student, who shall then be considered a “Student Lawyer.”

4. Once the Court has designated a Student as a “Student Lawyer,” that designation shall remain valid for the duration of the Student’s participation in the clinic without the necessity of the Court administering another oath, barring any further action by the Court vacating or suspending the “Student Lawyer” status.

5. Prior to oral participation by a Student Lawyer in a hearing or trial, the Supervising Attorney shall advise the Court of the scope of participation anticipated on the part of the Student Lawyer.

C. Certification of Clinical Program.

1. As soon as practicable after receipt of a written application for certification of a bankruptcy clinic from an accredited Florida law school, the Court shall issue and file with the Clerk a Certification for any clinical program the Court deems qualified to administer and supervise Students and Supervising Attorneys authorized to practice before this Court pursuant to this Order. Any Certification shall remain in effect indefinitely unless revoked by the Court.

2. Certification of a clinical program may be revoked by the Court at the end of any academic year without cause, or at any time for cause, provided notice stating the cause for such revocation is furnished to the law school Dean and clinic supervisor.

D. Retention of Jurisdiction.

The Court retains jurisdiction to revise or amend practices and procedures permitted in this Order.

DONE and ORDERED on December 20, 2024.

A handwritten signature in black ink, appearing to read 'K. Specie', written over a horizontal line.

KAREN K. SPECIE
Chief U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF FLORIDA
_____ DIVISION

In re:

Case No.: YY-CASENO-KKS

Chapter: X

DEBTOR NAME,

Debtor(s).

_____/

APPLICATION TO APPROVE STUDENT AS “STUDENT LAWYER”
PURSUANT TO STUDENT PRACTICE ORDER
(ADMIN. ORDER NO. 24-004)

COMES NOW the undersigned Supervising Attorney, and applies for approval of [NAME OF STUDENT] (“Student”), as a “Student Lawyer” pursuant to the Court’s Student Practice Order, and certifies as follows:

1. The Student meets the requirements of this Court, contained in Section A of the Student Practice Order, to become a “Student Lawyer.”
2. The written approval of the client, [name of client], to be represented by the Student in the above-captioned case or adversary proceeding is below.
3. The Student’s written certification that he/she has knowledge of the applicable law, rules, standing and administrative orders as

outlined in the Court's Student Practice Order is below.

Respectfully submitted on: _____.

[Supervising Attorney Name]

Address:

Phone:

Email:

Bar No.:

CERTIFICATION OF CLIENT APPROVAL:

I, [NAME], am the client, or authorized representative of the client (if other than a natural person) to be represented in this case by the above-named Student Lawyer under supervision of the Supervising Attorney named above. I have read this Court's Student Practice Order and agree to representation by the Student Lawyer pursuant to the terms of that Order.

Date

[Client Name]

Address:

Phone:

Email:

CERTIFICATION OF STUDENT:

I, [NAME OF STUDENT], hereby certify:

1. I have knowledge of the Rules of Professional Conduct (Chapter 4 of the Rules Regulating The Florida Bar); the Federal Rules of Civil Procedure; the Federal Rules of Evidence; the United States Bankruptcy Code; the Federal Rules of Bankruptcy Procedure; the Local Rules of this Court and of the District Court for the Northern District of Florida; this Court's Administrative & Standing Orders; and other relevant information on this Court's website (www.flnb.uscourts.gov).

2. I have read, fully understand, and agree to abide by this Court's Student Practice Order.

Date

[Student Name]
Address:
Phone:
Email:

Process for Chapter 7 Case

Receive Questionnaire from web page (or inquiry from prospective client)

If inquiry does not come from Questionnaire (LSNF or direct), please direct prospective client to fill out Questionnaire on web page for recordkeeping purposes

Acknowledge receipt of Questionnaire and determine if qualified for Clinic -

Generally, only take cases in Northern District/Tallahassee area

If mortgage or car arrearages, then chapter 13 is likely necessary and Clinic cannot handle

Check income and assets for qualification and propriety of filing

Make note of any non-exempt asset, i.e. car, tax refund

Ask about any urgency to filing – lawsuit, garnishment, etc.

Lawsuits can often be delayed with minimal effort

Garnishments can often be dissolved based on head of family exemption

If qualified for Clinic, direct client to proceed with preparation of Petition, Schedules and Statements. All necessary forms for chapter 7 are located at www.flmb.uscourts.gov under the Filing Without an Attorney tab and at the File a Chapter 7 Case dropdown

Forms are fillable PDFs that can be edited and saved or filled out by hand

Some clients will be overwhelmed with the paperwork. Advise them to do the best they can and then we can discuss. If client is overwhelmed, email Schedules A/B and E/F and ask them to start with those.

Upon receipt of initial forms from client, Diane will input information into BestCase software. Then a student will be assigned.

Remind Client that consumer credit counseling is a requirement BEFORE filing

Abacus – www.abacuscc.org and others are good to use

After forms are inputted into BestCase, send PDF version to client for review and editing with student. During this process, confirm assets and values. Use KBB.com for auto values (private party sale). Use garage sale value for household furnishings and general personal property. Always ask about tax refunds (especially in first quarter of the year), jewelry, guns, etc. Even with mid-year filing, trustee may try to get one-half of refund. Note that Earned Income Credit portion of refund is exempt, but Child Tax credit portion is not.

Student should get edits to Diane to be made in BestCase. Once in final form, BestCase file will be forwarded to Professor for review – particularly the exemptions on Schedule C.

Finalize forms for filing. Do not ask for complete waiver of \$338 filing fee unless the debtor is eligible, i.e. lives in public housing. Typically, Court approves installments (\$125 + \$71 + \$71 + \$71). Confirm consumer credit counseling and get CC certificate from client if not already obtained.

Final review and edits before filing. Confirm authority to file with client – make sure we have at least a copy of a signed petition

After petition is filed, the following will be sent to Professor –

- Notice of Bankruptcy Case with date for 341 meeting (also to Diane)

- Email from Trustee requesting documents, including DL and SS card, tax returns and bank statements – we should get bank statements and tax returns from client BEFORE filing

- Forward trustee email to Diane and assigned Student Attorney

- There's a lot of stuff referenced in the Trustee's email that is rarely applicable to our clients. Clients generally need to have IDs (drivers license and SS card), 2 years tax returns and 3 months bank statements

Make sure client knows about 341 meeting (date and time) and necessary documents

Note discharge deadline date – important for reaffirmations, if applicable, and second credit counseling class

Assist with upload of documents to Trustee's portal if necessary

If Trustee does not have documents, the 341 meeting will be continued

341 meeting will be via Zoom per the Notice of Bankruptcy Case

- Client must attend on Zoom as trustee must confirm identity of debtor. Make sure client knows how to use Zoom. Do practice run if necessary.

- Confirm time zone for meeting (some cases are Central time)

Before 341 meeting, send **341 Meeting Instructions** and discuss meeting with client and let them know what to expect, if necessary

- Most meetings last less than 10 minutes and the script is the same for all

Attend 341 meeting via Zoom – confirm at end of meeting that the meeting is concluded. If not concluded, find out what the Trustee needs to conclude the meeting.

Remind client to take second credit counseling course (before discharge deadline)

Remind client to make installment payments on filing fee

Discharge will not be entered until these two items are completed

If client is over on exemptions (value of assets exceeds allowable exemption amounts), the Trustee will send a promissory note with an amount and payment plan. Confirm amount and terms with client. If questions, communicate with Trustee.

If client has indicated an intention to reaffirm a secured debt (typically on a home or car), the lender will likely send a reaffirmation agreement to Professor (some lenders will send a reaffirmation agreement even where the debtor has indicated an intention to surrender)

Upon receipt of reaffirmation agreement, forward to Diane and assigned Student Attorney

Consider asking lender to modify terms, i.e. lower interest rate, lower amount owed

Remember – lender's option is to take the car back and sell at auction or keep getting payments from the debtor (Santander has shown a willingness to modify)

Discuss reaffirmation agreement with client

Check KBB value – value in reaffirmation agreement is often overstated

Check total secured debt

Confirm that client is current on payments and that home/car is insured

Confirm that client can afford to make payments – the filed Schedules I/J will often show that the debtor loses money every month

These are facts that Court will want to know at reaffirmation hearing

If there is a reaffirmation hearing, client must attend via Zoom

Make sure client knows how to sign up for Court Zoom – different from Trustee 341 meeting Zoom

Explain to client what will happen at the hearing

Discharge will usually be entered shortly after discharge deadline assuming filing fee installment payments have been made, second credit counseling course has been taken and certificate filed, and there is no pending reaffirmation agreement

Court delays entry of discharge while reaffirmation approval/denial is pending

Once discharge is entered, send to client with instructions to print and save (may need in the future)

Creditors Meeting Instructions

It is IMPORTANT that your trustee has your IDs (both driver's license and social security card) and other requested documents BEFORE your meeting. You must appear via Zoom for your creditors meeting. The Zoom instructions are in the Notice of Bankruptcy Case. Meetings usually last about 10 minutes. Actual creditors rarely attend. Here are some of the usual questions asked by the Trustee:

Name and current address. If address on petition does not match address on DL, trustee will have questions.

Have you reviewed the Bankruptcy Information Sheet? (This information sheet was given to you at the time of filing. It explains the different chapters of bankruptcy.) – Answer is **YES**

Have you moved since you filed your bankruptcy?

Did you sign your bankruptcy papers?

Is all the information in your papers true and correct?

Have you listed all your assets? Do you own in cryptocurrency or bitcoin?

Have you listed all your debts?

Does anybody owe you money?

Do you have the right to sue anybody?

Are you required to pay any alimony or child support? (Not asking if you receive)

Have you given money or property valued at \$600 or more to any friends or family members in the past 4 years?

Have you sold, transferred, or donated any property in the past 4 years?

Do you want to make any corrections or additions to your bankruptcy schedules?

Are you anticipating a tax refund?

What caused you to file bankruptcy? This answer should be short and simple (Sample answers: unemployment, loss of spouse, gambling addiction, reduction in wages, medical problems, death in the family).