



Proposed Change to Rule of Bankruptcy Procedure 1007

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10/19/2011 03:01 PM

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11-BK-008

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I oppose the change that allows a service provider to file the certificate of completion of the personal financial management course directly with the court.

The service provider is not an attorney and has no specific knowledge of the debtor's situation at any time during a case. There are rare situations where a discharge injures the debtor due to unforeseen events that occur after the filing of a case. The service provider will have no idea that a discharge is no longer in the debtor's best interest.

On the flip side, the filing of the certification may be considered a ministerial action not requiring the attention of an attorney, but the attorney is the one the debtor's will be suing if the certificate was supposed to be filed by the service provider, was not filed and the case is closed without a discharge being issued. It is the attorney who then bears the burden, at least in my court, to pay the re-opening fee if the clients completed the course and the certificate was not filed. I am not willing to pay the price for a course provider's failure to file the certification. If my office fails to do it, it is fairly a cost I should bear.

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