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UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

In the matter of)
)
BANKRUPTCY PETITION)
PREPARERS)
)
_____)

GENERAL ORDER
NO. 89

11 U.S.C. Section 110(k) does not permit a bankruptcy petition preparer to engage in activities "that are otherwise prohibited by law, including the rules and laws that prohibit the unauthorized practice of law." The Supreme Court of the State of Arizona has enacted amendments to its Rule 31 governing the unauthorized practice of law which are effective commencing July 1, 2003. Rule 31 sets forth the general rule that only an active member of the State Bar of Arizona may practice law in the State of Arizona. The amendments create a limited exception to that general rule for certified legal document preparers provided that the services performed are in compliance with the Arizona Code of Judicial Administration, Part 7, Chapter 2, Section 7-208, which include the preparation of legal documents. 11 U.S.C. Section 110 and case law decided thereunder may limit the nature and extent of those services a certified legal document preparer may

1 provide in a bankruptcy proceeding. A person who performs these
2 services, who is not an active member of the State Bar of Arizona
3 or is not a certified legal document preparer, is engaged in the
4 unauthorized practice of law.

5 Commencing July 1, 2003, a bankruptcy petition preparer, who
6 prepares documents for filing in the United State Bankruptcy
7 Court for the District of Arizona, therefore, is required to be a
8 certified legal document preparer, pursuant to the requirements
9 of the Rules of the Supreme Court of the State of Arizona. If
10 not so certified, the bankruptcy petition preparer may be engaged
11 in the unauthorized practice of law prohibited by 11 U.S.C.
12 Section 110.

13 IT IS THEREFORE ORDERED THAT:

14 1. Effective July 1, 2003, only bankruptcy petition
15 preparers, as defined by 11 U.S.C. Section 110, who are certified
16 legal document preparers pursuant to the Rules of the Supreme
17 Court of the State of Arizona are permitted to prepare documents
18 for filing in the United States Bankruptcy Court for the District
19 of Arizona.

20 2. Any bankruptcy petition preparer, who on or after
21 July 1, 2003, prepares a document for filing in the United States
22 Bankruptcy Court for the District of Arizona and who is not a
23 certified legal document preparer as stated above may be subject
24 to the sanctions provided in 11 U.S.C. Section 110 and/or as
25 provided by law.

26 3. In addition to the requirements of 11 U.S.C.
27 Section 110, a bankruptcy petition preparer, certified as a legal
28 document preparer under Arizona law, shall provide his/her

1 certification number and a business phone number on any document
2 which is filed with the Bankruptcy Court.

3 4. This Order shall not be construed as a modification
4 of 11 U.S.C. 110(f), which prohibits bankruptcy petition
5 preparers from using the word "legal" in any advertisement or
6 advertising under any category which utilizes said term.

7
8 DATED: July 1, 2003 /s/ Sarah Sharer Curley, Chief Judge

9 /s/ George B. Nielsen, Jr.

10 /s/ Redfield T. Baum

11 /s/ James M. Marlar

12 /s/ Charles G. Case II

13 /s/ Randolph J. Haines

14 /s/ Eileen W. Hollowell

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