

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

IN THE MATTER OF)	
)	
CYNTHIA LEE HARRIS,)	CASE NO. 13-30333 HCD
)	CHAPTER 7
)	
DEBTOR.)	
)	
CYNTHIA LEE HARRIS and)	
TERRANCE DUANE HOLLOWELL,)	
)	
PLAINTIFFS,)	
vs.)	PROC. NO. 13-3028
)	
JPMORGAN CHASE BANK, by merger with)	
CHASE HOME FINANCE; RESIDENTIAL)	
LOAN CENTERS OF AMERICA; and)	
REISENFELD & ASSOCIATES,)	
)	
DEFENDANTS.)	

ORDER

At South Bend, Indiana, on May 16, 2013.

Before the court is the 12-count Complaint filed by Cynthia Lee Harris, chapter 7 debtor, and Terrance Duane Hollowell, attorney in fact for Cynthia Harris, on May 6, 2013. Attached to the Complaint is a document entitled “General Power of Attorney,” dated April 5, 2013, authorizing Terrance Hollowell to act as attorney in fact for Cynthia Harris. There is no evidence that Mr. Hollowell is a licensed attorney. For the reasons that follow, the court strikes the pending Complaint and dismisses this adversary proceeding without prejudice to its proper refileing.

Federal Rule of Bankruptcy Procedure 9010 allows a debtor to appear in a bankruptcy case “by an authorized agent, attorney in fact, or proxy” and to “perform any act *not constituting the practice of law*.” Fed. R. Bankr. P. 9010(a) (italics added). In fact, the debtor’s General Power of Attorney authorizes Terrance Hollowell “in general to perform any act not constituting the practice of law for the undersigned.” Filing pleadings and motions constitutes the practice of law. *See Peel v. Peel*, 2013 WL 566974 at *2 (S.D.

Ill. Feb. 13, 2013) (stating law in Illinois); *Matter of Thonert*, 693 N.E.2d 559 (Ind. 1998) (holding that production of motions, pleadings, etc. by nonlawyer constituted unauthorized practice of law).

“[I]t is well settled that a power of attorney does not authorize the holder to practice law.” *In re Bridgestone/Firestone, Inc. Tires Product Liability Litigation*, 2010 WL 1726672 at *2 (S.D. Ind. Apr. 28, 2010) (citing cases) (concluding that nonlawyer with power of attorney could not represent plaintiff in federal court).

Federal courts, including ours, “have routinely adhered to the general rule prohibiting *pro se* plaintiffs from pursuing claims on behalf of others in a representative capacity.” *Simon v. Hartford Life, Inc.*, 546 F.3d 661, 664-65 (9th Cir. 2008) (collecting cases). . . . [The plaintiff-appellant’s] power of attorney may have conferred certain decision-making rights under state law, but it does not allow him to litigate *pro se* on behalf of [the debtor] in federal court.

Radogna v. Williams Township (In re Radogna), 331 Fed. Appx. 962, 964, 2009 WL 1416696 at **1 (3d Cir. 2009) (citations omitted).

The court concludes that Hollowell’s power of attorney does not permit him to file a Complaint on behalf of the debtor in federal court. Accordingly, the court strikes the Complaint and dismisses this adversary proceeding without prejudice.

SO ORDERED.

/s/ HARRY C. DEES, JR.
HARRY C. DEES, JR., JUDGE
UNITED STATES BANKRUPTCY COURT