

N.D.W.V. LBR 1074-1

Corporations.

Any pleading, including, but not limited to petitions, motions, adversary proceedings and answers that are filed by a corporation, must be signed by an attorney as representative of the corporation. Officers or agents of a corporation may sign and file Proofs of Claim without legal representation.

Cross Reference

11 U.S.C. 101(9)

Comment

There are certain limited things which a corporation can do for itself (e.g., file a proof of claim...) At the same time, a corporation is prohibited from appearing in a case and practicing law. See, Rule 9010 of the Bankruptcy Rules, cases such as In re: Las Colinas Development Corp., 585 F.2d 7 (1st Cir. 1978), W. Va. Code Ann. 30-2-5, and cases decided under West Virginia law, such as Frieson v. Isner, 285 S.E.2d 641 (W.Va. 1981) (collection agency representing third parties).

By this rule, the Court does not wish to discourage a corporation from protecting its rights and, indeed, recognizes the practical considerations with which the corporate entity is confronted. However, this Court is mindful of the policy considerations underlying the subject prohibition and is duty-bound to follow the law.