Hiring a Bankruptcy Attorney. Generally, if you are considering bankruptcy it is best to consult an attorney who is a consumer bankruptcy expert. Select an attorney who will be responsive to your personal situation and is not too busy to meet with you individually and to answer your questions. Before hiring an attorney, you should meet the attorney personally and make sure that you are comfortable with the attorney’s style. At all points in the case, your attorney should take time to answer questions either directly or through an office paralegal. If an attorney does not respond to your telephone calls, you should keep trying and demand an answer.

The best way to find a trustworthy bankruptcy attorney is to seek recommendations from family, friends, the neighborhood legal services office, a volunteer lawyer’s project, or other members of the community. To find a consumer bankruptcy attorney in your area, you can use the “Find an Attorney” search at the National Association of Consumer Bankruptcy Attorneys, at www.nacba.org [1]. The lawyer advertising the cheapest rate is not necessarily the best. More tips to help you find an attorney can be found in Chapter 1 [2].

Retainers and other documents should be read carefully so that you understand them. An attorney retainer is a contract under which you hire the attorney, governing what the attorney proposes to do and the fees for the proposed work.

The Wrong Help. Avoid document preparation services who offer to prepare the initial bankruptcy forms for a fee. These services are staffed by non-lawyers who cannot offer legal advice. They also offer no services after a bankruptcy case is started, so that you will have nowhere to turn for help later.

Others advertise bankruptcy-related services to take advantage of financially distressed consumers. Some advertise help with foreclosure when all they really do is charge enormous fees and put you into bankruptcy without providing any advice on how this will help or any assistance in getting through the process.

Others make promises that they cannot possibly keep. Do not pay money for debt counseling, credit repair, foreclosure assistance, or bankruptcy without being sure you are dealing with a reputable business. Debt consolidation and debt settlement agencies should also be avoided. If a deal seems too good to be true or if a solution to your problems seems too easy, it probably is.

Preparing to Meet with a Bankruptcy Attorney. Be prepared when first meeting a bankruptcy attorney to answer the following questions:

- What types of debt are causing you the most trouble?
- What are your significant assets?
- How were the debts incurred and are they secured by your property?
- Has any creditor started a process to collect any debt or to foreclose or repossess property?

Be prepared to report on the status of any pending lawsuits or foreclosures. Whenever possible, bring written information, particularly copies of your bills and any legal notices.

Your bankruptcy attorney may ask that you get a copy of your credit report. This helps the attorney understand how much is owed and to whom. It also provides necessary information such as account numbers and addresses of creditors.

Complete information is essential to an effective bankruptcy. If information is not complete, you will be the one to suffer. Expected tax refunds might be lost, major debts might not be cancellable, and you may unexpectedly lose property. Identify every possible debt, because debts not listed in the bankruptcy may not be discharged. Don’t forget to even include debts where payments have not been recently demanded, debts that you cosigned, debts owed to friends or family members, student loans, public benefit overpayments, payday loans, and utility bills.

Source: National Consumer Law Center, Surviving Debt [50th NCLC Anniversary Edition], updated at www.nclc.org/library
Source URL: https://library.nclc.org/sd/2502