Type of Work

The Bankruptcy Client Representation Project provides students the opportunity to take primary responsibility for representing low-income clients experiencing creditor issues with a focus on completing a consumer Chapter 7 bankruptcy case.

Student work with clients begins by defining client objectives and the underlying legal issues. Students conduct client interviews, analyze the creditor issues and all bankruptcy eligibility issues presented, negotiate with creditors, assist clients in meeting statutory requirements, and if appropriate, prepare a bankruptcy petition, including assisting with credit counseling and attending the 341 creditor/trustee meeting.

Clinic Numbers

Quarters offered: 2 (Winter and Spring)
Credits: 2
Students: 7 (six in Spring Quarter)
Cases: 6

Program Challenges in 2010-2011

Historically, integral to the Project has been the opportunity to interact with the federal bankruptcy court in several respects, including court observation of selected substantive bankruptcy hearings and at least one meeting with the Chief Bankruptcy Judge. The meeting has an emphasis on student participation after the court observation so students can use independent legal analysis, pose questions and obtain judicial feedback. This provides a unique, tangible nexus between the classroom, client experience and the bankruptcy judicial process.

Generally, this court experience has also led annually to student externships with several bankruptcy judges and the United States Trustee’s Office.

The retirement and appointment of three, out of five, of the local sitting bankruptcy judges precluded providing these experiences for students during the 2010-2011 academic year due to the judges’ unavailability and the length of the court calendars.

Notable Accomplishments

- Assisted a recently widowed veteran suffering a permanent mental health disability by analyzing the extent of his financial liabilities as opposed to the entries on his credit report. He had a variety of prior debt in addition to his wife’s more recent medical debt. Students were successful in conducting negotiated creditor resolution which obviated the need for a bankruptcy filing.
- Completed and filed a Chapter 7 bankruptcy petition for an individual.
- Provided legal financial advice for a single father who became homeless during the quarter. Students analyzed bankruptcy eligibility and, additionally, investigated program eligibilities—exploring the benefits or detriments that a bankruptcy filing would present in light of the client’s transitional circumstances.
- Prepared preliminary bankruptcy petition material and assisted an elderly client with his creditor issues in order to help him with the financial considerations connected with moving into an assisted living facility.